

RESOLUTION NO. 25-9479

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING A TENTATIVE SUBDIVISION MAP
FOR CONDOMINIMUM PURPOSES FOR THE CHEENEY
STREET TOWNHOMES PROJECT LOCATED AT 4249
CHEENEY STREET, SANTA CLARA**

PLN2019-13486 (Tentative Subdivision Map)

WHEREAS, on April 17, 2019, Saul Flores ("Applicant"), on behalf of Maruti Builders, LLC ("Owner") filed an application to develop nine new townhomes with attached two-car garages on a vacant site located at 4249 Cheeney Street (APN:104-12-026 and 104-12-025) ("Project Site");

WHEREAS, the Owner simultaneously applied for a General Plan Amendment (GPA) to change from Very Low Density Residential to Low Density Residential (8-19 du/ac), Rezone from Single-family Residential (R1-6L) to Low-Density Residential (R2), and a Tentative Subdivision Map for up to nine condominium units ("Project"), as shown on the attached Tentative Subdivision Map, incorporated herein by this reference;

WHEREAS, the application proposes to combine two parcels into one and subdivide for condominium purposes for up to nine for-sale townhomes;

WHEREAS, the Subdivision Committee reviewed and deemed the application cleared on June 18, 2024, satisfying code requirements, and including conditions of approval;

WHEREAS, the City, as Lead Agency, in tandem with Consultant 'David J. Powers' prepared an Initial Study ("IS") and a Negative Mitigation Declaration ("MND") for the Project in accordance with the California Environmental Quality Act ("CEQA") and the City circulated copies of the IS/MND for a 30-day review from December 13, 2024 to January 13, 2025 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies; and the City sought the comments of such persons, organizations and agencies;

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WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program ("MMRP") for the Project would reduce the potentially significant effects to less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the comments received during the Comment Period and included these responses on the project's CEQA page;

WHEREAS, Santa Clara City Code Section 17.05.110(g) and Government Code Section 66452.1 require that the Planning Commission make recommendations to the City Council on any proposed tentative map that will result in five or more lots;

WHEREAS, Government Code Section 66451.3 requires the Planning Commission to hold a public hearing prior to making a recommendation on the Tentative Map;

WHEREAS, on May 21, 2025, a notice of the public hearings on the proposed General Plan Amendment and Rezone was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City;

WHEREAS, on May 21, 2025, notices of the public hearings were mailed to all property owners within 500 feet of the Project Site boundaries;

WHEREAS, on May 29, 2025, notice of the public hearings was mailed to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the Project, including Valley Water, the San Francisco Public Utilities Commission and the Santa Clara Unified School District;

WHEREAS, pursuant to SCCC Section 18.146.020, on July 11, 2025, a hearing notice was posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City's website;

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WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Tentative Subdivision Map and the other Project Approvals, the MND, and the MMRP, and at the conclusion of which, the Commission voted 7-0 to recommend approval to the City Council to approve a Tentative Subdivision Map for up to nine condominium units; and

WHEREAS, on July 15, 2025, City Council held a duly noticed public hearing to consider the Project during which the City Council invited and considered any, and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the City Council finds and determines that:

A. The Tentative Subdivision Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Vesting Tentative Subdivision Map is to combine two parcels into one and subdivide for condominium purposes for up to nine for-sale townhomes.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Tentative Subdivision Map facilitates development of housing stock and construction of ownership housing opportunities for the community; and furthermore complies with Land Use and Transitional Goals and Polices of the General Plan by redeveloping a low density residential lot from a vacant lot to nine dwelling units, meeting the density allowed and creating additional transition in scale and intensity of use from the existing neighborhood.

C. The site is physically suitable for the proposed type of development, in that the Project is compatible with the adjacent uses and the R2 zoning requirements.

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D. This site is physically suitable for the proposed density of development in that the Project Site is in an urbanized area and allows for redevelopment consistent with the heights, uses and developments that are existing and planned in the surrounding area.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the proposed residential subdivision will implement Covenants, Conditions, and Restrictions for operation and maintenance of the building and site improvements and does not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project Site is located in an urbanized setting, is a developed site, and the project considered potential environmental impacts as addressed in a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program;

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Tentative Subdivision Map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would conform with the development standards to maximize the benefits of green building standards for site and building design.

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3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the Tentative Subdivision Map, substantially in the form on file as shown on the attached Tentative Subdivision Map and Conditions of Tentative Subdivision Map Approval, hereby incorporated by this reference.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 15TH DAY OF JULY, 2025, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Cox, Gonzalez, Hardy, Jain, and Park, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

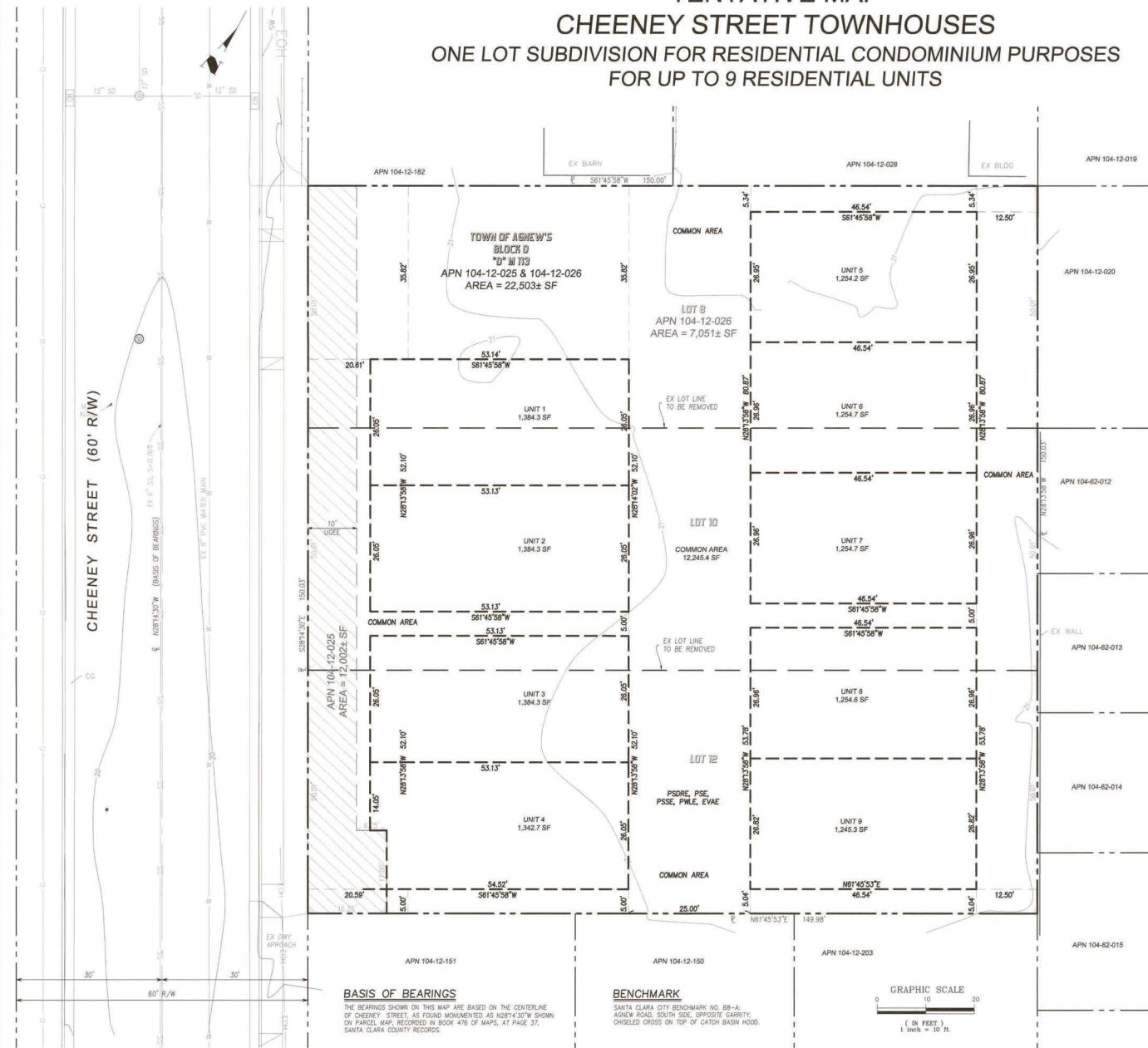
ATTEST:


NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Tentative Subdivision Map
2. Conditions of Tentative Subdivision Map Approval

**TENTATIVE MAP
CHEENEY STREET TOWNHOUSES
ONE LOT SUBDIVISION FOR RESIDENTIAL CONDOMINIUM PURPOSES
FOR UP TO 9 RESIDENTIAL UNITS**



PROJECT NOTES

1. PROJECT NAME: CHEENEY STREET TOWNHOUSES
2. ASSESSOR PARCEL NO.: 104-12-025 & 104-12-026
3. SITE ADDRESS: CHEENEY STREET, SAN CLARA, CA 95054
4. LOT AREA: 0.24 ACRES (GROSS AREA)
5. OWNER: MARIBU BLDG INC
ADDRESS: 858 ALFAL COURT
MILPITAS, CA 95035
TELEPHONE: (408)-710-6725
6. ENGINEER: NINN M. LE, PE
ADDRESS: 598 E. SAN CLARA ST #270, SAN JOSE, CA 95112
TELEPHONE: (408)-706-7187
7. SURVEYOR: DOW H. MELL
ADDRESS: 2550 BANHONN DRIVE, SAN CLARA, CA 95050
TELEPHONE: (408)-761-5867
8. EXISTING ZONING: R1-6, SINGLE RESIDENTIAL FAMILY
9. PROPOSED ZONING: R2 - LOW DENSITY ST
10. EXISTING USE: VACANT
11. PROPOSED USE: RESIDENTIAL
12. PROPOSED NUMBER OF UNITS: 9
13. ALL DIMENSIONS AND PROPOSED GRADING ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN
14. PROPOSED WATER, SANITARY, SEWER AND STORM DRAIN WILL BE CONSTRUCTED
BY THE OWNER
15. WATER: SAN CLARA WATER AND UTILITIES
16. SEWER: SAN CLARA WATER AND UTILITIES
17. STORM: SAN CLARA WATER AND UTILITIES
18. GAS & ELECTRIC: PG&E
19. TELEPHONE: AT&T
20. CABLE TV: COMCAST
21. IF EXISTING WATER METER IS NOT BEING USED, IT SHALL BE REMOVED AND
COMPLETED AT MAIN
22. IF EXISTING INLETS ARE NOT BEING USED, THEY SHALL BE REMOVED AND CAPPED
23. REMOVE ALL EXISTING IMPROVEMENT WITHIN THE PROPERTY LIMITS

NOTES

1. HOA WILL OWN AND MAINTAIN COMMON AREA.
2. SUBDIVIDER SHALL RECORD A COVENANT OF EASEMENT TO THE CITY OF SANTA CLARA FOR INGRESS-EGRESS, UTILITY, AND PARKING PURPOSES AS COMMUNICATED IN THE RECORDING OF EASEMENT AND RECORDING OF THE MAP, (SACRAMENTO TITLE #18-048) PRIOR TO OR WITH THE RECORDATION OF THE MAP, SO EASEMENT(S) SHALL BE BINDING UPON, AND THE BENEFITS SHALL INURE TO, ALL SUCCESSORS IN TITLE TO THE PROPERTY OWNED BY THE PROPERTY.
3. ALL NEW UTILITY SERVICE CONNECTIONS, INCLUDING ELECTRICAL AND UTILITIES CONNECTIONS, SHALL BE INSTALLED UNDERGROUND.
4. UTILITIES LOCATION ARE APPROXIMATE, ONLY CONTRACTOR TO VERIFY LOCATIONS OF ALL EXISTING UTILITIES BEFORE COMMENCING CONSTRUCTION.
5. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF PORTLAND CEMENT CONCRETE, CURB, GUTTER, SIDEWALK, PAVEMENT, CURB-IN, AND THE RECONSTRUCTION OF THE DAMAGED SECTION OF ROADWAY/PAVEMENT ALONG THE FRONTOLOGY OF THE PROPERTY.
6. PROPOSED DRIVEWAY AND SIDEWALK CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE CITY OF SANTA CLARA STANDARD DETAILS.
7. ALL PARKED CARS OF PRIVATE DEVELOPMENT SHALL BE LOCATED WITHIN THE DEVELOPMENT BOUNDARIES. PUBLIC ROADWAY FRONTOLOGY IS NOT INTENDED TO BE COUNTER FOR THE REQUIRED PARKING OF A PRIVATE DEVELOPMENT.
8. ANY RIGHT-OF-WAY FOR A DEVELOPED ROAD IMPROVEMENT AND ANY NECESSARY RELOCATED UTILITIES FACILITIES SHALL BE AT NO COST TO THE CITY.
9. THE PROPOSED STREET STRUCTURAL SECTION IS TO BE DESIGNED BY A REGISTERED CIVIL ENGINEER AND APPROVED BY THE CITY ENGINEER.
10. NO GRADING SHALL BE PERMITTED ON THIS SITE UNTIL A GRADING PLAN AND AN EROSION AND SEDIMENT CONTROL PLAN HAVE BEEN REVIEWED BY THE CITY AND A GRADING PERMIT IS ISSUED IN ACCORDANCE WITH THE SAN JOSE CITY GRADING ORDINANCE.

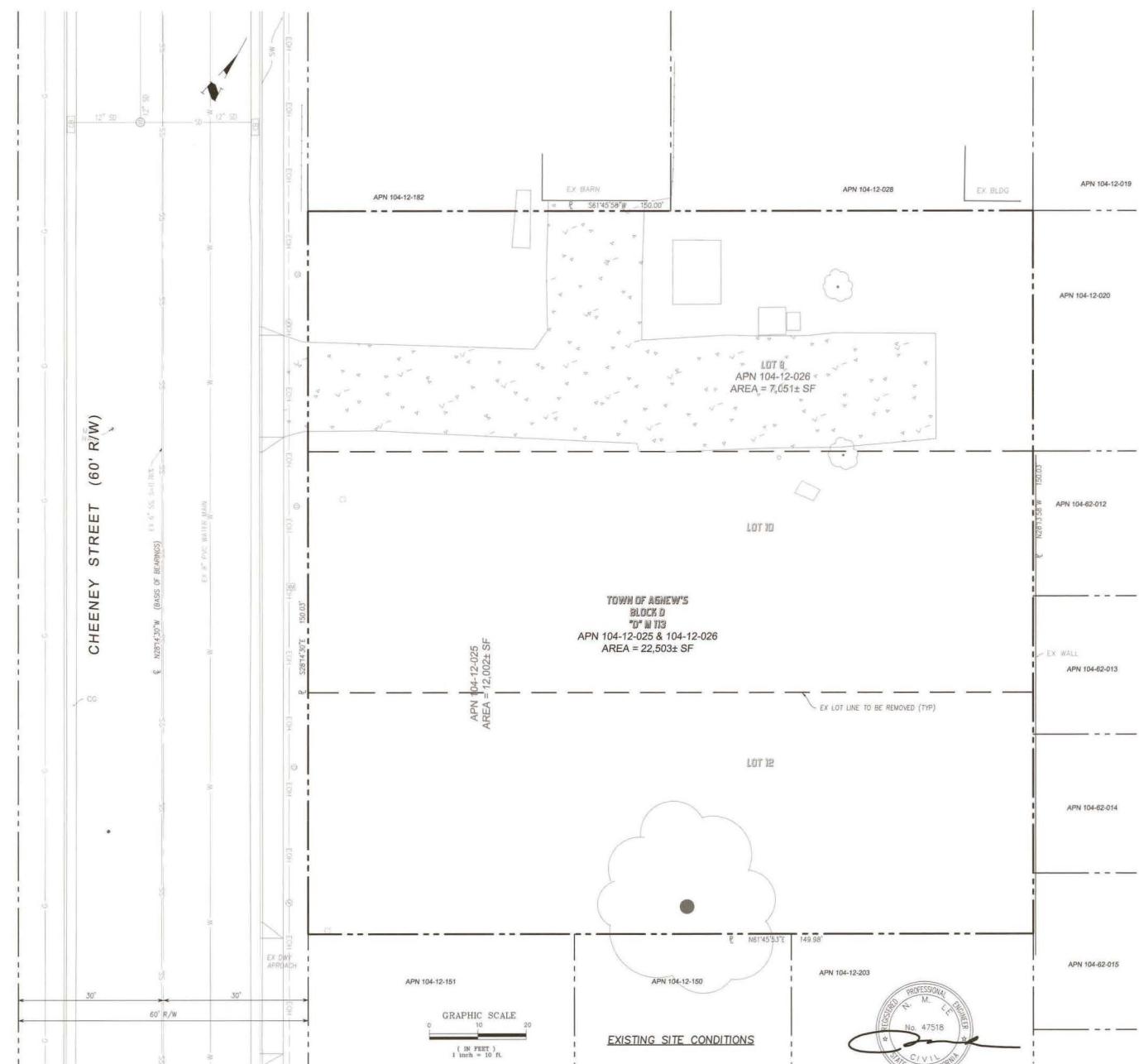
ENGINEERING
FOR A BETTER
WORLD

TENTATIVE MAP
CHEENEY STREET TOWNHOUSES
CHEENEY STREET
APN 104-12-025 APN 104-12-026
T1

LEGEND & ABBREVIATIONS

AB	AGGREGATE BASE
BLDG	ASPHALT CONCRETE
BW	BUILDING
BLW	BOTTOM OF WALL/BACK OF WALK
CED	COBBLE ROCK ENERGY DISSIPATOR
CO	COBBLE ROCK
CON	CONCRETE
CONC	CONCRETE
CRW	CONCRETE REINFORCED WIRE
DI	DRAINAGE INLET
DS	DOWNSPOUT
DT	DRIVEWAY
EA	EASEMENT
ELV	ELEVATION
EM	ENERGY METER
EMH	ELECTRIC OVERHEAD
EGUC	ELECTRIC UNDERGROUND
ED	EDGE OF DEVELOPMENT
EX	EXISTING
FAC	FACTORY VEHICLE ACCESS EASEMENT
FC	FACE OF CURB
FD	FOUND
FE	FREE ELEVATION OF SUBFLOOR
FG	GROUND FLOOR GRADE
FH	FLAME HYDRANT
FL	FLOW
GS	GARAGE SLAB ELEVATION/GAS LINE
GU	GROUND
HP	HIGH POINT
INV	INVERTER
JP	JOB PIPE
JT	JOINT TRENCH
LS	LANDSCAPED AREA
MAX	MAXIMUM
MIN	MINIMUM
MW	MONUMENT WELD
MS	MONUMENT SCALE
OH	OVERHEAD
OG	OVERGROUND
PG	PAVEMENT FINISH GRADE
PAE	PAD ELEVATION
PP	POWER POLE
PSE	PRIVATE SERVICE EASEMENT
PSSRE	PRIVATE SANITARY SEWER EASEMENT
PWL	PRIVATE WATER LINE EASEMENT
PWT	PRIVATE WATER LINE
PVC	POLYVINYL CHLORIDE
RW	RETAINING WALL
R/W	RIGHT OF WAY
SA	SANITARY
SS	SANITARY SEWER/LATERAL
STA	STATION
SP	SPRING
TB	TOP OF BANK
TG	TOP OF GRADE
TW	TOP OF WALL
UP	UP
VEG	VEGETATED
WE	UNDERGROUND ELECTRICAL EASEMENT
WL	WALKWAY
WM	WATER METER
WV	WATER VALVE

CHEENEY STREET (60' R/W)



DRAWING NO.		TENTATIVE MAP	
CHEENEY STREET TOWNHOUSES		CHEENEY STREET	
APN 104-12-025		APN 104-12-026	
SANTA CLARA		CALIFORNIA	
CONTRACT NO.	10031710	SCALE	1" = 10'
NO.	2 of 2	DATE	11/26/2018
NO.	2 of 2	PT	11/26/2018
NO.	2 of 2	DRAWN	11/26/2018
NO.	2 of 2	REVERSED	NO.

Engineering
M. L. Lee, P.E.
999 E Santa Clara St, 270
San Jose, CA 95112
Phone (408) 585-7677
Fax (408) 585-4006



CONDITIONS OF TENTATIVE MAP APPROVAL

PLN2019-13846 /4249 Cheeney Street

Project Description: Combine two parcels into one and subdivide for condominium purpose for up to nine for-sale townhomes.

GENERAL

G1. **Subdivision Expiration.** This subdivision shall automatically be revoked and terminated if not used within two years of original grant or within the period of any authorized extension thereof. The date of granting this subdivision is the date this subdivision is approved by the Decision-making body. The expiration date is **July 16, 2027**.

G2. **Conformance with Plans.** The lot design on the subdivision map shall be designed in conformance with the subdivision map, as approved by the decision-making body.

G3. **Conditions of Plans.** All conditions of approval for this subdivision shall be reprinted and included within the first three sheets of the subdivision map sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction plans kept on the project site.

G4. **Necessary Relocation of Public Facility.** 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.

G5. **Indemnify and Hold Harmless.** The owner or designee 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, attorney's fees, injuries, costs, and liabilities 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 owner or designee's project.

G6. **Code Compliance.** The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis; proposed use and occupancy of all spaces (CBC Ch. 3), all building heights and areas (CBC Ch. 5), all proposed types of construction (CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (CBC Ch. 7), all proposed interior finishes fire resistance (CBC Ch. 8), all fire protection systems proposed (CBC Ch. 9), and all means of egress proposed (CBC Ch. 10). Noncombustable exterior wall, floor, and roof finishes are strongly encouraged.

- During construction retaining a single company to install all fire related penetrations is highly recommended.
- The grade level lobbies shall be minimum 1-hour rated all sides and above.
- All stair shafts shall be minimum 1-hour rated.
- All elevator shafts shall be minimum 1-hour rated.
- All trash chute shafts shall be minimum 1-hour rated.
- Recommendation: provide minimum two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
- Any trash rooms shall be minimum 1-hour rated all sides and above.

G7. **Building Codes as Amended.** See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.

G8. **Reach Codes.** This project is subject to the provisions of the City of Santa Clara 2022 Reach Code, effective January 2022. See Ordinance No. 2034 and/or Title 15 of the Santa Clara City Code.

- a. Chapter 15.38 – Green Building Code for additional Electric Vehicle Charging requirements for new construction.
- G9. Comply with all applicable codes, regulations, ordinances and resolutions.

COMMUNITY DEVELOPMENT – PLANNING DIVISION

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- P1. The project shall comply with the Conditions of General Plan Amendment and Rezoning approvals (PLN2019-13847) and the mitigation measures identified in the CEQA Addendum prepared for the project.
- P2. Developer shall prepare and submit Covenant, Conditions and Restrictions (CC&R's) to the City for review and approval. The approved CC&Rs are to be recorded prior to the issuance of building permits and a copy is provided to the Planning Department.
- P3. **Tree Replacement (on-site).** Trees permitted by the City for removal shall be replaced on-site at a ratio of 2:1. (SCC 12.35.090)
- P4. **Tree Replacement (Alternative Means).** If the applicant is unable to meet the 2:1 ratio requirement, trees permitted by the City for removal shall be replaced at a ratio pursuant to an alternative plan approved by the Director of Community Development. (SCC 12.35.090)

OPERATIONAL CONDITIONS

- P5. **Landscaping Installation & Maintenance.** The owner or designee shall ensure that the landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Director of Community Development.
- P6. **Landscape Water Conservation.** The owner or designee shall ensure that landscaping installation meets City water conservation criteria in a manner acceptable to the Director of Community Development.
- P7. **Landscaping.** The owner or designee shall maintain the front yard landscaping between the house and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape of 2,500 square feet or more shall conform to the California Department of Water Efficient Landscape Ordinance.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- BD1. **Addressing.** Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.
 - a. Any building or structure that is demolished shall have its address retired and a new address/s shall be issued for the project.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN—PRIOR TO BUILDING PERMIT ISSUANCE

- E1. **Site Clearance.** 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. **Subdivision Map.** 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.
- E3. **Design.** On-street parking shall not be counted toward on-site parking requirements.

DURING CONSTRUCTION

- E4. **Encroachment Permit.** 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 submitted within a Single Encroachment Permit to be reviewed and 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.
- E5. **Encroachment Permit.** Submit public improvement/encroachment permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E6. **Encroachment Permit.** Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E7. **Encroachment Permit.** Extend storm drain main to project frontage and connect on-site private storm drain lateral. 10-year storm event shall be conveyed through the underground storm drain system.
- E8. **Encroachment Permit.** Extend storm drain main to project frontage and connect on-site private storm drain lateral. 10-year storm event shall be conveyed through the underground storm drain system.
- E9. **Encroachment Permit.** Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E10. **Encroachment Permit.** 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.
- E11. **Encroachment Permit.** Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E12. **Encroachment Permit.** Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E13. **Encroachment Permit.** Developer shall perform slurry seal treatment with digouts for the full street width along the entire Cheeney Street project frontage.
- E14. **Easement.** Dedicate on-site easements for new public utilities and/or sidewalk as required by means of Subdivision Map or approved instrument at time of development.
- E15. **Easement.** Dedicate sidewalk easements along the project frontage where public sidewalks extend into private property. Sidewalk easements are to be 1' behind proposed back of walk where there is landscaping behind sidewalk. Sidewalk easement where hardscape is behind sidewalk is to be at back-of-walk. Cold joint is required between public sidewalk and private hardscape.

E16. **Agreement.** If requested, owner or designee shall prepare and submit for City approval a maintenance plan for all sidewalk, curb and gutter, landscaping and irrigation system improvements installed within the public right-of-way prior to encroachment permit issuance. Such plan shall include at a minimum, maintenance requirements for trees and shrubs, in acknowledgement of developer's/property owner's obligation under Chapter 12.30 and 17.15.

WATER & SEWER DEPARTMENT

DESIGN / PERFORMANCE -- PRIOR TO ISSUANCE OF BUILDING PERMIT

W1. **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.

W2. **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.

W3. **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.

W4. **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.

W5. **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.

W6. **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.

W7. **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.

W8. **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).

W9. **Landscaping.** All the landscaping for the project shall comply with the California Water Conservation in Landscaping Act, Government Code Section 65591 et. seq. All plants shall be either California native or non-invasive, low water-using or moderate water-using plants. High water-using plants and nonfunctional turf are prohibited.

W10. **Water Features.** 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.

W11. **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.

W12. **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.

KEY:

G = General
P = Planning Division
BD = Building Division
H = Housing & Community Services Division
F = Fire Department
PR = Parks & Recreation Department
PD = Police Department
E = Engineering Division
Streets Division (Landscape, Solid Waste, and Stormwater)
L = Landscape
SW = Solid Waste
ST = Stormwater
SVP = Silicon Valley Power
W = Water & Sewer Department

ACKNOWLEDGEMENT AND ACCEPTANCE OF CONDITIONS OF APPROVAL

Permittee/Property Owner

The undersigned agrees to each condition of approval and acknowledges and hereby agrees to use the project property on the terms and conditions set forth in this permit.

Signature: _____

Printed Name: _____

Relationship to Property: _____

Date: _____

Pursuant to Santa Clara City Code 18.128.100, the applicant shall return this document to the Department, properly signed and dated, within 30-days following the date of the Acknowledgement.