

## Conditions of Tentative Vesting Subdivision Map Approval

### PLN22-00635 / 4995 Patrick Henry Drive & 3005 Democracy Way

**Project Description:** Tentative Map to subdivide the property into five lots (includes the vacation of Democracy Way)

#### GENERAL

- G1. **Effective Date.** This Permit shall only become effective at such time as the General Plan Amendment, PD Zoning, and Development Agreement have been adopted by the Decision-making body and have taken effect.
- G2. **Conformance with Plans.** Prior to the issuance of Building Permit, the development of the site and all associate improvements shall conform to the approved plans on file with the Community Development Department, Planning Division. No change to the plans will be made without prior review by the Planning Division through approval of a Minor Amendment or through an Architectural Review, at the discretion of the Director of Community Development or designee. Each change shall be identified and justified in writing.
- G3. **Conditions of Plans.** All conditions of approval for this Permit shall be reprinted and included within the first three sheets of the building permit plan 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.
- a. During construction retaining a single company to install all fire related penetrations is highly recommended.
  - b. The grade level lobbies shall be minimum 1-hour rated all sides and above.
  - c. All stair shafts shall be minimum 1-hour rated.
  - d. All elevator shafts shall be minimum 1-hour rated.
  - e. All trash chute shafts shall be minimum 1-hour rated.
  - f. 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.
  - g. 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 15.36 – Energy Code for “all electric” provisions for new construction.
  - b. 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**

- P1. The project shall comply with the Conditions of Approval for the associated Planned Development Rezoning (PLN2018-13400) and any subsequent Architectural Review approvals.

#### **PARKS & RECREATION DEPARTMENT**

- PR1. The parcel(s) that may be set aside for the future park shall not be deemed accepted by the City, nor shall it be deeded to the City as an easement or fee simple, until (1) the Commission has made recommendation to City Council and Council then approves the park, and (2) the park improvements have been completed and accepted by the City in accordance with a Park Agreement that the developer is required to enter into with the City.

#### **PUBLIC WORKS DEPARTMENT - ENGINEERING**

##### **DESIGN / PERFORMANCE—PRIOR TO BUILDING PERMIT ISSUANCE**

- 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 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.
- E3. 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.
- E4. Obtain Council approval of a resolution ordering vacation of Democracy Way street right-of-way, through Public Works Department, and pay all appropriate fees, and fair market value, prior to building permit issuance for Phase 1 of project development.
- E5. All utilities within Democracy Way shall be relocated prior to summary vacation of Democracy Way.
- E6. Bioretention areas shall be outside of the public ROW and public easements.
- E7. Developer shall complete the relocation of utilities within Democracy Way prior to Council approval of a resolution ordering the vacation of Democracy Way street right-of-way and prior to recordation of the Final Map.

- E8. Prior to issuance of building permit for Phase 1, pay appropriate fee through Public Works Department to initiate the processing of a Grant Deed or easement document, per SVP requirements, for dedication of electric substation to the City.
- E9. 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. 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 final map and/or issuance of building permits.
- E11. Maintain required vertical height clearance from top of pavement to bottom of skybridge per Santa Clara Fire Department.
- E12. 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.
- E13. Terminate public right-of-way encroachment agreements and remove PVC conduits crossing Democracy Way (SC 15,643) and Patrick Henry Drive (SC 15,727).
- E14. Dedicate, as required, on-site easements for new sidewalk, storm drain main, and any other new utilities by means of Subdivision Map or approved instrument at time of development.

### **STREETS DIVISION**

**General Condition:** The Streets Division deems the Rezone and General Plan Amendment complete, however, the Streets Division will need to review and approve the architectural review for these individual projects to ensure that they meet right-of-way landscape, solid waste and stormwater requirements. The plans provided for the rezone and GPA only included overall conceptual plans, which is not enough detail for Streets to provide an appropriate review.

### **Right of Way Landscape**

#### **DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT**

- L1. Include [City of Santa Clara Tree Preservation/City Arborist specifications](#) on all improvement plans.
- L2. Identify existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- L3. 2:1 tree replacement ratio required for all trees removed from site.

#### **DURING CONSTRUCTION OR OPERATION**

- L4. No cutting of any part of **public**, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

#### **PRIOR TO FINAL OF BUILDING PERMIT**

- L5. If 2:1 replacement ratio can not be met for removal of right of way landscape trees, tree planting fee must be paid prior to building permit final.

## **Solid Waste**

### **DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT**

- SW1. The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at [Environment@SantaClaraCA.gov](mailto:Environment@SantaClaraCA.gov) or (408) 615-3080 for more information.
- SW2. The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines. Solid metal roof, gates and a trench drain shall be installed within the trash enclosure and connected to the on-site sewer system.
- SW3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.
- SW4. This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.
- SW5. Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant is required to use the City's exclusive franchise hauler and rate structure for any hired debris boxes. Prior to the issuance of a Public Works clearance, the project applicant shall complete and sign the Construction and Demolition (C&D) / Waste Management Rules and Regulations Form.

### **DURING CONSTRUCTION OR OPERATION**

- SW6. Applicant to track all waste generated and upload debris tags to GreenHalo for City staff review.

### **PRIOR TO FINAL OF BUILDING PERMIT**

- SW7. Prior to obtaining a Temporary or Final Certificate of Occupancy, individual weight tickets for all materials generated for discard or reuse by the project during demolition and

construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.

## **Stormwater**

### **DESIGN/PERFORMANCE PRIOR TO ISSUANCE OF BUILDING PERMIT**

- ST1. Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, the Special Project Narratives and Worksheet (as appropriate), and an Erosion and Sediment Control Plan.
- ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter (on design) shall be submitted with the Plan.
- ST3. For project that disturbs a land area of one acre or more, the applicant shall provide a copy of the Notice of Intent (NOI) with WDID number for coverage under the State Construction General Permit. Active projects with NOI will be inspected by the City once per month during the wet season (October – April).
- ST4. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans. Include the SCVURPPP Countywide Construction BMPs Plan Sheet with the plans. Applicant to add Source control measures with designations from C.3 stormwater handbook, Appendix H.
- ST5. Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST 6. Include C.3 Stormwater Treatment Facilities Construction general notes on the improvement plans.
- ST7. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST8. For single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious surface area, the applicant shall implement at least one of the following site design measures:
  - a. Direction of roof runoff into cisterns or rain barrels
  - b. Direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas
  - c. Construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces

Plans shall specify which site design measures are selected for the project and show the direction of flow from impervious surfaces to the selected site design measures. All measures shall meet the design criteria in the 2016 C.3. Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects.

- ST9. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST11. The use of architectural copper is prohibited.

**DURING CONSTRUCTION OR OPERATION**

- ST12. Applicant shall install biotreatment soil media that meets the minimum specifications as set forth in the SCVURPPP C.3 Stormwater Handbook. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix (the date of such document shall not be older than 3 months).
- ST13. Stormwater treatment facilities must be designed, installed, and maintained to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C).
- ST14. Any site design measures used to reduce the size of stormwater treatment measures shall not be installed for the project without the written approval from the City, installing the corresponding resizing of other stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST15. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST16. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.

**PRIOR TO FINAL OF BUILDING PERMIT**

- ST17. As-Built drawing shall be submitted to the Public Works Department.
- ST18. Applicant shall schedule and City shall conduct a final C.3 inspection.
- ST10. Permeable Pavement, Media Filter vaults, Interceptor Trees and Trash Full Capture Devices shall be inspected by a third-party reviewer and/or manufacturer representative for conformance with the details and specifications. If necessary, percolation test shall be performed to ensure proper installation. A map displaying the number, location and details of full trash capture devices shall be prepared as an attachment to the Operations and Maintenance (O&M) Agreement with the City.
- ST11. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures and full trash capture devices in perpetuity. Applicants should contact Public Works Dept. - Environmental Services at (408) 615-3080 or [Street@SantaClaraCA.gov](mailto:Street@SantaClaraCA.gov) for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>. Inspection of permeable pavement, media filter

vaults and full trash capture devices is to be done annually by December 31 of each year.

**SILICON VALLEY POWER**

- SVP1. Maximum substation size shall not exceed 225 feet (long) x 120 feet (wide). Final dimensions are to be finalized as part of the detailed design efforts.
- SVP2. Maximum substation parcel must be the final building dimensions plus a minimum of the 30 feet set back from the property line.

**WATER & SEWER DEPARTMENT**

- W1. Related Approvals: Applicant shall comply with all related City approvals, entitlements, permits, or requirements associated with the subject property, unless explicitly superseded or revised by the Director of Water and Sewer Utilities.
- W2. Separate Services: Applicant shall provide separate water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-way services for each parcel 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. Services cannot cross a different parcel than the one it serves. No parcel shall be created that requires an easement from an adjacent parcel in order to be served. Tapping on existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.
- W3. 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.

**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.