

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 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, lighting, signage, and stormwater management plan.
- C2. The Developer must provide third party verification of the stormwater management plan for conformance with C3 requirements as part of the architectural submittal.
- C3. 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.
- C4. The composite utility and tree layout 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.
- C5. The project site is located in Seismic Hazard Zone as identified by the State Geologist for potential hazards associated with liquefaction, pursuant to the

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- Seismic Hazard Mapping Act (Div.2 Ch7.8 PRC), and the Developer shall prepare and submit a geotechnical hazards investigation report acceptable to the City of Santa Clara Building Official prior to issuance of permits.
- C6. It shall be the developer's responsibility through his/her engineer to provide written certification that the drainage design 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 stormwater 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.
- C7. Developer is required to prepare a project-specific acoustical analysis to ensure that the design of the project is sufficient to reduce interior noise levels to 45 dBA CNEL or less. Forced air mechanical ventilation shall be incorporated into all residential units facing Kiely Boulevard and the service alley so that windows may be kept closed at the discretion of the building occupants to control environmental noise intrusion. Special building sound insulation treatments may be required for residential façades with views of Kiely Boulevard and the service alley. These treatments would include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what treatments are necessary would be determined on a unit-by-unit basis. The results of the analysis, including the description of the necessary noise control treatments to achieve acceptable noise levels inside the living units, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit.
- C8. Garages shall be accessible for two-car covered parking and labeled as such on the building permit plans.
- C9. The Developer shall comply with disability accessibility requirements of applicable State and Federal Fair Housing regulations.
- C10. Prior to issuance of building permits, the Developer shall provide evidence of an agreement with the owner(s) of the abutting Moonlite Shopping Center for allowed use of the existing alley along the north property line of the project site for vehicle and pedestrian access by Project residents, tenants and delivery/service/utility personnel to the satisfaction of the City Attorney. The Agreement shall be recorded with the County prior to issuance of building permits.
- C11. Prior to issuance of a demolition permit, Developer 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.

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- C12. 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 Notice of Intent (NOI) shall be sent to the City Building Inspection Division. A stormwater pollution prevention plan is also required with the NOI.
- C13. Submit as-built on-site plans prepared by a registered civil engineer showing all utilities serving the subject property.
- C14. The Developer shall submit a truck hauling route for demolition, soil, debris and material removal, and construction to the Planning Department for review and approval prior to the issuance of demolition and building permits.
- C15. Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The applicant shall post a sign with contact information for the disturbance coordinator in a location clearly visible from the public right-of-way, for the duration of project construction. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.
- C16. 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, Sundays and State and federal holidays for projects within 500 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. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 500 feet of a residential use, and prohibited on Sundays and State and federal holidays.
- C17. 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.
- C18. 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 trees, or equal alternative as approved by the Director of Community Development.
- C19. The Developer shall provide not less than ten percent (10%) of the units to affordable households made available at affordable sales prices to extremely low, very low, low and moderate income households as long as the distribution of affordable units averages to a maximum of 100 percent 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). Prior to issuance of Building Permits, the Developer shall enter into an Affordable Housing Agreement with the City that will determine the Affordable Sales Price, identify the actual units to be sold as Affordable Units, and apply all terms and

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- covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development.
- C20. Obtain City approval for name of the private street prior to Final Map approval.
 - C21. 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.
 - C22. The CC&R's for this project shall include language that precludes exclusive storage use of the garage and obstruction of parking spaces in the garage by storage, and requires property owners to maintain garages for parking purposes.
 - C23. Individual garbage and recycling containers shall be kept out of sight from the public right of way and private driveway until collection day.
 - C24. Provide automatic garage door openers and roll-up garage doors.
 - C25. Garages shall be prewired to allow for level 2 electrical vehicle charging at 30 amps minimum.
 - C26. Project shall comply with the mitigation measures identified in the Mitigated Negative Declaration for the Moonlite Lanes Townhomes Project.
 - C27. Reserve one of the visitor parking spaces as a ride-share parking space, if feasible.
 - C28. Reserve overhead storage in the garages as an option for buyers of each unit.

ENGINEERING

- E1. 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.
- 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 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.
- E3. 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.
- E4. 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.

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- E5. 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.
- E6. Developer shall provide a complete storm drain (SD) study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E7. Submit SD calculations to show that the proposed realigned storm drain main has equal or greater capacity than the existing main.
- E8. After City Council approval of the Tentative Subdivision, submit 10 copies of the Final 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. The City approved Final Map shall be recorded by developer prior to building permit issuance.
- E9. File and record Final Map for proposed development and pay all appropriate fees prior to issuance of the Building Permit.
- E10. The sanitary sewer (SS) mains serving the site not included in the Sanitary Sewer Hydraulic Model along the existing alley and utility easement adjacent to the northerly line of property were monitored in the field by the developer. The field monitoring information along with the SS discharge information submitted by the developer were analyzed by developer's Civil Engineer and determined that said SS mains currently have enough conveyance capacity to accommodate the proposed development. The Civil Engineer's results may change based on pending development applications and future projects. The Civil Engineer's results do not guarantee or in any way reserve or hold SS conveyance capacity until the Developer has final approval for the project.
- E11. In conjunction with installation of off-site improvements, the entire width of Kiely Blvd along property frontage shall require cape sealing with dig outs.
- E12. Developer shall provide a 16' minimum clear space along the proposed 15" SD line on the property for maintenance of this SD line. Place the 15" SD line in the center of this clear space. Trees shall not be placed within the 16' clear space.
- E13. Trees shall be placed such that the drip line of mature trees shall not encroach into the proposed 10' wide proposed SD easement or the proposed storm drain main shall be 10' clear of the tree trunks whichever is greater. Other SD 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.
- E14. 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.

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- E15. The catch points over the proposed SD main on property shall be standard manholes with grates.
- E16. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction. Existing SD easement shall be vacated after the dedication of replacement easements, including the required overland release storm drain easement with capacity to convey the 100-year storm event with no localized ponding in the public right-of-way.
- E17. Dedicate, as required, on-site easements for new sidewalk, storm drain main, storm drain overland release, and any other new utilities by means of parcel/final map or approved instrument at time of development.
- E18. Provide minimum 5' wide sidewalk with 4' wide landscape strip along Kiely Boulevard frontage.
- E19. Show and comply with City's driveway Triangle of Safety requirement at proposed driveway. Visual obstructions over 3' in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
- E20. Provide ADA walkway connecting the proposed building to public sidewalk.
- E21. All proposed sidewalk, walkway and driveways shall be ADA compliant City standard.
- E22. All proposed driveways shall be per City Standard ST-8.
- E23. All proposed on-site driveways and paths shall accommodate fire truck/engine turning template.
- ~~E24. Provide loading/unloading zones on-site.~~
- E25. Provide space for trash pick-up on-site.
- E26. On-street parking shall not be counted toward on-site parking requirement.
- E27. For the current proposed 58 units townhomes, provide the following minimum bicycle parking spaces at the main entrance and/or high visible areas: Four (4) Class II Bicycle spaces

ELECTRIC

- 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 (SVP) 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.

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- 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 SVP 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. 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.
- 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' area away from the actual transformer pad. This area in front of the transformer may be reduced from an 8' apron to a 3', providing the apron is back of a 5' minimum wide sidewalk. Transformer pad must be a minimum of 10' 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 5' from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in public utility easements 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)).

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- 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 SVP until Developers Work substructure construction drawing has been completed.
- EL16. All SVP-owned equipment is to be covered by an Underground Electric Easement (UGEE). This is different than a public utility easement. 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. 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.
- EL20. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.
- EL21. 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.

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FIRE

- F1. Emergency escape and rescue window ladder pads and pathways to the ladder pads) shall have no “gaps”, and shall be all-weather surface or an approved alternative material(s) acceptable to the Santa Clara Fire Department (SCFD). Please refer to the SCFD Emergency Escape and Rescue Windows/Ladder Pads standard.
- F2. All legal documentation for the existing “alley” (north of the project) shall be provided to show that this fire truck access roadway will be maintained as such.
- F3. Required fire flow for one- and two-family dwellings, Group R-3 and R-4 buildings and townhomes: 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).
- F4. Prior to building permit Issuance, the required number, location and distribution of fire hydrants for the building based on the California Fire Code, Appendix C, Table C102.1 shall be incorporated into the construction documents. The required number of fire hydrants shall be based on the fire-flow before the reduction.
- F5. Prior to building permit Issuance, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the Fire Prevention and Hazardous Materials Division.
- F6. Prior to the start of construction, fire protection water supplies shall be installed and made serviceable before initiation of construction or before combustible materials are moved onsite; unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.
- F7. Prior to the issuance of the building permit, construction documents for the fire department apparatus access roads are required submitted to the Fire Prevention and Hazardous Materials Division. Access roadways shall be provided to comply with all of the following requirements:
 - a. Fire access roadways shall have a “minimum” unobstructed vertical clearance of not less than 13 feet 6 inches. Aerial apparatus access roads may require additional vertical clearance.
 - b. All fire department access roadways shall be an all-weather surface material designed to support the imposed load of fire apparatus with a gross vehicle weight of 75,000-pounds.
 - c. The grade for emergency apparatus access roadways shall not exceed 10 percent to facilitate fire-ground operations.
 - d. Traffic calming devices are not permitted on any designated fire access roadway, unless approved by the Fire Prevention & Hazardous Materials Division.

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- F8. Prior to issuance of a building permit, Steps 1 through 3 summarized below must be addressed. The development projects Phase I and/or Phase II environmental documents will be the project guiding documents:
- a. **Step 1** – Hazardous Materials Closure (HMCP): This is a permit is issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developers due diligence. The hazardous materials closure plans demonstrates that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
 - b. **Step 2** – Site Mitigation: Site mitigation is the cleanup or management of chemical contaminants in soil, soil vapor or groundwater. The type and extent of contamination on site(s) governs which of the regulatory agencies noted below will supervise the cleanup.
 - Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division (CUPA)
 - Department of Toxic Substances Control (DTSC)
 - State Water Resources Control Board
 - Santa Clara County, Department of Environmental Health.
 - c. **Step 3** – Community Development, Building Division Demolition Application: For the majority of projects within the City of Santa Clara, Steps 1 and/or 2 described above need to be completed prior to proceeding to demolition application in order to avoid permit approval delays. The purpose of a demolition permit is to ensure that the parcel is clear of debris and other health hazard material (lead, asbestos, etc.) and that the utility connections have been plugged and sealed.
- F9. A hazardous materials closure permit is required to be obtained from the Fire Prevention & Hazardous Materials Division immediately since one was not completed by the previous owner/tenant. Prior to issuance of a Building Permit, a Phase II environmental report is required to be submitted for review and approval.

WATER

- W1. The applicant shall bear the cost of any relocation or abandonment of existing water and sewer facilities required for project construction to the satisfaction of the Director of Water & Sewer Utilities.
- W2. Dedicated water service is required for common area irrigation/landscaping needs
- W3. 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 on-site public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities.

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- W4. No structures (fencing, foundation, bio-filtration swales, etc.) allowed over sanitary sewer and/or water utilities and easements.
- W5. If the water services are installed behind the public right of way, then the water utility easement for meter services and all other public water infrastructure is required. The water utility easement shall be a minimum 15 feet wide without overlapping any other public utility easement.
- W6. 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.
- W7. Approved reduced pressure detector assembly device(s) are required on all fire services. The applicant shall submit plans showing existing and proposed fire service upgraded with reduced pressure detector assembly device, as per city standard 17, to the satisfaction of the Director of Water & Sewer Utilities.
- W8. Applicant shall submit plans showing proposed water, sanitary sewer, and fire service 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 use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main.
- W9. Prior to the issuance of Building Permits, the applicant shall provide fixture unit counts so the Water Division can verify the appropriate size of all proposed water meters.
- W10. 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.
- W11. 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.
- W12. Prior to issuance of Building Permits, the applicant shall provide plans for the design of private on-site water distribution facilities to be maintained by owner or property owner's association with water/fire needs served by master meter(s) at the public street right-of-way, to the satisfaction of the Director of Water and Sewer Utilities.
- W13. Prior to issuance of Building Permits, the applicant shall submit 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

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water utility installations and all other improvements encroaching public water utilities.

- W14. Coordinate all proposed fire hydrant locations with the Fire Department.
- W15. The plans show two fire hydrants near the alley. The plans also show a wall spanning the property line, adjacent to the alley. Applicant shall incorporate a gate in the wall at the fire hydrant locations so that there is direct, drive-up access to the hydrants.
- W16. The applicant shall coordinate fire service review, approval, and installation for each townhome with Santa Clara Fire Department.
- W17. Applicant shall provide a detail of the wall footing near the alleyway at the border of the property. If public fire hydrants are incorporated into the design, the wall footing shall span over the hydrant lateral.
- W18. The plans show two fire hydrants near the alley. The plans also show a wall spanning the property line, adjacent to the alley. Applicant shall incorporate a gate in the wall at the fire hydrant locations so that there is direct, drive-up access to the hydrants.
- W19. No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer and/or water utilities and easements.

STREETS

- ST1. Stormwater Control Measures shall be inspected during construction for conformance to plans by a qualified third party consultant from the SCVURPPP List of Qualified Consultants. A copy of the consultant's approval letter shall be provided to the Public Works Department, Street Division.
- ST2. Property owners shall enter into an Inspection and Maintenance (I&M) Agreement with the City for all installed Stormwater Control Measures in perpetuity. Applicants shall contact Karin Hickey at 408-615-3097 or KaHickey@santaclaraca.gov to complete the agreement. The most recent version of the I&M Agreement can be found on the City's website at: <http://santaclaraca.gov/government/departments/public-works/environmental-programs/urban-runoff-pollution-prevention/stormwater-resources>
- ST3. Developer shall install an appropriate stormwater pollution prevention message such as "No dumping – flows to bay" on any storm drains on private property upon construction.
- ST4. Since this project involves disturbing a land area of one-acre or more, the Developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) 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 (SWPPP) is also required with the NOI, and active projects will be inspected by the City once a month during the wet season (October - April).
- ST5. 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

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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.

- ST6. All overflow drains or inlets to the storm drain system that are installed within a landscaped self-retaining area shall be set at an elevation of at least 3 inches above the low point to allow ponding. The overflow drain or storm drain inlet elevation should be high enough to allow ponding throughout the entire surface of the self-retaining area.
- ST7. Self-treating areas (conserved natural spaces, landscaped areas such as parks or lawns, green roofs, and areas paved with turf block) may discharge directly to the storm drain system provided that they do not receive runoff from any adjacent impervious areas. If runoff from a self-treating area co-mingles with the C.3.d amount of runoff from impervious areas, then the stormwater treatment measure shall be hydraulically sized to treat runoff from both the self-treating area and the impervious areas.
- ST8. Any site design measures used to reduce the size of stormwater treatment measures shall not be removed from the project without the corresponding resizing of the stormwater treatment measures.
- ST9. Applicant to comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discards 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. After completion of project, applicant shall submit a construction and demolition debris recycling report as stipulated by ordinance, or be subject to monetary, civil, and/or criminal penalties. This may be done through our online tracking tool at <http://santaclara.wastetracking.com/>.
- ST10. In the event of new zoning designation, project proponents shall contact the Street Division at 408-615-3080 to verify if property falls within exclusive franchise area. If so, this may result in having to use the City's exclusive franchise hauler and rate structure for solid waste services.
- ST11. Garbage collection trucks shall be provided a minimum outside turning radius of 40 feet and vertical clearances of 14.5 feet in drive mode and 20 feet in service mode.

POLICE

- PD1. Address numbers of the individual residential 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. Numbers shall be illuminated during hours of darkness so first responders can easily identify the address. A monument sign, preferably at all dedicated entrances to the property, shall be prominently displayed, showing all unit/building numbers, addresses, etc.
- PD2. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the address shall be displayed to both the front and rear of

CONDITIONS OF REZONING APPROVAL

- the individual buildings. Where an alley, driveway, etc. provided vehicular access, address numbers shall be clearly visible from that access.
- PD3. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along the fence and property lines and under vulnerable windows.
- PD4. Provide a minimum illumination of one-foot candle in carport, parking areas, and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- 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. It is recommended that each residence have an electronic intruder alarm system installed. If alarms all installed, they shall be registered with the alarm administrator at Santa Clara Police Department (408) 615-4700.
- PD7. The developer shall meet the City of Santa Clara's guidelines established for radio signal penetration, detailed in the Communications Department's Public Safety Radio System Building Penetration Guidelines. The intended use of telecommunications sites shall be clearly and accurately stated in the use permit. The signal, of whatever nature, of any communications facility or system, shall in no way whatsoever interfere with or affect any police communication or police communication system.
- PD8. Public Safety Radio Systems Penetration Guidelines have been established by the city of Santa Clara Communications Department for radio signal penetration during emergencies. The developer is advised that the project may be required to install equipment for adequate radio coverage for the City Of Santa Clara Radio communications System, including but not limited to Police & Fire emergency services. The developer should contact the director of communications at (408) 615-5571 for high rises.
- PD9. When in the opinion of the fire code official, a new structure obstructs the line of sight of emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

PARKS AND RECREATION

- PR1. 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:
 - i) Public Parkland Dedication Amount: 0.3898 acres
 - ii) Equivalent Fee Due in Lieu of Parkland Dedication: \$1,551,260
 - Potential Credits: \$0

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- Dwelling Unit Tax Due: \$1,400
- Summary of Total Fees Due: $\$1,551,260 + \$1400 = \$1,552,660$

PR2. The dens must remain a den; otherwise additional DUT will apply prior to occupancy.