



Agenda Report

24-238

Agenda Date: 3/19/2024

REPORT TO CITY COUNCIL

SUBJECT

Public Hearing: Action on an Environmental Impact Report and Mitigation Monitoring and Reporting Program, Rezone, and Vesting Tentative Subdivision Map for the Property Located at 1957 Pruneridge Avenue to Allow the Development of 22 Detached Single-Family Residences and Associated On- and Off-Site Improvements

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

SCS Development Company filed an application for the subject proposal to allow for the development of a single-family residential development with 22 detached two-story homes on the 2.47-acre subject site. Implementation of the proposal requires a rezone of the property from B - Public, Quasi-Public, and Public Park or Recreation to PD - Planned Development and a Vesting Tentative Subdivision Map to subdivide the property into individual for-sale lots and four common lots. Fifteen percent of the total number of units (or 3.3 homes) are required to be provided as affordable housing units; the fractional unit may be addressed by providing one additional affordable unit or by payment of an in-lieu fee. Redevelopment of the property includes the demolition of all existing structures and site improvements.

The project was presented to the Planning Commission at a publicly noticed meeting on February 21, 2024. The Planning Commission staff report (Attachment 8) provides an analysis of the project's consistency with the General Plan. At the conclusion of the public hearing, the Planning Commission unanimously voted to recommend approval of the project (7-0).

The City Council is being asked to conduct a public hearing and take three actions:

1. Certify the Environmental Impact Report (EIR) and adopt the CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.
2. Adopt a resolution approving a Rezone from B - Public, Quasi-Public, and Public Park or Recreation to PD - Planned Development.
3. Adopt a resolution approving a Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots.

DISCUSSION

At the February 21, 2024 Planning Commission meeting, staff presented an overview of the proposal and its conformance with the General Plan. The Assistant City Attorney also provided information on two conditions of approval related to the use of natural gas, B8 and P23. Condition B8 requires the developer to comply with the City's "Reach Code" (Chapter 15.36 of the Santa Clara City Code),

which requires new development to be “all electric” and not include natural gas infrastructure. The Assistant City Attorney explained that in recent discussions with the developer, the developer had also *voluntarily* committed to All-Electric Construction, regardless of the application of the City’s Reach Code, and that this was memorialized in condition P23.

At the Planning Commission Meeting, however, the developer requested a modification to the way that the All-Electric Construction commitment is memorialized. As drafted by staff, condition P23 states that the developer’s commitment to All-Electric Construction is an express basis for the City’s decision to rezone the property as Planned Development, and that if the developer sought to utilize methane at a later date, a revision to the PD zoning would be required. The Developer asked the Commission to modify condition P23 to remove the text which states that the approval is “issued in reliance upon the developer’s assurance that no natural gas infrastructure will be installed at any time, and is an express basis for granting the PD rezoning.” The Assistant City Attorney advised the Commission that this could make the condition more difficult to enforce, and so the Commission did not modify Condition P23.

The applicant provided a presentation that also concluded with a request to remove condition P5, which requires a “complete street” sidewalk section (sidewalk with a landscape strip at the curb) as it would not provide symmetry with the existing neighborhood. The complete street sidewalk section is a requirement of the City’s Pruneridge Avenue Complete Streets Plan, adopted by the Council in August 2022, which does not provide an exception process.

The Planning Commission asked questions regarding the proposed building height being 31 feet, when single-family building height is 25 feet, privacy concerns, electric vehicle (EV) charging, guest parking, and safety concerns about the driveway location being too close to the adjacent commercial strip center and the intersection of Winchester Boulevard.

One member of the public provided comments. The speaker noted that he did not receive the EIR Notice of Availability even though he commented on the EIR Notice of Preparation. His concerns included the possible existence of cremated remains on the site and that trees were already removed in May of 2023. The applicant responded to the comments stating that the cremated remains were all removed from the site by the church and the trees were removed by Silicon Valley Power as they were dying and interfering with powerlines. The Assistant City Attorney also stated that comments can still be provided on the project and the EIR until the City Council takes action at the public meeting.

The applicant stated that guest parking is available in each unit’s driveway, EV chargers will be provided, and that for privacy a landscape buffer is provided on the northern property line, as well as no private open space is located in that setback area.

The Commission then closed the public hearing. The Commission had a robust discussion on the safety of the location of the single driveway entrance/exit point for the site. Considerations included potential for a median in the right-of-way to prevent left in and out turning movements, no left turn signage, encouraging cut through traffic in the adjacent neighborhood, and changing the location of the driveway or adding a second driveway. There was also discussion on the applicability of complete streets and documentation on the human remains.

The Planning Commission unanimously voted to recommend approval of the project (7-0). The

Commission's approval included the conditions on Complete Streets and All-Electric Construction as originally drafted by staff:

- P5: Developer shall construct a complete street section along the project frontage of Pruneridge Avenue to include a 5-foot landscape strip with 4.5-feet of clear planting width and a 5-foot sidewalk behind the landscape strip. The landscape strip is to include trees (minimum 24-inch box) and drought tolerant plantings.
- P23: This approval has been issued in reliance upon the developer's assurance that no natural gas infrastructure will be installed at any time, and is an express basis for granting the PD rezoning. No natural gas infrastructure shall be installed on the project site. If the developer seeks to install natural gas infrastructure in the future, the developer must first seek an amendment to the PD zoning.

The Planning Commission also added two additional conditions to the project:

- Developer shall use reasonable efforts, to the satisfaction of the Director of Community Development, to obtain documentation from the Diocese of the previous church on the site, Saint Mark's, regarding the disposition of the human remains and details as to their new location.
- Provide "Right Turn Only During Peak Hours" signage for the project driveway.

The applicant found these to be acceptable and they have been added to the conditions of approval of the PD rezoning as conditions P24 and P25.

After the Planning Commission, the applicant shared with staff that they continue to not support condition P5, which is regarding the need for the developer to install a complete street frontage, which includes a separated sidewalk with a landscape strip for the reasons stated earlier with the Planning Commission. Staff continues to support the inclusion of this condition to be consistent with the City's Pruneridge Avenue Complete Streets Plan. The applicant also continues to not support the specific language of condition P23. In particular, the applicant would like to remove the phrase "issued in reliance upon the developer's assurance that no natural gas infrastructure will be installed at any time, and is an express basis for granting the PD rezoning." from the condition language:

P23 "This approval has been issued in reliance upon the developer's assurance that no natural gas infrastructure will be installed at any time, and is an express basis for granting the PD rezoning. No natural gas infrastructure shall be installed on the project site. If the developer seeks to install natural gas infrastructure in the future, the developer must first seek an amendment to the PD zoning."

The Greenhouse Gas (GHG), Air Quality, and Energy analysis in the EIR has relied upon the project being built as all electric. Should the applicant wish to pursue a project that uses natural gas, new GHG), Air Quality, and Energy analysis would be necessary, as well as the re-circulation of the EIR.

The inclusion of conditions P5 and P23 as currently drafted are part of the staff recommendation.

Staff recommends that the Council take the following three actions:

1. CEQA: Adopt the resolution certifying the EIR and related CEQA documents. This is a quasi-judicial decision, with required findings including that the EIR complies with CEQA and reflects the independent judgment of the Council.
2. Rezoning: Adopt the resolution approving the Rezone from B to PD. Although this is a legislative action, a PD rezoning requires the Council to make findings regarding the public benefits of the project, which include imaginative design, furthering City housing objectives and promoting City climate goals.
3. Adopt a resolution approving a Vesting Tentative Subdivision Map (VTSM). The VTSM is a quasi-judicial decision with a long list of required findings, including that the site is suitable for the density and design of development, and that the project is consistent with the General Plan (including the Climate Action Plan).

The PD rezoning and VTSM include the conditions of approval in the form drafted by staff, as well as the two new conditions recommended by the Planning Commission.

ENVIRONMENTAL REVIEW

An Environmental Impact Report was prepared for the project by the environmental consultant firm David J. Powers & Associates, in accordance with the California Environmental Quality Act (CEQA). The Draft Environmental Impact Report (DEIR) and Notice of Availability were posted on the City's website at [Environmental Review/CEQA | City of Santa Clara \(santaclaraca.gov\)](https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/environmental-review-ceqa) <<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/environmental-review-ceqa>> and available for public review for 45-days between November 17, 2023 and January 2, 2024, in accordance with CEQA requirements. No public or agency comments on the DEIR were submitted during the 45-day review period.

The DEIR examined potential environmental impacts associated with project development and identified significant impacts on biological, cultural resources, and geology and soils. Mitigation measures were identified for implementation that would reduce most of the significant project development impacts to less than significant levels. However, significant unavoidable project level and cumulative cultural resources impacts were identified to remain with demolition of the church, which is identified as being eligible for listing as an architecturally significant local structure, to redevelop the site. All other resource areas would experience a less than significant impact with project development

In considering a project, CEQA requires decision-makers to balance economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. To approve a project that has a significant unavoidable environmental impact, decision-makers must make findings, supported by substantial evidence, that the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable environmental effects. In accordance with CEQA Guidelines 15124 (b), the DEIR identifies project objectives for evaluation of the proposed project and the development of a range of alternatives for consideration in the findings or statement of overriding considerations

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

On February 8, 2024, the notice of public hearing for this item was mailed to property owners within 1,000 feet of the project side boundaries and interested parties. Newspaper notice of this item was published in *The Weekly*, a newspaper of general circulation, on February 7, 2024. At the time of this staff report, no comments have been received by the Planning Department in support or opposition to the project.

Community Meetings

Virtual public outreach meetings were conducted by the Property Owner/Applicant on November 16, 2022 and August 30, 2023 to engage the neighborhood community in the planning process. Notices of the meetings were mailed by the Property Owner/Applicant to properties within 1,000 feet of the project site boundaries and posted on the City's website. These meetings provided the community opportunities to review and comment on the proposal and revised changes made to the dwellings, site circulation and landscaping resulting from community input.

ALTERNATIVES

1. Do not certify the Environmental Impact Report or adopt the CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the 1957 Pruneridge Avenue Residential Project.
2. Deny the rezoning of the project site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of residential development consisting of 22 detached two-story residences
3. Deny the Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots.

RECOMMENDATION

1. Adopt a resolution to certify the Environmental Impact Report and adopt the CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 1957 Pruneridge Avenue Residential Project.
2. Adopt a resolution to approve a rezoning of the project site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of residential development consisting of 22 detached two-story residences with attached and detached garages, landscaping, and on- and off-site improvements, subject to conditions of approval.
3. Adopt a resolution approving a Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots as a utility corridor, vehicle access, landscape open space and bioretention areas to serve the development, subject to conditions of approval.

Reviewed by: Reena Brilliot, Acting Director, Community Development Department

Approved by: Jovan Grogan, City Manager

ATTACHMENTS

1. Environmental Impact Report
2. Mitigation Monitoring and Reporting Program
3. Findings of Fact and Statement of Overriding Considerations
4. Resolution Certifying the Environmental Impact Report
5. Resolution Approving the Rezone
6. Resolution Approving the Vesting Tentative Subdivision Map
7. Excerpt Planning Commission Meeting Minutes of February 21, 2024
8. Planning Commission Staff Report of February 21, 2024
9. Historical and Landmarks Commission meeting minutes of December 7, 2023
10. Historic and Landmarks Commission Staff Report December 7, 2023.
11. Conditions of Rezoning Approval
12. Conditions of Tentative Subdivision Map Approval
13. Development Plans
14. Vesting Tentative Subdivision Map

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE AND CERTIFY A FINAL ENVIRONMENTAL
IMPACT REPORT, MAKE FINDINGS WITH RESPECT
THERE TO, AND ADOPT A STATEMENT OF OVERRIDING
CONSIDERATIONS AND A MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE 1957 PRUNERIDGE
AVENUE RESIDENTIAL PROJECT LOCATED AT 1957
PRUNERIDGE AVENUE, SANTA CLARA**

PLN22-00505 (Rezone)
PLN23-00264 (Vesting Tentative Subdivision Map)
SCH# 202300200 (Environmental Impact Report)

WHEREAS, On September 6, 2022, SCS Development (“Owner”) filed an application for the development of a 2.47-acre site located at 1957 Pruneridge Avenue, Santa Clara (“Project Site”);

WHEREAS, the Project Site has a General Plan designation of Very Low Density Residential and is zoned Public, Quasi-Public, and Public Park or Recreation (B);

WHEREAS, the Project Site is developed with assembly uses (religious worship and education) and contains St. Mark’s Church complex, comprising a one-story parish hall and administration building, two-story classroom, church building, surface parking lots and site landscaping;

WHEREAS, the Owner has applied to rezone the Project Site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of 22 two-story detached residences, a private street, and associated on- and off-site improvements, in addition to a Vesting Tentative Subdivision Map to subdivide the property into individual for-sale lots and four common lots for use as a utility corridor, vehicle access, landscape open space and bioretention areas (“Project”), as shown on the Development Plans and Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this reference;

WHEREAS, the Project approvals will include Resolution No. _____ (“City Council Rezoning Resolution”); Resolution No. _____ (“City Council Vesting Tentative Subdivision Map Resolution”); and this California Environmental Quality Act (“CEQA”) Resolution (collectively,

the “Approvals”);

WHEREAS, on October 6, 2023, the City of Santa Clara (“City”) distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) and posted the Notice at the Santa Clara County Clerk’s office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR;

WHEREAS, the DEIR was prepared in accordance with the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.) and the City circulated copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and the City sought the comments of such persons and agencies for forty-five (45) days, beginning on November 17, 2023 and concluding on January 2, 2024 (“Comment Period”);

WHEREAS, the City did not receive any comments on the DEIR during the review period;

WHEREAS, the Final EIR (“FEIR”) consists of a list of agencies and organizations to whom the DEIR was sent and minor revisions to text and Figure 2.2-1 (Conceptual Site Plan) and Figure 2.2-2 (Landscape Plan) that do not change the conclusions nor require recirculation of the DEIR. The FEIR was subsequently distributed for a 10-day review period beginning on January 9, 2024 and concluding on January 19, 2024;

WHEREAS, the DEIR FEIR, and Exhibits constitute the EIR for the Project;

WHEREAS, the City Council has reviewed the EIR prepared for the Project, the City Staff reports pertaining to the EIR, and all evidence received at a duly noticed public hearing on March 19, 2024. All of these documents and evidence are herein incorporated by reference into this Resolution;

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed;

WHEREAS, the EIR determined that the project would have a less-than-significant impact in the resource areas of Energy and Greenhouse Gas Emissions, based on a requirement in the City’s

Reach Code that the project construct All-Electric Buildings, with no installation of natural gas infrastructure. Because recent litigation has raised a question about the enforceability of the City's Reach Code, the developer has voluntarily committed to construct All-Electric Buildings, regardless of whether the Reach Code is enforceable;

WHEREAS, the EIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as alternatives to the Project as proposed that would provide some environmental advantages;

WHEREAS, the City is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

WHEREAS, Public Resources Code § 21081, subdivision (a) requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, the "CEQA Findings and Statement of Overriding Considerations" attached to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

WHEREAS, as the CEQA Findings explain, the City Council, reflecting the advice of City staff, has expressed its intention to adopt the proposed Project as described;

WHEREAS, the City Council has determined that the alternatives addressed in the EIR would not be feasible and would not sufficiently satisfy the Project Objectives. The details supporting these determinations are set forth in the CEQA Findings;

WHEREAS, in taking this course, the City Council has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

WHEREAS, the City Council, in reviewing the Project, intends to adopt all mitigation measures set forth in the EIR;

WHEREAS, the significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

WHEREAS, Public Resources Code § 21081, subdivision (b) and CEQA Guidelines § 15093 require the City Council to adopt a Statement of Overriding Considerations before approving a project with significant unavoidable environmental effects;

WHEREAS, as detailed in the CEQA Findings, the City Council has determined that, despite the occurrence of significant unavoidable environmental effects associated with the Project, as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the Project which justify the occurrence of those impacts and render them acceptable; and

WHEREAS, the City Council has reviewed the EIR and Mitigation Monitoring and Reporting Program, attached as the “MMRP”, the CEQA Findings, the City Staff reports pertaining to the EIR, and all evidence received at a duly noticed public hearing on March 19, 2024. All of these documents and evidence are incorporated herein by reference into this Resolution.

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. That the City Council hereby finds that the EIR has been completed in compliance with CEQA.
3. That the City Council hereby finds the EIR has been presented to the Council, which reviewed and considered the information and analysis contained therein, at a duly noticed public hearing on March 19, 2024.

4. That the City Council finds, pursuant to Public Resources Code Section 21081 and California Code of Regulations, Title 14, Section 15091, that many of the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.

5. That the City Council finds that none of the Project Alternatives set forth in the EIR can feasibly substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures while still sufficiently achieving the project objectives.

6. That, in order to comply with Public Resources Code Section 21081.6, the City Council adopt the Mitigation Monitoring and Reporting Program as set forth in the attached “MMRP”. The Program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

7. That the EIR set forth project-level and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the City Council finds that there exist certain overriding economic, social and other considerations for approving the Project that the City Council believes justify the occurrence of those impacts, as detailed in the “CEQA Findings” exhibit attached hereto.

8. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, and the attached CEQA Findings, the City Council hereby approves and certifies the EIR, makes the findings attached hereto, adopts an MMRP, and adopts a Statement of Overriding Considerations finding that there exist certain overriding economic, social and other

considerations for approving the Project that justify the occurrence of the associated impacts, all in accordance with CEQA for the Project.

9. That the City Council hereby designates the Planning Division of the Community Development Department as the location for the documents and other material that constitute the record of proceedings upon which this decision is based and designates the Director of Community Development as the custodian of records.

10. 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 19th DAY OF MARCH, 2024 BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

JOVAN GROGAN
CITY MANAGER
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Vesting Tentative Subdivision Map
3. CEQA Findings and Statement of Overriding Considerations
4. Mitigation Monitoring and Reporting Program (MMRP)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA APPROVING A REZONING FROM PUBLIC,
QUASI-PUBLIC, AND PUBLIC PARK OR RECREATION (B) TO
PLANNED DEVELOPMENT (PD) TO ALLOW A RESIDENTIAL
DEVELOPMENT CONSISTING OF 22 DETACHED SINGLE-
FAMILY RESIDENCES LOCATED AT 1957 PRUNERIDGE
AVENUE, SANTA CLARA**

PLN22-00505 (Rezone)
PLN23-00264 (Vesting Tentative Subdivision Map)
SCH#2023100200 (Environmental Impact Report)

WHEREAS, on September 6, 2022, SCS Development (“Owner”) filed a development application for the 2.47-acre site located at 1957 Pruneridge Avenue (APN:303-03-025), which is developed as the St. Mark’s Church complex and consists of a one-story parish hall and administration building, two-story classroom, church building, surface parking lots and site landscaping (“Project Site”);

WHEREAS, the Owner simultaneously applied to rezone the Project Site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) and subdivide the land through a Vesting Tentative Subdivision Map application to allow the construction of 22 two-story for-sale detached single-family residences, associated on- and off-site improvements and four common lots to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas to serve the development (“Project”), as shown on the attached Development Plans and Vesting Tentative Subdivision Map, incorporated herein by this reference;

WHEREAS, a Draft Environmental Impact Report (“DEIR”) was prepared in accordance with the California Environmental Quality Act (“CEQA”) and the City circulated copies of the DEIR and Notice of Availability for 45-day review 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. The City received no public or agency comments on the DEIR and subsequently prepared and circulated a Final

EIR (“FEIR”), for 10-day review in accordance with CEQA, that includes minor revisions to text and Figure 2.2-1 (Conceptual Site Plan) and Figure 2.2-2 (Landscape Plan) that do not change the conclusions of the DEIR;

WHEREAS, a Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for implementation with Project development to reduce potentially significant impacts identified in the DEIR, FEIR and Appendix to the FEIR, that combined constitute the EIR for the Project, to less than significant and a Statement of Overriding Considerations for the significant unavoidable impact associated with the proposed demolition of the church building with Project development, that cannot be mitigated to less than significant, has been prepared in accordance with CEQA;

WHEREAS, the Santa Clara City Code (SCCC) provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, on February 21, 2024, the Planning Commission held a duly noticed public hearing to consider the Project, EIR, MMRP, and all pertinent information in the record, at the conclusion of which, the Commission voted unanimously to recommend that the Council approve the rezone.

WHEREAS, on February 8, 2024, the notice of public hearing for the February 21, 2024, Planning Commission meeting and March 19, 2024 City Council meeting for this item was mailed to property owners within a 1,000 foot radius of the Project Site boundaries, according to the most recent assessor’s roll, and

WHEREAS, on March 19, 2024, the City Council held a duly noticed public hearing to consider the Rezoning application, at which time all interested persons were given an opportunity to give testimony and evidence offered in favor 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. That the City Council hereby rezones the Project Site from Public, Quasi-Public, Public Park or Recreation (B) to Planned Development (PD) to allow 22 two-story for-sale detached single-family residences, associated on- and off-site improvements and four common lots to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas to serve the development, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.

3. Pursuant to SCCC Code Section 18.112.050, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable, in that the existing zoning for the Project Site does not allow residential development and creation of housing opportunities envisioned by the 2010-2035 General Plan. The Planned Development (PD) zoning would allow residential development to implement the General Plan's Housing Element more fully than the existing Public, Quasi-Public, and Public Park or Recreation (B) zoning designation for the Project Site.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area in that the proposal redevelops an underutilized property and visually improves the Project Site and surrounding neighborhood with physical and financial investment in the construction of a modern, high quality, residential home ownership development with on-site parking, site improvements, landscaping, and streetscape enhancements.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change provides residential development consistent with the General Plan designation for the Project Site and for-sale high-

quality homeownership opportunities for 22 households, of which three of the residences shall be available at affordable income levels; and in furtherance of the City's climate goals, the Owner has committed to constructing All-Electric Buildings without the installation of any natural gas infrastructure.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow flexibility in the development standards to construct for-sale detached residences that are compatible with existing and planned development in the surrounding residential and commercial area.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, EIR and MMRP, the City Council hereby rezones the Project Site to allow development of 22 detached single-family residences, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval.

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5. 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 COUNCIL, AT A REGULAR MEETING THEREOF HELD ON THE 19th DAY OF MARCH, 2024, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

Attachments Incorporated by Reference:

1. Development Plans
2. Vesting Tentative Subdivision Map
3. Rezone Conditions of Approval

ATTEST:

JOVAN GROGAN
CITY MANAGER
CITY OF SANTA CLARA

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, TO APPROVE THE VESTING TENTATIVE
SUBDIVISION MAP FOR THE 1957 PRUNERIDGE AVENUE
RESIDENTIAL PROJECT LOCATED AT 1957 PRUNERIDGE
AVENUE, SANTA CLARA, TO SUBDIVIDE THE 2.47-ACRE
PROJECT SITE INTO 22 INDIVIDUAL LOTS AND FOUR
COMMON LOTS**

PLN2022-00505 (Rezone)
PLN23-00264 (Vesting Tentative Subdivision Map)
SCH# 202300200 (Environmental Impact Report)

WHEREAS, on September 6, 2022, SCS Development (“Owner”) filed a development application for the 2.47-acre site located at 1957 Pruneridge Avenue (APN: 303-03-025), which is developed as the St. Mark’s Church complex and consists of a one-story parish hall and administration building, two-story classroom, church building, surface parking lots and site landscaping (“Project Site”);

WHEREAS, the Owner has simultaneously applied to rezone the Project Site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) and subdivide the land to allow construction of 22 for-sale detached two-story single-family residences, associated on- and off-site improvements and four common lots to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas, to serve the development (“Project”), as shown on the attached Development Plans and proposed Vesting Tentative Subdivision Map, incorporated herein by this reference;

WHEREAS, a Draft Environmental Impact Report (“DEIR”) was prepared in accordance with the California Environmental Quality Act (“CEQA”) and the City circulated copies of the DEIR and Notice of Availability for 45-day review 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. The City received no public or agency comments on the DEIR and subsequently prepared and distributed a Final EIR (“FEIR”) for 10-day review, in accordance with CEQA, that includes minor revisions to text

and Figure 2.2-1 (Conceptual Site Plan) and Figure 2.2-2 (Landscape Plan) that do not change the conclusions of the DEIR;

WHEREAS, a Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for implementation with Project development to reduce potentially significant impacts identified in the DEIR, FEIR and Appendix to the FEIR, that combined constitute the EIR for the Project, to less than significant and a Statement of Overriding Considerations for the significant unavoidable impact associated with the proposed demolition of the church building with Project development, that cannot be mitigated to less than significant has been prepared in accordance with CEQA;

WHEREAS, pursuant to Section 17.05.210 of the Code of the City of Santa Clara (“SCCC”), a Tentative Subdivision Map shall be required for all divisions of land into five or more parcels;

WHEREAS, consistent with the proposed uses under the development plan, the proposal includes the division of the site into 22 individual lots and four common lots, as shown on the proposed Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this reference;

WHEREAS, on June 13, 2023, the Subdivision Committee determined that the application was complete and that the Vesting Tentative Subdivision Map be reviewed by the Planning Commission and the City Council in conformance with Section 17.05.300 of the SCCC as a Vesting Tentative Subdivision Map along with the Project;

WHEREAS, SCCC Section 17.05.300(g) requires that the Planning Commission make recommendations of denial, approval or conditional approval to the City Council on the Vesting Tentative Subdivision Maps;

WHEREAS, on February 21, 2024, the Planning Commission held a duly noticed public hearing to consider the Project, EIR, MMRP, and all pertinent information in the record, at the conclusion of which, the Commission voted unanimously to recommend approval of the Vesting Tentative Subdivision Map.

WHEREAS, notice of the public hearing on the Vesting Tentative Subdivision Map was published in *The Weekly*, a newspaper of general circulation for the City, on February 7, 2024;

WHEREAS on February 8, 2024, notices of the public hearing on the Vesting Tentative Subdivision Map for the February 21, 2024 Planning Commission meeting and March 19, 2024 City Council meeting were mailed to all property owners within 1,000 feet of the Project Site boundaries; and

WHEREAS, on March 19, 2024, the City Council held a duly noticed public hearing to consider the Project, EIR, MMRP, and all pertinent information in the record, 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. Vesting 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 Vesting 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 allow the development of 22 detached single-family residences, four common lots to be used as a utility corridor, vehicle access, landscape open space and bioretention areas, and on- and off-site improvements compatible with neighboring residential development and existing and planned development in the surrounding area, subject to conditions set forth in the Vesting Tentative Subdivision Map Conditions of Approval, attached hereto and incorporated by this reference. The Project proposes a density of 8.9 dwelling units per acre, consistent with the Very Low Residential Density General Plan designation for the Project Site, which allows residential development of up to ten (10) dwelling

units per acre. The project also furthers of the City's goal to reduce the use of methane gas citywide stated in Appendix 8.13 (Climate Action Plan), in that the Owner has committed to constructing All-Electric Buildings without the installation of any natural gas infrastructure.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Subdivision Map would redevelop an underutilized and vacant property (Policy 5.3.1-P8), provides adequate landscaping and replaces trees at a 2:1 ratio (Policy 5.3.1-P10), includes sidewalks and consolidates curb cuts to minimize pedestrian/vehicle conflicts (Policies 5.3.1-P12 and P16), and provides a design that is compatible with and sensitive to neighboring residential development (Policy 5.3.1-P29).

C. The site is physically suitable for the proposed type of development in that the Project is designed to provide high quality housing consistent with existing and planned development in the surrounding area.

D. This site is physically suitable for the proposed density of development in that the Project Site is located in an urbanized area and allows for redevelopment consistent with the height, uses and development 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 buildings, common lots 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, on a previously developed site, and includes mitigation measures, as identified in the EIR and MMRP, that reduce impacts to wildlife habitat to less than significant levels.

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, the Project is designed to avoid encroachments and conflicts with public easements in the site design.

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

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

5. 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 OF THE CITY COUNCIL, AT A REGULAR MEETING THEREOF HELD ON THE 19th DAY OF MARCH, 2024, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JOVAN GROGAN
CITY MANAGER
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Vesting Tentative Subdivision Map
3. Vesting Tentative Subdivision Map Conditions of Approval

3. 24-1629 PUBLIC HEARING: Action on an Environmental Impact Report and Mitigation Monitoring and Reporting Program, Rezone, and Vesting Tentative Subdivision Map for the Property Located at 1957 Pruneridge Avenue to Allow the Development of 22 Detached Single-Family Residences and Associated On- and Off-Site Improvements

Recommendation: Alternatives: 1, 2 and 3

1. Adopt a resolution recommending the City Council certify the Environmental Impact Report and adopt the CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 1957 Pruneridge Avenue Residential Project.
2. Adopt a resolution recommending the City Council approve a rezoning of the project site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of residential development consisting of 22 detached two-story residences with attached and detached garages, landscaping, and on- and off-site improvements, subject to conditions of approval.
3. Adopt a resolution recommending the City Council approve a Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots as a utility corridor, vehicle access, landscape open space and bioretention areas to serve the development, subject to conditions of approval.

Associate Planner Debby Fernandez provided the staff presentation.

Assistant City Attorney Alexander Abbe addressed the Commission regarding two conditions of approval related to the use of natural gas, B8 and P23. Mr. Abbe explained that B8 required the developer to comply with the City's "Reach Code," which requires most new development projects to build All-Electric Construction, with no installation of natural gas infrastructure. Mr. Abbe explained that in recent discussions with the developer, the developer had also voluntarily committed to All-Electric Construction, regardless of the application of the City's Reach Code, and that this was memorialized in condition P23.

Mr. Abbe further explained, however, that despite this commitment from the developer, the developer had requested a modification to condition P23. As drafted by staff, condition P23 stated that the developer's commitment to All-Electric Construction was an express basis for the City's decision to rezone the property as Planned Development, and that if the developer sought to utilize methane at a later date, a revision to the PD zoning would be required. The developer agreed that a revision to the rezoning would be required if they later sought to use natural gas, but the developer did not want the City to state that All-Electric Construction was one of the express grounds for granting the PD zoning. Mr. Abbe cautioned that the developer's request would likely make condition P23 more difficult to enforce, and make it more likely that the developer could utilize natural gas in the future without City approval.

Mr. Abbe also explained that the developer was objecting to condition P5, which obligated the developer to provide a 5-foot sidewalk and a 5-foot landscaped area in conformance with the Pruneridge Avenue Complete Streets Plan (PACSP). Mr. Abbe advised the Commission that the Council formally adopted the PACSP in August 2022 and that the Commission did not have the discretion to waive the requirements of the PACSP, such as condition P5.

Commissioners inquired upon various items on the proposed project including new sidewalk standards, the possible use of solar for the project, traffic patterns for the project and concerns regarding the busy intersection at Pruneridge and Winchester as it relates to the location of the project driveway, as well as relocation of the remains of the burial site.

SCS Development representatives Matthew Schott and Cory Kusich provided the Applicant presentation.

David J. Powers & Associates staff Shannon George and Patrick Kalle were in attendance and spoke at the meeting.

Public Speaker
Chris Sarbaugh

A motion was made by Commissioner Biagini, seconded by Commissioner Bouza to close public comment.

Aye: 7 - Vice Chair Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, Commissioner Saleme, and Commissioner Crutchlow

A motion was made by Commissioner Biagini, seconded by Commissioner Crutchlow to approve Staff Recommendation 1.

Aye: 7 - Vice Chair Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, Commissioner Saleme, and Commissioner Crutchlow

A motion was made by Commissioner Biagini, seconded by Commissioner Crutchlow, to approve Staff Recommendation 2 with additional recommendations to include Provide "Right Turn Only During Peak Hours" signage for the project driveway and for the applicant to use reasonable efforts, to the satisfaction of the Director of Community Development to obtain written documentation from the diocese of the previous church on the site documenting the disposition of the remains from the burial site on the property.

Aye: 7 - Vice Chair Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, Commissioner Saleme, and Commissioner Crutchlow

**A motion was made by Commissioner Biagini, seconded by
Commission Bouza to approve Staff Recommendation 3.**

Aye: 7 - Vice Chair Bhatnagar, Commissioner Biagini, Chair Cherukuru,
Commissioner Huang, Commissioner Bouza, Commissioner Saleme,
and Commissioner Crutchlow

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
2. Commissioner Travel and Training Reports, Requests to attend Trainings

Staff Aide II Elizabeth Elliott provided updates on travel requests.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Staff Aide II Elizabeth Elliott provided budget updates.

2. Upcoming Agenda Items

Planning Manager Lesley Xavier provided updates.

3. City Council Actions

Planning Manager Lesley Xavier provided updates.

ADJOURNMENT:

The meeting adjourned at 8:21 pm. The next regular scheduled meeting is
Wednesday, March 6, 2024 at 6 pm.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
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Agenda Report

24-1629

Agenda Date: 2/21/2024

REPORT TO PLANNING COMMISSION

SUBJECT

PUBLIC HEARING: Action on an Environmental Impact Report and Mitigation Monitoring and Reporting Program, Rezone, and Vesting Tentative Subdivision Map for the Property Located at 1957 Pruneridge Avenue to Allow the Development of 22 Detached Single-Family Residences and Associated On- and Off-Site Improvements

REPORT IN BRIEF

Applicant /Owner: SCS Development

General Plan: Very Low Density Residential

Zoning: Public, Quasi-Public, and Public Park or Recreation (B)

Site Area: 2.47 acres

Existing Conditions: The site contains the St. Mark's Episcopal Church (now vacant), which includes a church building and a single-story parish hall and administration building connected to a two-story classroom building. Buildings are concentrated in the center of the site and are surrounded by a surface parking lot and perimeter landscaping to the north, west and east, and a landscape setback fronting Pruneridge Avenue to the south.

Surrounding Land Uses:

- North: Single-family detached residences
- South: Pruneridge Avenue and a mix of neighborhood commercial uses and detached single-family residences
- East: Neighborhood commercial uses
- West: Neighborhood commercial uses

Staff Recommendation: That the Planning Commission adopt resolutions recommending the City Council certify the Environmental Impact Report (EIR); adopt the California Environmental Quality Act (CEQA) Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and approve the Rezone and Vesting Tentative Subdivision Map for the property located at 1957 Pruneridge Avenue.

BACKGROUND

SCS Development Company filed an application for the subject proposal on September 6, 2022 to construct a single-family residential development with 22 detached two-story homes, private street and associated on- and off site improvements on the 2.47-acre site. Implementation of the proposal requires a rezone of the property from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to construct the residential development and a Vesting Tentative Subdivision Map (Chapter 17.05 of the City Code) to subdivide the property into individual for-sale lots and four common lots for use as a utility corridor, vehicle access, landscape open space and

bioretention areas. Fifteen percent of the total number of units (or 3.3 homes) are required to be provided as affordable housing units. Per the City's Affordable Housing Ordinance (SCCC § 17.04.080.B), any fractional unit requirement may be addressed by providing one additional affordable unit or by payment of an in-lieu fee. Redevelopment of the property as proposed includes the demolition of all existing structures and site improvements (surface parking lot and landscaping).

Project History and Previous Actions

The existing buildings are over 50 years in age and were evaluated for potential historical and architectural significance in accordance with CEQA. A California Department of Parks & Recreation Form 523 ("DPR") was prepared to record and evaluate the building complex, landscape features and historic context, followed by peer review of the analysis. In accordance with 18.106.060 of the City's Preservation Ordinance, the project was referred to the Historical and Landmarks Commission (HLC) for consideration of the Draft Environmental Impact Report (DEIR) for the proposed demolition of the existing structures and to determine whether the property is eligible for listing on the City's Historic Resource Inventory (HRI).

The DPR is incorporated as part of the EIR prepared for the project (Attachment 1) and along with an analysis, was included in the HLC staff report (Attachment 8). The EIR concludes that the church is eligible for listing as an historic resource on the City's HRI as a result of the building architecture. The project was reviewed by the HLC at a publicly noticed meeting on December 7, 2023. Following review of the documents and public testimony, the HLC recommended certification of the EIR to the Planning Commission and City Council with the recommendations listed below and did not recommend the property for listing on the City's HRI. The HLC meeting minutes are provided as Attachment 7.

- Developer to create a memorial to the church (using the Architect William Mays' name) utilizing materials from the church in the memorial if the church is not relocated.
- Developer to return to the HLC to present the memorial design.

Mitigation Measure CUL-1 of the EIR already requires the developer to prepare a Historic Resources Mitigation Action Plan, that includes steps like documentation, attempted relocation, and salvage of historic materials. The Commission or Council could give direction to include the HLC's recommended conditions as a part of that Action Plan.

DISCUSSION

Primary issues for the project include consistency with the City's General Plan, and conformance with the City Code for Planned Development Zoning and its subdivision.

General Plan Conformance

The existing General Plan designation for the project site is Very Low Density Residential. This designation is intended for residential densities of up to 10 dwelling units per acre (du/ac) and envisioned for single-family residential development in scale and character. Development in this classification maintains a feeling of suburban living with setbacks between structures, parking, large landscaped yards and tree lined streets.

The proposed project provides 8.9 du/ac and is consistent with the following General Plan Policies:

General Land Use Policies

- 5.3.1-P2: Encourage advance notification and neighborhood meetings to provide an opportunity for early community review of new development proposals.
- 5.3.1-P26: Support a community-initiated planning process so that existing neighborhoods can participate in developing more detailed plans for street, landscape and pedestrian facility improvements.

The applicant conducted public outreach through mailings and two community meetings to involve neighboring property owners in the design of the project. Notices were mailed to property owners within 1,000 feet of the project boundaries and interested parties.

- 5.3.1-P8: Work with property owners to improve or redevelop underutilized and vacant properties.
- 5.3.1-P9: Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.

The project would redevelop an underutilized parcel for the construction of 22 for-sale single-family residences and public and private on- and off-site improvements, that include private street, utilities, and landscaping as part of the development.

- 5.3.1-P10: Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.

The proposed development plan includes landscaping of the site and the project street frontage with a variety of plant and tree species and would replace the trees removed with redevelopment of the property at a minimum 2:1 ratio.

- 5.3.1-P12: Encourage convenient pedestrian connections within new and existing developments.
- 5.3.1-P16: Consolidate curb cuts with new development on arterial roadways to minimize pedestrian/vehicle conflicts at driveway locations and improve traffic flow.

The project includes sidewalks to facilitate pedestrian access and link neighboring land uses. Two existing curb-cuts and a sidewalk along the project frontage would be removed and replaced with a single curb-cut along Pruneridge Avenue, separated sidewalk and landscape strip which would minimize vehicle interface with pedestrians and improve traffic flow.

- P.3.1-P29: Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.

The proposed project is the construction of 22 detached single-family homes with front yards along the street frontage and setback between buildings that reflect and would blend in with neighboring single-family homes and one- and two-story commercial development.

Transition Policies

- 5.5.2-P1: Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches or bay windows along street frontages, to integrate new development into the existing neighborhoods.

The project incorporates offsets along the building planes and a mixture of exterior materials and architectural features to create visual breaks and interest in the design for compatibility with the surrounding neighborhood. Residences along Pruneridge Avenue are designed to integrate into the surrounding neighborhood with the front doors, windows and outdoor patios oriented towards the public domain, Pruneridge Avenue. Pedestrian paths connect the residences facing Pruneridge Avenue to the public sidewalk fronting the site and neighboring properties.

- 5.5.2-P3: Implement site design solutions, such as landscaping and increased building setbacks, to provide buffers between nonresidential and residential uses.
- 5.5.2-P5: Require that new development provide an appropriate transition to surrounding neighborhoods.

The project includes landscaped building setbacks to transition two-story residential development on the site from adjacent commercial properties and abutting one- and two-story detached single-family homes.

Zoning Conformance

Filing of the rezone and vesting subdivision map applications occurred concurrently with the City's efforts to comprehensively update the Zoning Code. The project was deemed complete by the City's Project Clearance Committee (PCC) on June 13, 2023, prior to the adoption of the Zoning Code update. Under the updated Zoning Code, all planning permit applications that are active and that have been determined by the PCC to be complete before the effective date of the Zoning Code, February 8, 2024, shall be processed in compliance with the requirements in effect when the application was deemed complete. Therefore, the current B zoning designation for the site is in effect, as is the project's ability to utilize a rezone to the PD district.

Under existing conditions, the B zoning district assigned to the property is intended to provide for public, quasi-public and public park facilities and does not allow for residential development (per Chapter 18.52 of the City Code); thereby requiring a rezone of the property to PD to utilize flexible development standards to allow the construction of housing at a residential density consistent with the existing General Plan designation for the property.

Per Chapter 18.54 of the City Code, PD zoning districts are intended to allow for creative design solutions and land uses not otherwise allowed in standard zoning districts while maintaining compatibility with the existing community and allowing for greater community ownership. The proposed PD zoning establishes development standards in the density and site design compatible with existing and approved land uses surrounding the project site.

Affordable Housing

The proposed project is subject to the City's Inclusionary Housing Ordinance and would be required to designate 15 percent of the 22 homes (or 3.3 homes) for qualifying home buyers based on income

level at or below 100 percent Area Median Income, on average. Per Section 17.40.080.B of the City's Affordable Housing Ordinance, the fractional unit (0.3) requirement may be addressed by providing an additional affordable unit or payment of an in-lieu fee.

Site Design and Architecture

The proposal is a small lot residential development with individual lots ranging in size from 3,523 square feet (sf) to 4,356 sf, consisting of 22 two-story single-family residences with either an attached or detached garage. A row of detached homes will front Pruneridge Avenue (on the south side of the property) and a second row of detached homes (on the north side of the property) will front the driveway aisle / private street behind that separates and provides vehicle access to the homes and on-site parking.

Three types of floor plans range in size from 1,750 sf to 2,925 sf, inclusive of the garage. Plans 1A and B are four-bedroom and 3.5-bath homes with an attached three-car garage. Plan 2A and B are five-bedroom and four-bath homes with an attached three-car garage. Plan 3 is a four-bedroom and three-bath home with detached two-car garage. Each unit has an outdoor patio and private fenced in yard. Building coverage of the lots range from 37 to 53 percent with the remaining allocated to patio and yard area.

The proposed building architecture would be reflective of a modern interpretation of cottage farmhouse design. The design incorporates a mixture of materials that include stucco and batten board (horizontal and vertical) siding and stone veneer applied to the exterior elevations for texture and visual interest. The use of divided light windows and alternating use of architectural materials will provide a rhythmic cohesion and symmetry in the design. Offsets in the building elevations, recessed windows, and varied roof forms (e.g. shed and gable) will provide breaks in mass and scale of the buildings and roof structures. Roofs will be clad with asphalt shingles. Metal seam roofs will appear atop porches of the homes with extended covered front porches.

Circulation and Parking

Two existing curb-cuts and the sidewalk along the project frontage would be removed and replaced with a single curb-cut along Pruneridge Avenue for ingress and egress, at the southeast corner of the site, for vehicle access and a required separated sidewalk along the street frontage that includes a landscape strip next to the curb and sidewalk behind. The single driveway would serve the residences aligned along the drive aisle and provide a hammerhead near its terminus for use by emergency vehicles for back-out.

Because the project site is located within a half-mile of a major transit stop, the City cannot require the provision of any parking spaces under Assembly Bill 2097 (2022). Nevertheless, nineteen of the units will include three-car garages, while three units will include two-car garages, for a total of 63 covered spaces. While no designated visitor parking spaces are provided, driveways in front of the garages allow for additional uncovered parking. There are currently no parking restrictions along Pruneridge Avenue fronting the project site.

Landscaping and Open Space

The project includes a landscape plan for the site that incorporates a mixture of plant species and trees for planting within common areas and yards of the residences. Fifty existing on-site trees will be removed and as a condition of project approval, the project will replace the removed trees at a

minimum of 2:1 with 24-inch box species or equivalent. The proposed project would include the planting of approximately 79, 24- to 36- inch box trees throughout the site and would feature drought tolerant, low water use landscaping in the common areas and yards of the residential units. An additional 21 replacement trees would be provided off-site.

As a condition of project approval, a Home Owners Association will be established and Covenants, Conditions and Restrictions recorded to manage and maintain on- and off-site improvements (including buildings utilities, landscaping and fencing,) in good condition for the life of the project.

Subdivision

In accordance with Chapter 17.05 of the City Code, the project requires a tentative subdivision map. The application includes 22 for-sale lots and four common parcels (circulation, landscape open-space and bioretention areas). The Subdivision Committee reviewed and deemed the application complete, satisfying code requirements and including conditions of approval contained in Attachment 10.

ENVIRONMENTAL REVIEW

An Environmental Impact Report was prepared for the project by the environmental consultant firm David J. Powers & Associates, in accordance with the California Environmental Quality Act (CEQA). The Draft Environmental Impact Report (DEIR) and Notice of Availability were posted on the City's website at [Environmental Review/CEQA | City of Santa Clara \(santaclaraca.gov\)](https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/environmental-review-ceqa) <<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/environmental-review-ceqa>> and available for public review for 45-days between November 17, 2023 and January 2, 2024, in accordance with CEQA requirements. No public or agency comments on the DEIR were submitted during the 45-day review period.

The DEIR examined potential environmental impacts associated with project development and identified significant impacts on biological, cultural resources, and geology and soils. Mitigation measures were identified for implementation that would reduce most of the significant project development impacts to less than significant levels. However, significant unavoidable project level and cumulative cultural resources impacts were identified to remain with demolition of the church, which is identified as being eligible for listing as an architecturally significant local structure, to redevelop the site. All other resource areas would experience a less than significant impact with project development

In considering a project, CEQA requires decision-makers to balance economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. To approve a project that has a significant unavoidable environmental impact, decision-makers must make findings, supported by substantial evidence, that the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable environmental effects. In accordance with CEQA Guidelines 15124 (b), the DEIR identifies project objectives for evaluation of the proposed project and the development of a range of alternatives for consideration in the findings or statement of overriding considerations.

The EIR determined that the project would have a less-than-significant impact in the resource areas of Energy and Greenhouse Gas Emissions. Part of the basis for these conclusions was that the project would be subject to the City's Reach Code, and one of the requirements of the Reach Code is

that the project construct All-Electric Buildings, with no installation of natural gas infrastructure. Recently, however, a court of appeal opinion, *California Restaurant Association v. City of Berkeley*, called into question the validity of the All-Electric requirements in the Reach Code. City planning and legal staff are currently evaluating the full nature and extent of this case's impact on the City's Reach Code requirements. If the All-Electric provisions in the Reach Code were ultimately determined to be invalid, then the project developer would potentially be able to install natural gas infrastructure and utilize methane, which is one of the most potent greenhouse gases. For this project, at the very least, this would require the City to re-examine the analysis and conclusions of the Energy and Greenhouse Gas chapters of the EIR. Consequently, the developer has made a commitment not to install any natural gas infrastructure, regardless of the legal status of the City's Reach Code. The description of the project in the PD zoning and the conditions of approval will specifically state that the project does not include any natural gas infrastructure, and that any future proposal to utilize methane would require an amendment to the PD zoning. As a result, the analysis in the EIR remains valid.

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On February 8, 2024, the notice of public hearing for this item was mailed to property owners within 1,000 feet of the project side boundaries and interested parties. Newspaper notice of this item was published in *The Weekly*, a newspaper of general circulation, on February 7, 2024. At the time of this staff report, no comments have been received by the Planning Department in support or opposition to the project.

Community Meetings

Virtual public outreach meetings were conducted by the Property Owner/Applicant on November 16, 2022 and August 30, 2023 to engage the neighborhood community in the planning process. Notices of the meetings were mailed by the Property Owner/Applicant to properties within 1,000 feet of the project site boundaries and posted on the City's website. These meetings provided the community opportunities to review and comment on the proposal and revised changes made to the dwellings, site circulation and landscaping resulting from community input.

ALTERNATIVES

1. Adopt a resolution recommending the City Council certify the Environmental Impact Report and adopt the CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the 1957 Pruneridge Avenue Residential Project.
2. Adopt a resolution recommending the City Council approve a rezoning of the project site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of residential development consisting of 22 detached two-story residences with attached and detached garages, landscaping, and on- and off-site improvements, subject to conditions of approval.
3. Adopt a resolution recommending City Council approve a Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots as a utility corridor, vehicle

access, landscape open space and bioretention areas to serve the development, subject to conditions of approval.

4. Deny the rezoning from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of residential development consisting of 22 detached two-story residences with attached and detached garages, landscaping, and on- and off-site improvements.
5. Deny the Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots as a utility corridor, vehicle access, landscape open space and bioretention areas to serve the development.

RECOMMENDATION

Alternatives: 1, 2 and 3

1. Adopt a resolution recommending the City Council certify the Environmental Impact Report and adopt the CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the 1957 Pruneridge Avenue Residential Project.
2. Adopt a resolution recommending the City Council approve a rezoning of the project site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of residential development consisting of 22 detached two-story residences with attached and detached garages, landscaping, and on- and off-site improvements, subject to conditions of approval.
3. Adopt a resolution recommending the City Council approve a Vesting Tentative Subdivision Map to subdivide the land into 22 individual lots and four common lots as a utility corridor, vehicle access, landscape open space and bioretention areas to serve the development, subject to conditions of approval.

Prepared by: Debby Fernandez, Associate Planner

Reviewed by, Sheldon S. Ah Sing, Development Review Officer

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

1. Environmental Impact Report
2. Mitigation Monitoring and Reporting Program
3. Findings of Fact and Statement of Overriding Considerations
4. Resolution Recommending Council Certify Environmental Impact Report
5. Resolution Recommending Council Approve the Rezone
6. Resolution Recommending Council Approve the Vesting Tentative Subdivision Map
7. Draft Historical and Landmarks Commission meeting minutes of December 7, 2023
8. Historic and Landmarks Commission Staff Report December 7, 2023.
9. Conditions of Rezoning Approval
10. Conditions of Tentative Subdivision Map Approval
11. Development Plans
12. Vesting Tentative Subdivision Map



City of Santa Clara

Meeting Minutes

Historical & Landmarks Commission

12/07/2023

6:00 PM

Hybrid Meeting
City Hall Council
Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

REVISED AGENDA - additional attachments have been added to RTC 23-1252

The City of Santa Clara is conducting the Historical and Landmarks Commission meeting in a hybrid manner (in-person and methods for the public to participate remotely)

- Via Zoom:

- o <https://santaclaraca.zoom.us/j/97233262035> or

- o Phone: 1 (669) 900-6833

Webinar ID: 972 3326 2035

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@santaclaraca.gov no later than noon on the day of the meeting. Clearly indicate the project address, meeting body, and meeting date in the email.

PUBLIC PARTICIPATION IN ZOOM WEBINAR:

Please follow the guidelines below when participating in a Zoom Webinar:

- The meeting will be recorded so you must choose 'continue' to accept and stay in the meeting.
- If there is an option to change the phone number to your name when you enter the meeting, please do so as your name will be visible online and will be used to notify you that it is your turn to speak.
- Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
- Use the raise your hand feature in Zoom when you would like to speak on an item and lower when finished speaking. Press *9 to raise your hand if you are calling in by phone only.
- Identify yourself by name before speaking on an item.
- Unmute when called on to speak and mute when done speaking. If there is background noise coming from a participant, they will be muted by the host. Press *6 if you are participating by phone to unmute.
- If you no longer wish to stay in the meeting once your item has been heard, you may leave the meeting.

CALL TO ORDER AND ROLL CALL

Chair Vargas-Smith called the meeting to order at 6:02 p.m.

Present 6 - Commissioner Michael Celso , Commissioner Amy Kirby,
Commissioner Patricia Leung, Vice Chair Kathleen Romano,
Commissioner Ed Stocks, and Chair Ana Vargas-Smith

Absent 1 - Commissioner Yvonne Inciarte

**A motion was made by Commissioner Stocks, seconded by
Commissioner Leung, to excuse Commissioner Inciarte.**

Aye: 6 - Commissioner Celso, Commissioner Kirby, Commissioner Leung,
Vice Chair Romano, Commissioner Stocks, and Chair Vargas-Smith

Excused: 1 - Commissioner Inciarte

CONSENT CALENDAR

**A motion was made by Commissioner Leung, seconded by Vice
Chair Romano, to approve the Consent Calendar with a note to
update the minutes to reflect the correct Chair and
Commissioner titles in several places.**

Aye: 6 - Commissioner Celso, Commissioner Kirby, Commissioner Leung,
Vice Chair Romano, Commissioner Stocks, and Chair Vargas-Smith

Excused: 1 - Commissioner Inciarte

1.A [23-1323](#) Historical and Landmarks Commission Minutes of October 5, 2023

PUBLIC PRESENTATIONS**GENERAL BUSINESS**

2. [23-1347](#) Consideration of a Significant Property Alteration Permit for a 1,207 Square Foot Addition to a Historic Residence and a Variance to Eliminate the Requirement for a Two-Car Garage at 1277 Jackson Street

Public Speakers:

Brandon Spencer

A motion was made by Commissioner Stocks, seconded by Vice Chair Romano, to recommend approval of the Significant Property Alteration Permit to the Planning Commission with the following updates:

- Correct the plans to address the discrepancy between the 8' vs. 9, basement ceiling height, while not modifying the basement windows (do not change their height)
- Modify the proposed kitchen window to a single pane awning style
- For all new windows, try to match the existing wood windows to the extent feasible

A motion was made by Commissioner Celso, seconded by Vice Chair Romano, to recommend approval of the Variance to the Planning Commission.

Aye: 6 - Commissioner Celso, Commissioner Kirby, Commissioner Leung, Vice Chair Romano, Commissioner Stocks, and Chair Vargas-Smith

Excused: 1 - Commissioner Inciarte

3. [23-1348](#) Consideration of a Significant Property Alteration Permit for a 556 Square-Foot Addition to the Basement and a 590 square foot First Floor Addition to a Mills Act Residence and a Variance for the Construction of a New Nonconforming Garage at 324 Madison Street

Public Speakers:

Tommy Tran

Rob Mayer

A motion was made by Commissioner Leung, seconded by Commissioner Kirby, to recommend approval of the Significant Property Alteration Permit to the Planning Commission with the following recommendations:

- Retain the existing chimney
- Differentiate the stucco on the new addition

A motion was made by Commissioner Leung, seconded by Commissioner Stocks, to recommend approval of the Variance to the Planning Commission.

Aye: 6 - Commissioner Celso, Commissioner Kirby, Commissioner Leung, Vice Chair Romano, Commissioner Stocks, and Chair Vargas-Smith

Excused: 1 - Commissioner Inciarte

4. [23-1252](#) Consideration of an Environmental Impact Report for the Demolition of a Potentially Significant Structure to Construct a Residential Development with 22 Detached Single-Family Dwellings at 1957 Pruneridge Avenue

Public Speakers:

Cory Kusich

Richard

A motion was made by Commissioner Celso, seconded by Commissioner Stocks, to recommend certification of the EIR to the Planning Commission and City Council with the following recommendations:

- Developer to create a memorial to the church (using the Architect William Mays' name) utilizing materials from the church in the memorial if the church is not relocated**
- Return to the HLC to present the memorial design**

Aye: 5 - Commissioner Celso, Commissioner Kirby, Commissioner Leung, Commissioner Stocks, and Chair Vargas-Smith

Nay: 1 - Vice Chair Romano

Excused: 1 - Commissioner Inciarte

5. [23-1324](#) Action on HLC Board and Committee Assignments

The Board and Committee assignments were updated as follows:

Board/Committee	Lead/Alternate
Santa Clara Arts and Historic Consortium:	Vargas-Smith / Romano
Historic Preservation Society of Santa Clara:	Vargas-Smith / Leung
Old Quad Residents Association:	Leung
Development Review Hearing:	Romano / Vargas-Smith
BART/ High Speed Rail/ VTA BRT Committee:	Vargas-Smith / Leung
El Camino Real Specific Plan Community Advisory Committee:	Leung
Downtown Precise Plan:	Vargas-Smith / Stocks
Santa Clara Station Area Task Force:	Leung / Stocks

STAFF REPORT

1. Berryessa Adobe Maintenance

2. Training and Travel Request
3. Streetlight Banners for Historic Preservation Month

Staff Liaison Rebecca Bustos gave a verbal report of the price quotes for the banner design, fabrication, and installation/removal.

A motion was made by Commissioner Leung, seconded by Vice Chair Romano, to establish a Banner Subcommittee with Chair Vargas-Smith, Vice Chair Romano, and Commissioner Kirby.

Aye: 6 - Commissioner Celso, Commissioner Kirby, Commissioner Leung, Vice Chair Romano, Commissioner Stocks, and Chair Vargas-Smith

Excused: 1 - Commissioner Inciarte

COMMISSIONERS REPORT

1. Subcommittee Reporting - 20 minutes

2. Board/Committee

Lead/Alternate

Santa Clara Arts and Historic Consortium	Leung / Romano
Historic Preservation Society of Santa Clara	Vargas-Smith / Leung
Old Quad Residents Association	Leung / Romano
Development Review Hearing	Romano /Vargas-Smith
BART/ High Speed Rail/ VTA BRT Committee	Vargas-Smith/ Vacant
Zoning Ordinance Update	Romano / Vacant
El Camino Real Specific Plan Community Advisory Committee	Leung
Downtown Precise Plan	Vargas

ADJOURNMENT

The meeting was adjourned at 9:44 p.m.

A motion was made by Commissioner Leung, seconded by Vice Chair Romano to adjourn the meeting.

Aye: 6 - Commissioner Celso, Commissioner Kirby, Commissioner Leung, Vice Chair Romano, Commissioner Stocks, and Chair Vargas-Smith

Excused: 1 - Commissioner Inciarte

The next regular scheduled meeting is Thursday, January 4, 2024

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.

REZONING CONDITIONS OF APPROVAL

GENERAL

- G1. 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.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. 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

- B1. 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.
- B2. 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.
 - a. FEMA Flood Zone map designations and requirements are based on the map in effect at date of Building Permit issuance.
- B3. 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
 - <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.
- B4. No construction code review or analysis is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis, including; 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.

- During construction retaining a single company to install all fire rated 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 a minimum of 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.
- B5. The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.
- B6. Temporary Certificates of Occupancy (TCO) will not be routinely issued and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, Public Works / Engineering, Fire Prevention, Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO's.
- B7. See Title 15 of the Santa Clara City Code for any amendments to the California Building Codes.
- B8. 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.
- Chp. 15.36 – Energy Code for “all electric” provisions for new construction.
 - Chp. 15.38 – Green Building Code for additional Electric Vehicle Charging requirements for new construction.

HOUSING & COMMUNITY SERVICES DIVISION

- H1. In accordance with the Santa Clara City Code chapter 17.40, this project is subject to the affordable housing requirements and impact fee for the proposed 22 units for-sale residential development. The Applicant shall provide not less than fifteen percent (15%) of the units (or 3.3 units) to affordable households made available at affordable sales prices to extremely low, very low, low and/or moderate-income households as long as the distribution of affordable units averages to a maximum of one-hundred (100) percent of Area Median Income. All prices are set in accordance with the City's Below Market Purchase (BMP) Program Policies and Procedures Manual (subject to updates and changes). Applicant shall be responsible for cost incurred under the Building Energy Efficiency Standards – Title 24 for the each affordable for-sale residential unit. Additionally, where the calculation of affordable housing requirements results in a

fractional unit, the Applicant shall either pay an In-Lieu Fee or the Applicant shall provide an additional unit to satisfy the requirement. Any in-lieu fee payment due to the City by the Applicant shall be payable prior to the issuance of the certificate of occupancy. The in-lieu fee amount shall be equal to the difference between the unrestricted appraised market value ("Initial Market Value") and the Affordable Sales Price of one of the BMP units at completion, multiplied by the fractional unit. The Initial Market Value of the last BMP unit sold shall be the basis for calculating the in-lieu fee to be paid by Applicant.

- H2. Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement (AHA) with the City that will determine the Affordable Sales Price for the Affordable Units at Lot 14, 15 and 22, and apply all terms and covenants guaranteeing the prescribed affordability. Satisfaction of the affordable housing obligation shall be memorialized in the AHA and subject to City Council approval. There will be a fee for the preparation of the AHA in the amount of \$4,020 which will be due prior to execution of the AHA. Please note all fees are based on the current Municipal Fee Schedule in effect at the time the project is approved

PLANNING DIVISION

- P1. Submit plans for final architectural review to the Planning Division for Architectural Committee review and approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, irrigation plan, signage, and stormwater management plan.
- P2. The Developer must provide third party verification of the stormwater management plan for conformance with C3 requirements as part of the architectural submittal.
- P3. Submit complete landscape plans, including irrigation plan and composite utility and tree layout overlay plan, for Planning Department review and approval with installation of required landscaping prior to the issuance of occupancy and or final building permits. Landscape plan to include type and size of proposed trees. Type and size of tree replacement on project site shall be at the direction of the City Arborist and require Planning review and approval. Coordinate with the Street Department and City Arborist for the type, location, installation and maintenance of street trees fronting the project site along the public right-of-way. Installation of root barriers and super-soil may be required with the installation of trees where electric, water, and sewer utilities are in proximity.
- P4. The overlay plan is to show the location of all utilities, storm drains, catch basins, sewer mains, joint trenches, building footprints, driveways, walkways, and trees. Trees are required to be 10 feet from public water, storm and sewer facilities unless a City approved Tree Root Barrier (TRB) is used. If a City approved TRB is used the TRB must be a minimum of five feet from the public water, storm and sewer facility with the tree behind the TRB and specified on the plan. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- P5. Developer shall construct a complete street section along the project frontage of Pruneridge Avenue to include a 5-foot landscape strip with 4.5-feet of clear planting width and a 5-foot sidewalk behind the landscape strip. The landscape strip is to include trees (minimum 24-inch box) and drought tolerant plantings.
- P6. Submit as-built on-site plans prepared by a registered civil engineer showing all utilities serving the subject property.
- P7. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. As this project involves land area of one acre or more, the Developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A stormwater pollution prevention plan is also required with the NOI.

- P8. The Developer shall submit a truck hauling route for demolition, soil, debris and material removal, and construction to the Director of Community Development for review and approval prior to the issuance of demolition and building permits.
- P9. Minor changes to individual homes, landscaping, or other minor plan elements would be subject to Planning Division review and approval of a Minor Adjustment to an approved project, or through Architectural Review, subject to the discretion of the Director of Community Development.
- P10. Project site landscaping shall be maintained in good condition throughout the life of the Project and no trees shall be removed without City review and approval. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with 24-inch box specimen tree, or equal alternative as approved by the Director of Community Development.
- P11. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&R's) or equivalent instrument assigning and governing perpetual maintenance of the common lots, private street/vehicle access driveway, on-site and street frontage landscaping in good condition for the life of the Project, prior to issuance of building permits. Said document shall be recorded along with the Title for each property with the Santa Clara County Recorder's Office.
- P12. The Covenant, Conditions and Restrictions for this project shall include language that precludes exclusive storage use of the garage and obstruction of parking spaces in the garage by storage, shall and requires property owners to maintain garages for parking purposes.
- P13. Garages shall be accessible for parking and labeled as such on the building permit plans.
- P14. Overhead garage storage shall be offered as a design option in each of the units.
- P15. Provide automatic garage door openers and roll-up garage doors.
- P16. Each garage shall be equipped with electrical vehicle charging stations.
- P17. HVAC units shall be screened from view along the public right-of-way.
- P18. Individual garbage and recycling containers shall be kept out of sight from the public right-of-way and private driveway until collection day.
- P19. Applicant shall comply with all the construction and on-going mitigation measures described in the adopted Mitigation Monitoring and Reporting Program to the satisfaction of the Director of Community Development. The Mitigation and Monitoring and Reporting Program shall be included in all construction plan sets.
- P20. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved roads) shall be watered two times per day, except on days when rain occurs.
- P21. All visible mud or dirt track-out onto the adjacent public right-of-way shall be removed using wet power vacuum street sweeper at least once per day. The use of dry power sweeping shall be prohibited.
- P22. Additional dust and noise abatement measures may be on the project site at the discretion of the Community Development Director to provide additional sound attenuation and fugitive dust abatement as described in the project Mitigation Monitoring and Reporting Program. This may include additional noise monitoring and installation of a temporary noise control blanket barrier, if necessary, along building facades facing construction sites if conflicts occurred which are irresolvable by proper scheduling.
- P23. This approval has been issued in reliance upon the developer's assurance that no natural gas infrastructure will be installed at any time, and is an express basis for granting the PD rezoning. No natural gas infrastructure shall be installed on the project site. If the developer seeks to install natural gas infrastructure in the future, the developer must first seek an amendment to the PD zoning.

- P24. Developer shall use reasonable efforts, to the satisfaction of the Director of Community Development, to obtain documentation from the Diocese of the previous church on the site, Saint Mark's, regarding the disposition of the human remains and details as to their new location.
- P25. Provide "Right Turn Only During Peak Hours" signage for the project driveway.

FIRE

- F1. Prior to Building Permit Issuance, a Phase II environmental assessment is required to be submitted to CRRD for review. If hazards are present that require site mitigation, cleanup, or management of chemical contaminants in soil, soil vapor, or groundwater a separate permit from one of the regulatory agencies below will be required. The type and extent of contamination on site(s) will govern which of the regulatory agencies noted below can supervise the cleanup:
- Department of Toxic Substances Control (DTSC);
 - State Water Resources Control Board; or
 - Santa Clara County, Department of Environmental Health.

If the project intends to contract with a State or County Agency for onsite/offsite environmental remediation activities the following documentation shall be provided to the Fire Prevention & Hazardous Materials Division prior to issuance of a Building Permit for demolition or grading: Oversight agency case number; and Oversight managers contact name, phone number.

- F2. Prior to Building Permit Issuance, a permit for Construction Safety & Demolition shall be submitted to the fire department for review and approval in compliance with our Construction Safety & Demolition standard.
- F3. Prior to Building Permit Issuance, provide documentation from the City of Santa Clara Water & Sewer Department that the minimum required fire-flow can be met. Fire Department fire-flow will be based on the current California Fire Code. The most restrictive departments requirement shall apply.
- F4. Prior to Building Permit Issuance, building plans shall show the required number, location and distribution of fire hydrants for the buildings will be based on the current California Fire Code, Appendix C as amended. The required number of fire hydrants will be based on the fire-flow before the reduction for fire sprinklers. Both public and private fire hydrants may be required.
- F5. Prior to Building Permit Issuance, any E/VAE's 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 E/VAE or fire protection equipment
- F6. Prior to any Building Permit issuance, an alternate means or methods permits to mitigate any code deficiency must be submitted and approved. Please submit this permit concurrently with the building plans. Please note specific mitigations may have been discussed during the PCC process. None of these discussions are binding and can only be formally approved through submitting an Alternate Means and Measures (AMM) permit. The AMM permit is formally documenting that and still needs to be submitted.
- F7. Please be aware that emergency rescue openings are required for this project per California Residential Code R310 and locations should be on the front or back side of the house (not the side of the house).

PARKS & RECREATION

- PR1. This memo assumes the Project is a subdivision and the Quimby Act provisions will apply. The project will generate an estimated 66 residents (2.98 persons/household x 22 units). Based on the Quimby Act standard of 3.0 acres/1000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 0.1967-acres. The equivalent fee due in lieu of parkland dedication is therefore \$1,378,608.
- PR2. Final calculations will depend upon the actual number and type of units and the mix of parkland dedicated and remaining fee due, at the discretion of the City.
- PR3. Calculations may change if the number of units change, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if the fee schedule for new residential development fees due in lieu of parkland dedication changes before a project is deemed complete by Planning.
- PR4. Dwelling Unit Tax: a dwelling unit tax (DUT) in the amount of \$700 is also due based on the number of units and additional bedrooms per City Code Chapter 3.15.

POLICE

- PD1. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.
- PD2. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. Consider illuminated numbers during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street. Where multiple units or buildings occupy the same property, each unit/building address shall be clearly visible. A monument sign, preferably at all entrances to the property, should be prominently displayed showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
- PD3. If the project includes any benches, these benches should not be longer than 5 feet in length and should have arm rests at both ends. If the benches are longer than 5 feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends. This helps prevent unlawful lodging and/or skateboarding. Another option to benches could be cubes, knee walls, or other creative types of seating possibilities.

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 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. All work within City of San Jose right-of-way shall require a City of San Jose encroachment permit.
- E5. 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.
- E6. 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.
- E7. 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.
- E8. All storm drain mains and laterals, sanitary sewer mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E9. 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.
- E10. Existing streetlights shall be clear of proposed sidewalk, developer shall relocate as necessary.
- E11. If requested, Developer/property owner 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.
- E12. 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.
- E13. 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.
- E14. Onsite pathways shall be dedicated as private easements, as needed.
- E15. 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.
- E16. Pavement treatment shall be 2" grind and overlay with dig-outs for the full street width of Pruneridge Avenue.
- E17. Traffic improvements must comply with the City of Santa Clara Standard Specifications for Public Works Construction
- E18. Residential bicycle parking shall be a minimum of 8 Class I spaces (one per 3 dwelling units) and 2 Class II spaces (one per 15 dwelling units) per 2007 VTA Bicycle Technical Guidelines.

- E19. Class I and Class II bicycle parking, as defined in SCMC 18.74.075, shall be conveniently accessible from the street, within 200 feet of a building entrance and/or highly visible areas.
- E20. Submit Vehicle Miles Travel and vehicle trip calculations in accordance with the City transportation policy:
<https://www.santaclaraca.gov/our-city/departments-g-z/public-works/engineering/traffic-engineering/transportation-analysis-policy-update>
- E21. Conduct a trip generation analysis for the project. A local transportation analysis (LTA) will be required if the project generates over 100 net new trips.
- E22. Landscape improvements within 10 feet of a driveway must be less than 3 feet or greater than 10 feet per City Standard Detail TR-9.
- E23. All on-site structures (including fences) must be clear of Driveway Visibility Clearance Areas per City Standard Detail TR-9.
- E24. Replace unused/abandoned driveways with new curb, gutter, and sidewalk.
- E25. Design and construct driveway in accordance with City Standard Detail ST-8.

STREETS DIVISION

Landscape

- L1. Include City of Santa Clara Tree Preservation/City Arborist specifications on all improvement plans.
- L2. No cutting of any part of public trees, 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).
- L3. Identified existing mature trees to be maintained. Prepare a tree protection plans for review and approval by the City of Santa Clara prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.

Solid Waste

- 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 or (408) 615-3080 for more information. All collection is to occur on private property using individual toters.
- 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.
- 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. 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.
- SW5. 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.
- SW6. 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.
- SW7. All refuse from all residential, commercial, industrial and institutional properties within the city shall be collected at least once a week, unless otherwise approved in writing (SCCC 8.25.120). Garbage service level required for residential developments (single-family and multi-family) as well as motels and hotels shall be no less than twenty (20) gallons per unit. All project shall submit to the Public Works Department the preliminary refuse service level assessment for approval.

Stormwater

- 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 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.
- ST5. Include the C.3 Treatment Facilities Construction Notes on the Improvement Plans and/or Stormwater Control Plans.
- ST6. During the construction phase, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party concurrence letter on the C.3 facilities construction shall be submitted to the Public Works Department. The City reserves the right to review the 3rd party inspection reports on the C.3 stormwater facilities installation.
- ST7. 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).
- ST8. As-Built drawing shall be submitted to the Public Works Department. Include C.3 Stormwater Treatment Facilities Construction general notes on the improvement plans.

- ST9. 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.
- ST10. 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).
- 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 Department. - Environmental Services at (408) 615-3080 or 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.
- ST12. 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.
- ST13. 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.
- ST14. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST15. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST16. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST17. 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.
- ST18. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST19. The use of architectural copper is discouraged. If such material is used, all wastewater generated by the installation, cleaning, treating, or washing of the surface of copper architectural features, including copper roofs, shall not be discharged to the City's storm drain system.

SILICON VALLEY POWER

- EL1. Drive Aisle A should be a 10' U.G.E.E if its only for electric and public tv and cable companies. Install a joint trench with public tv and cable conduits 1' away from the SVP conduits. This clearance only applies if all conduits are installed at the same time. Reference UG1000 standard for joint trench configuration. Phone and cable conduits should be placed on the side closer to the trees.
- EL2. Any streetlight foundations that conflict with the new location of the SVP trench along Pruneridge Ave, will need to be relocated further back from the front of curb.
- EL3. All streetlighting, low voltage, and fiber systems are to be designed during detailed design.
- EL4. All tie-in points shown on the utility plan along with electrical substructure will be needed prior to the removal of the overhead power lines.
- EL5. All electrical laterals serving parcels on the south side of Drive Aisle A may need easements if it's a private roadway. All easements for SVP should be a U.G.E.E (underground electric easement).
- EL6. Clearances: (Make sure job notes do not conflict with SVP clearance requirements)
 - a. EQUIPMENT
 - i.Ten (10) foot minimum clearance is required in front of equipment access doors. (UG1000 sheet 11)
 - ii.Five (5) foot minimum clearance from pad is required on sides without equipment access doors. (UG1000 sheet 11)
 - iii.Eighteen (18) foot minimum width, shall be provided and maintained on one side of the equipment pad to allow an electric dept. line truck to drive up next to the pad for installation and maintenance of equipment. (UG1000 Sheet 11).
 - iv.Barrier pipes are required only on sides accessible to vehicles. (UG1000 Sheet 12).
 - 1. Thirty (30) inches from side of equipment sides.
 - 2. Forty Eight (48) inches in front of access doors.
 - a. Barrier Pipes in front of access doors shall be removable.
 - b. CONDUITS
 - i.Five (5) foot minimum longitudinal clearance between new conduits or piping systems (open trench installation) and any existing or proposed SVP conduit system. This is for longitudinal. (UG1250 sheet 5)
 - ii.Twelve (12) inch minimum vertical clearance between new conduit/pipes installed perpendicular to existing SVP conduits for open trench installations. (UG1000 sheet 36, UG1250 Sheet 6)
 - iii.Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
 - iv.Three (3) foot minimum clearance is required between sign-posts, barrier pipes or bollards, fence posts, and other similar structures. (UG1250 sheet 10).
 - v.Five (5) foot minimum from new splice boxes, pull boxes, manholes, vaults, or similar subsurface facilities. (UG1000 sheet 8)
 - vi.Five (5) foot minimum clearance from walls, footings, retaining wall, landscape planter, tree root barrier or other subsurface wall or structure. (UG1250 sheet 9).
 - vii.Five (5) foot minimum clearance is required between fire hydrant thrust block. The thrust block extends 5' foot on either side of the fire hydrant in line with the radial water pipe connected to the hydrant.
 - c. VAULTS/MANHOLES

- i. Ten (10) foot minimum clearance is required between adjacent Vaults or Manholes.
 - ii. Five (5) foot minimum clearance is required between adjacent conduits.
 - iii. Minimum 36" from face of curb, or bollards required.
 - d. Poles (Electroliner, Guy Stub poles, service clearance poles, self-supporting steel poles and lighting poles.)
 - i. Three (3) foot six (6) inches clearance is required from poles for open trench installation. Exceptions are for riser conduit. (UG1250 Sheet 7)
 - e. Guy Anchors
 - i. Five (5) foot minimum clearance is required between center of anchor line and any excavation area. (UG1250 sheet 15).
 - f. Trees
 - i. OH 1230 for Overhead Lines
 - ii. SD 1235 for Tree Planting Requirements near UG Electric Facilities
- EL7. Reference listed SVP standards for clearances.
 - a. 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
- EL8. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. SVP will do exact design of required substructures after plans are submitted for building permits.
- EL9. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL10. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL11. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL12. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per SVP Standard MS-G7, Rev. 2.
- EL13. 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).
- EL14. If the "legal description" (not "marketing description") of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. 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.
- EL15. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from an 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide

- sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL16. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL17. Any relocation of existing electric facilities shall be at Developer's expense.
- EL18. Electric Load Increase fees may be applicable.
- EL19. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL20. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
- EL21. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL22. Encroachment permits will not be signed off by SVP until Developers Work substructure construction drawing has been completed.
- EL23. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publicly-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- EL24. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- EL25. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- EL26. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all

clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer 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.*

- EL27. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.
- EL28. 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.
- EL29. High Rise Metering and Multi-Floor Infrastructure Requirements
 - a. Refer to UG0250 – High Density Residential Metering Requirements
 - b. Refer to FO-1901 – Fiber Optic Splicing and Testing Methods
- EL30. 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.
- EL31. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.
- EL32. In events where electric load demand exceeds 2MVA or service size exceeds 4000 Amps at 480V for a building, the Customer shall take service at 12KV. If electric load for a single metered location service exceeds 4.5MVA, additional 12KV service(s) may be provided. 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.
- EL33. 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.
- EL34. No cross-parcel distribution is allowed. SVP service points must be within the parcels that they serve.

WATER & SEWER

- W1. Recycled Water Ready: All onsite plumbing for non-domestic water uses (e.g. irrigation, industrial processes, cooling, etc.) shall be designed for recycled water use and shall comply with all Recycled Water regulations.
- W2. 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.
- W3. 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.

- W4. 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.
- W5. 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.
- W6. 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.
- W7. 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.
- W8. 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.
- W9. 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).
- W10. 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.
- W11. 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.
- W12. 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.
- W13. 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.
- W14. 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.
- W15. 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.
- Water Shortage Response Actions for Stage 2 and higher include water use restrictions that limit the use of potable water such as:
- prohibiting the installation of new potable water irrigation services. new irrigation connections, construction, and dust control.
 - 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 .

VESTING TENTATIVE SUBDIVISION MAP CONDITIONS OF APPROVAL

GENERAL

- G1. 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.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. 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

- B1. Informational: 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.
- B2. Informational: 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.
- B3. Informational: 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: <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.
- B4. Informational: no California construction code review is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division

shall include an overall California Building Code analysis, including; proposed use and occupancy of all spaces (19' CBC Ch. 3), all building heights and areas (19' CBC Ch. 5), all proposed types of construction (19' CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (19' CBC Ch. 7), all proposed interior finishes fire resistance (19' CBC Ch. 8), all fire protection systems proposed (19' CBC Ch. 9), and all means of egress proposed (19' CBC Ch. 10). Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.

- During construction retaining a single company to install all fire rated penetrations is highly recommended.
- The grade level lobbies shall be min.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 a minimum of 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.

B5. Informational: The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.

B6. Informational: Temporary Certificates of Occupancy (TCO) will not be routinely issued and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, Public Works./ Engineering, Fire Prevention, Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Department, with the Building Division being the final approval of all TCO.'s.

PLANNING DIVISION

P1. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&R's) or equivalent instrument assigning and governing perpetual maintenance of the common lot/private street in good condition for the life of the Project, prior to issuance of building permits. Said document shall be recorded along with the Title for each property with the Santa Clara County Recorder's Office.

P2. The Covenant, Conditions and Restrictions for this project shall include language that precludes exclusive storage use of the garage and obstruction of parking spaces in the garage by storage, shall and requires property owners to maintain garages for parking purposes.

FIRE

F1. Prior to Building Permit Issuance, any EVAE's 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.

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 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. All work within City of San Jose right-of-way shall require a City of San Jose encroachment permit.
- E5. 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.
- E6. 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.
- E7. 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.
- E8. 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.
- E9. Onsite pathways shall be dedicated as private easements, as needed.
- E10. 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.

SILICON VALLEY POWER

- EL1. Remove overlapping PUE and UGEE on the north side of Drive Aisle A. It should only be a UGEE and you should install a joint trench to allow for SVP conduits and public tv/cable. In the joint trench configuration conduits need to go in at the same time, 1' apart. Reference UG1000 standard.

WATER & SEWER

- 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.