

Conditions of Approval: Subdivision
PROJECT PLN25-00559 / 3250 Jay Street

Tentative map to merge four existing legal parcels into one parcel, with no construction or site improvements proposed.

GENERAL / PERFORMANCE

- 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 extensions thereof. The date of granting of this subdivision is the date this subdivision is approved by the decision-making body and the appeal period has been exhausted. The expiration date is July 23, 2028.
- G2. **Conformance with Plans.** The lot design on the subdivision map shall be designed in substantial conformance with the subdivision map, as approved by the decision-making body.
- G3. **Conditions on 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 owner or designee's new improvements, then the cost of said relocation shall be borne by the owner.
- 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). Noncombustible 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. **Code Compliance.** Comply with all applicable codes, regulations, ordinances and resolutions.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

PRIOR TO RECORDATION OF FINAL MAP

- P1. **Parcel Sale Finalization.** Prior to the finalization of the Tentative Map, the applicant shall finalize the sale of Parcel APN: 224-09-171 with the City of Santa Clara. Proof of completion of the transaction shall be provided to the Planning Division.

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.
- BD2. Any building or structure that is demolished shall have its address retired and a new address/s shall be issued for the project.
- BD3. **Flood Zone.** The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.

- BD4. FEMA Flood Zone map designations and requirements are based on the map in effect at date of Building Permit issuance.
- BD5. **Water Pollution Control.** The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page:
- BD6. <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/stormwater-pollution-prevention> and will be routed to a contract consultant for review.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- BD7. **Exterior walls:** The wall rating, opening protections and projection of the existing and new structures shall comply with the requirement of Building Codes based on the fire separation distance measured from the building's exterior to new lot lines.
- BD8. **Access and circulation:** each new parcel created by the subdivision shall have legal access to a public way, either directly or through a recorded easement.
- BD9. **Underground utility:** all existing and proposed utility shall not cross the new lot lines

FIRE DEPARTMENT

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- F1. **Shared Fire Protection Features that Cross Property Lines.** Prior to Building Permit Final, any EVAEs or fire protection equipment (including but not limited to fire service undergrounds, sprinkler piping, fire alarm equipment, fire pumps, ERRCS) that cross property lines or is not located on the parcel of the building it serves shall have a CC&R legally recorded detailing who is responsible for maintenance and repair of the EVAE or fire protection equipment.

PARKS & RECREATION DEPARTMENT

DESIGN / PERFORMANCE – PRIOR TO BUILDING PERMIT ISSUANCE

- PR1. For residential projects, park in-lieu fees imposed pursuant to City Code Chapter 17.35 and the Quimby Act, shall be due and payable to the City prior to issuance of a building permit for each dwelling unit. Final calculations shall be based on the actual number and type of units, as well as the mix of eligible private recreational amenities, dedicated parkland, and any remaining fee due, as determined at the City's discretion.

PRIOR TO APPROVAL OF FINAL MAP

- PR2. Provide a covenant, such as the Covenants, Conditions, and Restrictions (CC&R's), to the City Attorney for review and approval, ensuring the ongoing maintenance of private

recreational amenity spaces for which parkland dedication credit is received. The covenant shall be submitted to the City Attorney prior to approval of the final subdivision map, and once approved, shall be recorded concurrently with the final map.

PUBLIC WORKS DEPARTMENT - ENGINEERING

DESIGN / PERFORMANCE – 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. **Easement.** 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.

DURING CONSTRUCTION – PRIOR TO OCCUPANCY

- 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.** 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.
- E7. **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.
- E8. **Encroachment Permit.** Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E9. **Easement.** Dedicate required on-site easements for any new public utilities, and/or emergency vehicle access by means of subdivision map or approved instrument at time of development.

- E10. **Easement.** Dedicate sidewalk easements along the project frontage where public sidewalks extend into private property. Sidewalk easements are to be one (1) foot 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.
- E11. **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.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION

DESIGN / PERFORMANCE – PRIOR TO BUILDING PERMIT ISSUANCE

- L1. **Transportation Design** - Traffic improvements must comply with the City of Santa Clara Standard Details and Specifications for Public Works Construction

SILICON VALLEY POWER

DESIGN / PERFORMANCE– PRIOR TO BUILDING PERMIT ISSUANCE

- SVP1. **Costs & Expenses.** Unless expressly stated otherwise or covered by a fee to be paid by the applicant, applicant shall be responsible for all costs and expenses associated with fulfilling these conditions of approval.
- SVP2. **Applicant Design Process.** Available to Applicants to expedite distribution electric substructure design.
- SVP3. **SVP Rules and Regulations.** Applicant shall comply with all applicable SVP rules, regulations, standards, guidelines, and requirements, as may be amended from time to time.
- SVP4. **SVP Standards.** Applicant shall comply with the following SVP standards (as may be amended or supplemented).
- a. UG1000 - Installation of Underground Substructures by Developers
 - b. UG1250 – Encroachment Permit Clearances from Electric Facilities
 - c. UG0339 – Remote Switch Pad
 - d. OH1230 – Tree Clearances from Overhead Electric Lines
 - e. SD1235 – Tree Planting Requirements Near Underground Electric Facilities
 - f. UG1225 – Pad mounted Equipment Clearances and Protection
 - g. UG0250 – High Density Residential Metering Requirements
 - h. FO-1901 – Fiber Optic Splicing and Testing Methods
 - i. SVP Rules and Regulations – Latest Edition
- SVP5. **SVP Standards, Miscellaneous:**
- a. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka “real dirt”) and cannot be supported on parking garage ceilings or placed on top of structures.
 - b. No splice boxes are allowed between the SVP utility connection point and the applicants main switch board.
 - c. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.

SVP6. Meter Locations:

- a. For condominium or apartment, all electric meters and service disconnects shall be grouped at one location, outside of the building or in a accessible utility room. If they are townhomes or single-family residences, then each unit shall have its own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- b. All interior meter rooms at ground level are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.

SVP7. Underground Service Entrance

- a. (277/480V Service or Lower) Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes to the SVP defined utility connection point.
- b. (12KV Service) SVP terminates cable on the applicant owned switchgear.
- c. No cross-parcel distribution is allowed. SVP service points must be within the parcels that they serve.

SVP8. Existing Facilities:

- a. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel in a separate document. It is the Applicants responsibility to maintain all clearances from equipment and easements. The Applicant may contact SVP outside of the PCC process for clear definitions of these clearance requirements. Applicant should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.
- b. Any relocation of existing electric facilities shall be at Applicants expense.

WATER & SEWER DEPARTMENT

DESIGN/ PERFORMANCE – PRIOR TO BUILDING PERMIT ISSUANCE

- W1. **Previous Approvals.** Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by the Director of Water and Sewer Utilities.
- W2. **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.
- W3. **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 unless explicitly authorized by the Director of Water and Sewer Utilities. Tapping on existing fire service line(s) is

prohibited. Approved backflow prevention device(s) are required on all potable water services.

- W4. **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.
- W5. **Conditional Releases.** The applicant shall comply with all the requirements of any building permit conditional release 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

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.