

## **CONDITIONS OF REZONING APPROVAL**

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the 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**

- C1. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C2. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 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 storm water pollution prevention plan is also required with the NOI.
- C3. Comply with all requirements of Building and associated codes (the CBC, CEC, CMC, CPC, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.
- C4. It shall be the Developer's responsibility through his engineer to provide written certification that the drainage designs for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The Developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
- C5. The Developer shall comply with the Mitigations Monitoring and Reporting Program identified in the Initial Study / Mitigated Negative Declaration, and shall be incorporated in the Conditions of Approval for this project.
- C6. Developer shall submit to the City Covenant, Conditions, and Restrictions (CC&Rs) or equivalent instrument assigning and governing perpetual maintenance of building,

- landscaping, and private on-site infrastructure 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.
- C7. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
  - C8. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
  - C9. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
  - C10. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
  - C11. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.
  - C12. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and stormwater BMPs consistent with the O&M agreement throughout the life of the project.
  - C13. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.
  - C14. Site landscaping shall be maintained in good condition throughout the life of the Development and no trees shall be removed without City review and approval.

- C15. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with 24-inch box, a 1:1 with 36" box specimen trees reviewed, or equal alternative as approved by the Director of Community Development.
- C16. 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.
- C17. Construct eight-foot fence along property lines abutting residential properties in accordance with Zoning Ordinance requirements or to the satisfaction of the Director of Community Development.
- C18. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C19. Minor changes to the project would be subject to Planning Division review and approval prior to issuance of building permits.
- C20. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays and Sundays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 A.M. to 6:00 P.M. following on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. Construction activity shall not be allowed on recognized State holidays, as noted in Section 9.10.230 of the SCCC, as amended.
- C21. The CC&Rs shall include fines for not using the garages as parking spaces for vehicles.
- C22. The CC&Rs shall include fines for not keeping the garages free of clutter for two-parking spaces.
- C23. The CC&Rs shall include an installation of a parking sign with time limitation for guest parking.
- C24. The CC&Rs shall include fines for over staying in the guest parking spaces.
- C25. Each proposed garage shall have two open and accessible parking spaces. Violation of this condition could result in a fine as set forth in the City of Santa Clara City Code, Chapter 1.10 Administrative Penalties – Citations.

## **ENGINEERING**

- E1. With the required Boulevard Style street section, required trees to be planted at the 4' wide planter strip will be conflict with the existing utilities. Any utilities that are in conflict (does not have the minimum clearance from proposed trees) shall be relocated away to satisfy City's clearance between utilities in accordance with the City Design Criteria and the Boulevard Style street section mentioned in the meeting.
- E2. Sanitary sewer (SS) laterals shall be VCP or SDR-26 PVC (6" diameter minimum if serving 5 or more dwelling units, 4" diameter minimum if serving less than 5 dwelling units ) and have a minimum slope of 2%. The minimum cover for lateral from top of curb shall not be less than 4.5 feet.
- E3. Connection of the new Sanitary Sewer lateral to the existing Sanitary Sewer main shall be per City standard details SS-2 and SS-3 for laterals 6" or less. Standard Manhole is required for sizes larger than 6".
- E4. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater. 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.
- E5. Existing non-standard or non-ADA compliant frontage street improvements shall be replaced with current City standard ADA compliant frontage improvements.
  - E6. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
  - E7. 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 included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
  - E8. 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.
  - E9. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
  - E10. 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.
  - E11. File and record Subdivision Map to create parcels for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.
  - E12. With the Boulevard Style street section, required trees to be planted at the 4' wide planter strip will be conflict with the existing utilities. Any utilities that are in conflict (does not have the minimum clearance from proposed trees) shall be relocated to satisfy City's clearance between utilities and trees and between utilities in accordance with the City Design Criteria and the Boulevard Style street section.
  - E13. Placement of proposed utilities shall meet the City's minimum clearance requirements between utilities to utilities and utilities to tree(s).
  - E14. 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.
  - E15. Dedicate required any on-site easements for any new public utility/facility/sidewalk, by means of subdivision map or approve instrument at time of development.
  - E16. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
  - E17. 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.
  - E18. Provide minimum 5' wide sidewalk separated by a 4' wide planter strip along the property frontage on Pomeroy Avenue.

- E19. All proposed driveways shall be City standard ST-5 driveways. The minimum width of the driveway shall be 24'.
- E20. Show and comply City's driveway Triangle of Safety (sight distance) requirement at proposed driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety obstruction areas.

### **ELECTRICAL**

- EL1. 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. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL4. 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.
- EL5. 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 Silicon Valley Power Standard MS-G7, Rev. 2.
- EL6. 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).
- EL7. 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. 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.
- EL8. 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 a 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.
- EL9. 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.
- EL10. Any relocation of existing electric facilities shall be at Developer's expense.
- EL11. Electric Load Increase fees may be applicable.
- EL12. 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)).
- EL13. 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)).
  - EL14. 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.
  - EL15. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
  - EL16. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-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.
  - EL17. 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.
  - EL18. 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.
  - EL19. SVP does not utilize any sub-surface (below grade) devices in it's system. This includes transformers, switches, etc.
  - EL20. All meter rooms are to have direct, outside access through only ONE door. Meters must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
  - EL21. 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
  - EL22. 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.

**WATER**

- W1. Prior to issuance of Building Permits, the applicant shall submit plans showing existing sanitary sewer laterals and a clean out at the property line for each sanitary sewer lateral. For pipe sizes 8-inch or greater, a sanitary sewer manhole is needed.
- W2. Prior to issuance of building permit, the applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the proposed 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).
- W3. If bio-retention areas are proposed for this project, they shall not be located closer than 5-feet from any water service and no water facilities shall cross any bio-retention areas. All fire hydrants that are located within the frontage of the project site shall be relocated 2' behind the back of walk, in the landscape area, per Water and Sewer Utilities standard detail no. 18.
- W4. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and shrubbery) so that the Water Department can verify conflicts for proposed water service locations.
- W5. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. The applicant must properly abandon all existing services on the property that will not be used per Water & Sewer Utilities standards, and indicate existing main size, type, and service lateral tap.
- W6. If public water services are installed onsite, the applicant shall provide a dedicated water utility easement around the meters. 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.

**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 of the individual buildings shall be clearly visible from the street and shall be a minimum of six (6) inches in height and a color contrasting with the background material. Consider illuminated numbers during hours of darkness to aid in visibility. Individual apartment/separate resident numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material, and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building addresses shall be clearly visible.
- PD3. Landscaping should follow the National Institute of Crime Prevention standards. That standard describes bushes/shrubs not exceeding 2' in height at maturity, or maintained at that height, and the canopies of trees should not be lower than 6' in height. Hostile vegetation is encouraged along the fence and property lines and under vulnerable windows.
- PD4. Lighting for the project to be at the IES (Illuminating Engineering Society of North America) standards and include the features listed below:

- White light source
- Pedestrian Scale
- Full cut-off or shoebox design
- Unbreakable exterior
- Tamperproof Housings
- Wall mounted lights/10' high

These features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.

PD5. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.

PD6. For each individual address (unit, suite, etc.), phone company records (specifically '911' patch) shall reflect the actual address the phone is located.

## **FIRE**

F1. Prior to Building Permit Issuance, provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler systems designed in accordance with California Fire Code § B105.1(1).

F2. Prior to the Start of Construction Fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.

### **Hazardous Materials Closure, Site Mitigation, Demolition Application:**

F3. Area is known for historical agricultural land use. Project shall have a site safety plan to address any potential exposures to legacy contaminants. A copy of this plan is to be submitted to Santa Clara Fire Department for review.

## **STREETS**

### **SOLID WASTE**

ST1. Projects greater than 5,000sqft shall recycle at least 50% of construction and demolition waste. Applicant shall track and report on project recycling. This may be done through the City's online tracking tool at <http://santaclara.wastetracking.com>.

### **STORMWATER**

ST2. Single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious area shall implement at least one of the following site design measures on site: 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, or c.) construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces.

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



**PARKS AND RECREATION**

- PR1. Quimby Act. This memo assumes the Project is a subdivision and the Quimby Act provisions will apply. This project will generate an estimated 9 new residents (2.24 persons/household x 4 units). Based on the Quimby standard of 3.0 acres/1000 residents, the amount of public parkland required for this Project to mitigate impact of the new resident demand is 0.0269 acres. The equivalent fee due in lieu of parkland dedication is \$112,933.
- PR2. Fee Due In Lieu of Parkland Dedication. The City is open to accepting a fee in lieu of parkland dedication as this project contains 4 parcels. For subdivision of 50 parcels or fewer, the City may impose a fee only.
- PR3. Dwelling Unit Tax Calculation. According to City Code 3.15, a dwelling unit tax is also due based upon the number of units and additional bedrooms. The tax is due upon application and refundable if Project is not approved. The project mix includes: 4 - four bedroom units: [(\$15 x 4 bedrooms) + (\$5 x 12 additional bedrooms)] for a total DUT of \$120.
- PR4. Parks & Recreation Department Comments/Questions/Requirements. Initial calculations may change if the number of units and/or the number of bedrooms changes, if fees change prior to Project approval, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if City Council makes changes:
- Quimby Act provisions of 17.35:
    - Equivalent Fee Due In Lieu of Parkland Dedication: \$112,933.
  - Potential Credits: \$0
  - Dwelling Unit Tax Due: \$120.
- PR5. Summary of Total Fees Due. \$112,933 + \$120 = **\$113,053**

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COA Rezone - 1075 Pomeroy Ave PLN2016-12235.doc