

CONDITIONS OF TENTATIVE PARCEL MAP 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. The project shall comply with the Conditions of Rezone and Architectural Review Approval.

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. The sanitary sewer (SS) discharge information (i.e., building use, square footage, point of connection to the public system, and 24-hour average and peak SS flow graphs for the peak day, showing average daily and peak daily SS flows) submitted by the developer was added to the City's Sanitary Sewer Hydraulic Model (SSHM) to determine if there is enough SS conveyance capacity in the SS trunk system to accommodate the proposed development. The SSHM output indicates that there should be enough SS conveyance capacity to accommodate the proposed development (RMC Report dated May 5, 2015). The SSHM output may change based on pending development applications and future projects. The SSHM output does not guarantee or in any way reserve or hold SS conveyance capacity until developer has Final Approval for the project. For purposes of this condition, "Final Approval" shall mean the final vote of the City Council necessary for all entitlements to be approved, unless a legal challenge is brought to the Council decisions, in which case the Final Approval shall mean the final disposition of the legal challenge.
- E4. Parts of the sidewalk and driveway along El Camino Real will encroach into private property. Property owner will be required to dedicate a sidewalk easement for the sidewalk and driveway portions within private property and pay the easement preparation fee. For more information regarding the easement dedication process and fee please call Hung Luu of our staff at (408) 615-3047.
- E5. An Encroachment Agreement is needed for any non-standard private improvements in the public right of way and City easements.
- E6. All work with the El Camino Right of Way will require an Encroachment Permit from Caltrans.
- E7. Provide a 72" new storm drain main on Benton Street outside the sidewalk and along the alignment of the existing 27" storm drain main and along El Camino Real to connect to the new manhole south of

Harrison Street. The 72" storm drain main is required to maintain the capacity of the existing 60" storm drain main on Sherman which is proposed to be removed. The new 72" storm drain line will replace the existing 27" storm drain line along Benton Street. The new 72" storm drain line will need to be in operation before the existing 60" storm drain main along Sherman Street is vacated.

- 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. Proposed trees shall be 5' minimum clear of sidewalks. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees.
- E10. Sanitary sewer and storm drain mains and laterals to be removed shall be removed to City standards.
- E11. 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.
- E12. 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.
- E13. 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.
- E14. Dedicate, as required on-site easements for new public utilities and/or sidewalk by means of a parcel/Final map or approved instrument at time of development.
- E15. Show and comply with City's Driveway Triangle of Safety requirement at all existing and proposed driveways and City's intersection visibility requirements at all intersections including the intersections of El Camino Real/Benton and Alameda. Visual obstructions over three feet 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.
- E16. 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.
- E17. 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.
- E18. File and record parcel map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E19. Obtain release of all applicable covenants and pay appropriate processing fees.
- E20. Obtain Council approval of a resolution ordering vacation of the portion of street right-of-way proposed to be abandoned, through the Engineering Department, and pay all appropriate processing fees, prior to start of construction within said proposed to be abandoned street right-of-way. Street Vacation Notification to nearby properties and Public hearing shall be required for Fremont Street and Sherman Street vacation.
- E21. 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.
- E22. All proposed on-site driveways and paths shall accommodate fire truck/engine turning template.
- E23. All proposed walkway, sidewalk, driveways and curb ramps shall be ADA compliant.
- E24. Provide ADA walkways connecting the buildings to public sidewalks.
- E25. Two ADA City Standard curb ramps per corner shall be provided at the northwest and southwest corners of El Camino Real/Benton, southwest and southeast corners of Benton/Sherman, northeast

corner of Benton/The Alameda, and northwest and southwest corners of The Alameda/Fremont intersection. Two ADA City Standard curb ramps shall be provided at north side of Benton at Sherman and one curb ramp east side of The Alameda at Fremont. New curb ramps shall be City Standard ST-14 or ST-15.

- E26. Standard crosswalks shall be provided to connect/align with existing and new curb ramps. Existing continental style crosswalk at the south side of The Alameda/Fremont intersection shall be removed and replaced with standard crosswalk.
- E27. The northwest corner of the intersection of El Camino Real/Benton shall be squared off so that the west side face of curb on Benton aligns with the east side face of curb and to reduce crossing distance for pedestrians. Modify and upgrade the traffic signal system at the northwest corner of El Camino Real/Benton to current standards. Restripe crosswalks to align with the new curb ramps and to make the crossing distance shorter.
- E28. Provide space for loading/unloading zones on-site.
- E29. Provide space for trash pick-up on-site
- E30. All proposed driveways shall be City standard driveways per ST-8 or ST-9
- E31. Two ADA City Standard curb ramps per corner shall be provided at the northwest and southwest corners of El Camino Real/Benton.
- E32. Two ADA curb ramps shall be provided at the southeast and southwest corners of Benton/Sherman. One ADA curb ramp each shall be provided at both the northeast and northwest corners of Benton/Sherman for crossing across Benton Street.
- E33. Provide bulbout at the northeast corner of The Alameda and Benton St. Two ADA curb ramps shall be provided at the northeast corner of Benton/The Alameda.
- E34. Provide one curb ramp at the southeast corner of Alameda and Fremont St for crossing across Alameda St. and one curb ramp at the northwest corner.
- E35. Remove existing high visibility crosswalk south of Fremont St. across Alameda St. and replace with standard crosswalk.
- E36. All proposed traffic striping, messages, and symbols shall be thermoplastic.
- E37. Seal pavement cracks and slurry seal entire Benton Street from El Camino Real to The Alameda prior to final striping.
- E38. Remove existing PCC pavement on The Alameda between Harrison and Benton St. and replace with AC pavement.
- E39. Development shall comply with and implement EIR and TIA identified mitigation measures.
- E40. Provide bus duckout/bus pad, passenger pad, and bench per VTA standards along Benton St. property frontage just west of El Camino Real.
- E41. Provide 4' 6" wide Class II bicycle lane not including the gutter pan width along Benton Street.
- E42. Provide minimum 11'6" wide vehicle lanes along Benton St.