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. All development, construction and uses shall comply with all applicable codes, regulations, ordinances and resolutions that are not otherwise altered by the specific development entitlements for the Gateway Crossings Project.

C2. It shall be the Developer's responsibility through his 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.

C3. The project site is located in Seismic Hazard Zone as identified by the State Geologist for potential hazards associated with liquefaction, pursuant to the 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.

C4. 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.

C5. 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.

C6. 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. The Developer must provide third party verification of the stormwater management plan for conformance with C3 requirements as part of the architectural submittal.

C7. Provide trash enclosure, the location and design of which shall be approved by the Director of Community Development prior to issuance of any building permits. Roofed enclosures with masonry walls and solid gates are the preferred design. All trash enclosures should be constructed to drain to the sanitary sewer.

C8. Submit complete landscape plans, including irrigation plan and composite utility and tree layout overlay plan, for Planning Division review and approval with installation of required landscaping prior to the issuance of occupancy and or final building permits. The landscape plan shall include type and size of proposed 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 and may require the addition of super-soil where electric, water, and sewer utilities are in proximity. If a City approved TRB is used the TRB must be a minimum of 5 feet from the public water, storm and sewer facility with the tree behind the TRB, and specified on the plan.

C9. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.

C10. Obtain a Site Development Permit from the City of San Jose Planning Department for the portion of the project site located in the City of San Jose for landscape improvements as part of the landscape plan for the Gateway Crossings Project, prior to issuance of building permits.

C11. 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.

C12. Submit as-built on-site plans prepared by a registered civil engineer showing all utilities serving the subject property.

C13. 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 and shall require Planning Division review and approval.

C14. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

C15. 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.

C16. The project shall comply with the conditions set forth in the Development Agreement in effect between the City of Santa Clara and TOD Brokaw, LLC.

C17. The project shall comply with the mitigation measures identified in the Environmental Impact Report and Mitigation Monitoring or Reporting Program for the Gateway Crossings Project.

C18. The Developer shall comply with disability accessibility requirements of applicable State and Federal Fair Housing regulations.

C19. Permitted uses within the commercial space of the project shall be consistent with the Community Commercial (CC), Neighborhood Commercial (CN), and General Office (OG), with the exception of auto service uses, landscaping nurseries, mortuaries, lodges or clubs which shall be prohibited.

C20. The Developer is required to prepare, institute, and monitor a Transportation Demand Management (TDM) Plan to reduce vehicle miles travelled by 20 percent of which 10 percent is achieved through TDM measures. TDM measures are to include, but are not limited to providing ongoing transit passes (i.e. annual Eco Pass and/or Clipper Card) for all interested tenants of the rental units at no additional cost to the residents for transit use.

C21. The initial TDM plan shall be completed by a qualified (as determined by the Director of Community Development) third-party consultant prior to the issuance of an occupancy permit. Said plan shall be reviewed and approved by the Director of Community Development. Each calendar year, an annual review of the TDM plan shall be completed by a qualified third-party consultant, and the third-party consultant shall submit the TDM annual report covering the prior calendar year to the Planning Division for review and approval on or before February 28th of each year, to the satisfaction of the Director of Community Development. The Director of Community Development shall have the authority and discretion to require modification of the TDM measures as a means to achieve the identified overall trip reduction targets.

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.

E3. All work within City of San Jose Limit will require an encroachment permit from City of San Jose.

E4. 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 subdivision map and/or issuance of building permits.

E5. Developer is responsible for cost of relocation or modification of any public facility necessary to accommodate subject development.

E6. Dedicate lots A, B, C, D, E, and F as public access easements.

E7. Dedicate emergency vehicle access easement over neighboring property (future Champions Way) prior to issuance of building permits.

E8. Additional public street dedication required for the widening of Coleman Avenue shall be dedicated on the Subdivision Map.

E9. File and record Subdivision Map for proposed development and pay all appropriate fees prior to Building Permit issuance.

E10. Obtain Council approval of a resolution ordering vacation of the portion of existing easement(s) proposed to be abandoned through Engineering Department, and pay all appropriate processing fees.

E11. 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.

E12. Show limits of water ponding and water daylighting for the 100-year storm event.

E13. 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.

E14. 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.

E15. 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.

E16. 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.

E17. All proposed sidewalk, walkway, and driveways shall be ADA compliant per City Standard.

E18. Slurry seal with digouts full width of Coleman Avenue along property frontage.

E19. Reconstruct full width of Brokaw Road, from Coleman Avenue to the southern terminus of Brokaw Road, with 6" AC over 16" AB or 12" Full Depth AC.

E20. Provide ADA walkway connecting the proposed building to the public sidewalk.

E21. Show and comply City's driveway Triangle of Safety (sight distance) requirement at proposed driveways and City's Intersection Visibility Obstruction Clearance (sight distance) at the southeast corner of the Brokaw Road/Coleman Avenue intersection. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety and Corner Visibility Obstruction areas.

E22. Public parking cannot be counted towards on-site parking requirements.

E23. All proposed driveways shall be City Standard ST-8 driveways with the exception of driveways at intersections which may be City Standard ST-10.

E24. The driveway on Coleman Avenue south of the Brokaw Road intersection can be designed as a flared driveway to accommodate trucks.

E25. Brokaw Road typical midblock cross-section shall include minimum 6' wide bicycle lanes and 12' through lanes both eastbound and westbound to accommodate future shuttles/bus to the planned future BART station. Gutter pan shall not be included in the width of the bicycle lane.

E26. Provide a left turn lane, a shared through and left and a separate right turn lane on the eastbound and westbound Brokaw Road approaches at the intersection with Coleman Avenue. On the eastbound Brokaw Road approach provide minimum 10' wide left turn lane, 10' wide shared through and left turn lane and a 14' wide shared bicycle and right turn only lane. Provide 15' receiving lane on Brokaw Road west of Coleman Avenue. On the westbound Brokaw Road approach provide minimum 10' wide left turn lane, 10' wide shared through and left turn lane, and a minimum 11' wide right turn only lane.

E27. Remove existing curb ramp at southwest corner of Brokaw Road/Coleman Avenue along project frontage and install 2 curb ramps per City Standard ST-14.

E28. Provide a right-out only driveway approximately 200' west of Coleman Avenue.

E29. Provide a new traffic signal at the intersection of Brokaw Road/Costco Driveway/Project driveway. At this intersection, provide 6' wide bicycle lanes in both directions, minimum 12' wide eastbound and westbound through lanes and minimum 11' eastbound and westbound left turn lanes.

E30. Provide minimum 11' wide westbound left turn lane at driveway on the western edge of the property.

E31. The first un-signalized driveway on Coleman Avenue approximately 500' south of Brokaw shall be signed for right out only at exit. This driveway can be designed as a flared driveway to accommodate trucks.
E32. Provide a second signalized full access driveway at the south edge of the project site on Coleman Avenue/Champions Way (Future Public Street). Provide a north-south on-site connection between the two Coleman Avenue driveways to allow traffic entering/exiting from the two driveways to circulate on-site.
E33. Dedicate right-of-way along southbound Coleman Avenue to construct third southbound through lane and a bike lane. Widen Coleman Avenue along the property frontage to provide three 11' minimum wide through lanes, 12' wide center two-way left turn lane and a minimum 6' wide bicycle lane.
E34. Provide traffic signal interconnect between the Brokaw Road/Coleman Avenue intersection and the new proposed traffic signal at the south edge of the Project site. Provide traffic signal interconnect to the new traffic signal at the Brokaw Road/Costco Driveway intersection.
E35. Provide minimum 8' wide sidewalk along Brokaw Road with 5' landscape strip along Brokaw Road.
E36. Provide minimum 8' wide sidewalk plus 6' wide landscape strip along Coleman Avenue property frontage.
E37. Coordinate with cities of Santa Clara and San Jose on the design and construction of proposed Champions Way (new Public Street) on the eastern perimeter of the project. Provide 8' wide sidewalk and 6' wide planter strip on the new public street.
E38. Remove existing crosswalks and restripe new crosswalks to align with the new curb ramps at the southeast corner of the intersection of Brokaw Road/Coleman Avenue.
E39. All traffic striping, messages and symbols shall be thermoplastic.
E40. The existing bus stop south of the intersection of Coleman Avenue/Brokaw Road shall be reconstructed just west of its current location due to the widening of Coleman Avenue. Include bus duck out, bus pad, bus shelter and bench per VTA requirements.
E41. Reconstruct traffic signal at northwest and southwest corner of the Brokaw Road/Coleman Avenue intersection to bring signal, poles, and underground infrastructure to current ADA and City standards.
E42. Provide move in/out loading zone on site for residents and business clients.
E43. Provide trash loading zone on site.
E44. The Developer shall comply with the mitigations in the EIR/TIA.
E45. Install "No Parking at Any Time" signs along the project frontage on the south side of Brokaw Road.
E46. For the current proposed units and retail area, provide the following minimum bicycle parking spaces at the main entrance and/or high visible areas:
- 1,600 Units: 533 Class I Bicycle spaces and 107 Class II Bicycle spaces
- 182,000 SF/225 room Hotel: 8 Class I Bicycle spaces
- 15,000 SF Retail area: 1 Class I Bicycle spaces and 4 Class II bicycle spaces

ELECTRICAL

EL1. Prior to submitting any project for Electric Department review, Developer shall provide a site plan showing all existing utilities, structures, easements and trees. Developer 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.

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. 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. Transformer pads are required and must be installed in accordance to standard document UG1000.

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 (PUE) or electric easements.

EL10. Electric Load Increase fees may be applicable.

EL11. 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)).

EL12. 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).

EL13. 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.

EL14. Encroachment permits will not be signed off by SVP until developers Work substructure construction drawing has been completed.

EL15. All SVP owned equipment is to be covered by an Underground Electric Easement (UGEE). 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.

EL16. 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.

EL17. 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.

EL18. All existing SVP facilities, on-site or off-site, 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. Any relocation will be at Developers expense.

EL19. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.

EL20. All interior meter rooms 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.

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. Developer is advised to contact SVP 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.

EL23. The SVP design for this project will need to be coordinated and in sync with the Coleman Highline project which involves office buildings around Avaya Stadium but electric service point inside the City of Santa Clara right-of-way. Applicant responsible for coordinating with all other developers to resolve conflicts.

EL24. The tree landscape area at southwest end of Building 3 will require coordination with Coleman Highline project design. The initial design of SVP system with Developers shows as being the location of customer 12 KV switchgears and SVP vaults.

WATER

W1. The Developer shall coordinate with Mike Vasquez at (408)-615-2006 for water compliance and recycled water inquiries. The City recommends the Developer to explore using the recycled water, instead of potable water for the neighborhood park.

W2. The Developer shall submit plans showing proposed water service and sanitary sewer for each building connected separately to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Additionally, different types of

water use (domestic, irrigation, fire) should be served by separate water services each separately tapped at the water main.

W3. Developer shall submit plans and profiles for the existing 10” water main abandonment and replacement with a new 12” ductile iron pipe, on Coleman Avenue east of Brokaw Road and at the intersection of Coleman Avenue and Brokaw Road, to the satisfaction of the Director of Water & Sewer Utilities. Water main shall be abandoned and replaced at Developer's expense after obtaining approval from the City’s Water & Sewer Utilities Department.

W4. If fire flow information is needed, Developer shall coordinate with Water Department at (408) 615-2000.

W5. Upon completion of construction and prior to the City’s issuance of a Certificate of Occupancy, the Developer shall provide “as built” drawings to the satisfaction of the Director of Water and Sewer Utilities.

W6. Approved reduced pressure detector assembly device is required for the proposed fire service. The Developer shall submit plans showing existing fire service upgrade with reduced pressure detector assembly device, as per city standard 17, to the satisfaction of the Director of Water & Sewer Utilities. Note that the city standard details can be obtained from the City of Santa Clara website under Water and Sewer Utilities Technical Documents.

W7. Fire hydrant shall be located within the landscaping area per City standard detail No. 18

W8. Developer shall coordinate with Fire Department to submit hydraulic calculations for the sprinkler design and obtain an underground fire permit for the proposed fire service.

W9. The Developer shall show the location of all easements. Developer shall note that a water utility easement is required for public water appurtenances installed on private property. Water easement shall not be overlapping with SVP easement. The Water easement for the water services and all other public water appurtenances shall be minimum 15’ wide and be adjacent to the public right of way.

W10. Developer shall adhere to and provide a note indicating all horizontal and vertical clearances. The Developer 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 propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the Developer shall maintain a minimum horizontal clearance (edge to edge) of 10' from existing and proposed trees. If Developer 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).

W11. Proposed 12” of fire/water service connected to existing 12” water main is not permitted. The Developer shall redesign and revise the drawing to show the proposed water and fire service with approved size.

W12. Prior to the issuance of Building Permits, the Developer shall provide fixture unit counts for any water services greater than 2”.

W13. The City recommends the Developer to install sewer clean out or/and manhole at the property line.

W14. The Developer must indicate the correct pipe material and the size of existing water and sewer main(s) on the plans.

W15. Prior to issuance of Building Permits, the Developer shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12” minimum vertical clearance is maintained.

W16. Prior to issuance of Building permits, the Developer 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 conservation periods, to the satisfaction of the Director of the Water & Sewer Utilities. Decorative water features may be permanently connected to the City's recycle water supply.

W17. Approved backflow prevention device is required on all irrigation services. Dedicated irrigation service shall be installed for irrigation purpose.

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.

PD2. Address numbers of the individual residential buildings shall be clearly visible from the street and shall be a minimum of 6" in height and a color contrasting with the background material. Numbers shall be illuminated during hours of darkness. Individual apartment numbers shall be a minimum of 6" 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. A monument sign, preferably at all dedicated entrances to the property, shall be prominently displayed, showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.

PD3. Address numbers should be a minimum of 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.

PD4. 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 the individual buildings. Where an alley, driveway, etc. provided vehicular access, address numbers shall be clearly visible from that access.

PD5. Each distinct unit within the building shall have its address displayed on or directly above both front and rear doors.

PD6. 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.

PD7. 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
- Full cut-off or shoebox design
- Tamperproof Housings
- Pedestrian Scale
- Unbreakable exterior
- Wall mounted lights/10' high

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

PD8. Any required enclosure fencing (trash area, utility equipment, etc.) would preferably be see-thru. If for aesthetic reasons prohibit that, the fencing should have a 6" opening

along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.

PD9. If there is outdoor seating associated with a restaurant or similar business which is near vehicle parking stalls, the outdoor space will be designed to ensure the safety of the public from possible vehicular related incidents.

PD10. If the development includes any benches, these benches should not be longer than 5' in length, and should have arm rests at both ends. If the benches are longer than 5' 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.

PD11. The Developer should install skate stoppers on any low clearance wall of 36" in height or lower to prevent vandalism/damage to the wall from skateboarding or similar activities.

PD12. All exterior doors should be adequately illuminated at all hours with their own light source.

PD13. 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.

PD14. Consider convex mirrors for elevator cabs and at stairwell landings in order to enhance natural surveillance for the user of the elevator.

PD15. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls and interior hallways.

PD16. 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.

PD17. 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.

PD18. 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.

PD19. The parking structure/site should be equipped with a centrally located emergency panic alarm system that reports to a central office. If more than one button/call station is installed, the emergency system should always be in visual distance from another emergency call station. There should not be more than 300' separating each call station, which is the current industry standard.

PD20. "White" light meeting the IES standard should be considered. There should be no "dark" areas inside the structure.

PD21. The interior of the parking structure should be painted a light, highly reflective color. This increases the natural lighting available and can help prevent dark areas that attract criminal activity.

PD22. All entrances to the parking areas (structure, surface, subterranean, etc.) shall be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code section 22658(a) for guidance).

PD23. Alcoves and other visual obstructions that might constitute a hiding place should be eliminated whenever structurally possible. Pillars, columns, and other open construction should be considered over a solid wall design.

PD24. Consider storage, maintenance, and trash rooms within the parking garage having doors which cannot be locked from the inside and that close and lock quickly and automatically upon exit.

PD25. A Coded Entry System is required for police access to enclosed parking lots and gated communities. This can be accomplished with a coded key pad system or the Police Department Knox Box key system. We understand security is a prime concern for the tenants of the project, which necessitates some sort of secure building and admittance process. By having either of these secure access systems for law enforcement, it will allow us to better respond to emergency situations should they arise in the development. Examples of these systems can be reviewed at the following projects:
2585 El Camino Real (Coded key pad access)
3555 Monroe Street (Knox box key access)

<u>The following sections are in reference for the proposed hotel on this site</u>:

PD26. Developer shall contact the Santa Clara Police Department 'Intelligence" unit (408-615-4849) for Alcohol Beverage Control (ABC) licensing review.

PD27. The business shall undergo a 6 month and 1 year review, including a check for ABC violations and police service calls.

PD28. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not limited to, employee security during working hours, after hours security, disaster preparation, etc. For retail uses, especially where there is cash on hand, robbery and cash security protocols should be established. Developers are encouraged to contact the Santa Clara Police Department's Community Services Unit (408-615-4859) for assistance.

PD29. All business or commercial establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, company vehicle parking area, etc.

PD30. The installation and use of interior and exterior security cameras and recording devices is highly encouraged.

<u>FIRE</u>

F1. Prior to Building Permit issuance, the Alternative Materials and Methods (AM&M) application committing to the following shall be submitted and approved:
   a. Firefighter air replenishment systems installed within the high-rise hotel.
   b. A security system workstation shall be installed within the Fire Command Center serving the hotel.
   c. Standpipe connection spacing in the parking garage shall be reduced to 100' to 130' maximum depending on final design for the hotel.
   d. Fire service elevators shall be installed within all building (entire project).
   e. An additional rated stairwell to the roof with penthouse (entire project).

f. Fire sprinkler density increased .05-gpm per square foot above base NFPA base design (entire project). The fire sprinkler design shall utilize the Density/Area method outlined in NFPA 13 for the entire project.
g. All buildings shall be equipped with emergency voice evacuation alarm system without egress width reduction.
h. Fire-flow reduction for fire sprinklers is reduced to 50% maximum (entire project).

F2. Prior to Building Permit issuance, written documentation that the minimum required fire-flow for the largest building onsite based on the construction type and square footage in accordance with the California Fire Code is required to be submitted. As noted above, a maximum reduction of 50% in fire-flow is allowed with the installation of automatic fire sprinkler systems.

F3. Prior to Building Permit Issuance, construction documents for the proposed underground fire protection infrastructure, hydraulic calculations, material data submittal, number, location and distribution of fire hydrants for the building(s) based on the California Fire Code. The required number of fire hydrants shall be based on the fire-flow before the 50% reduction.

F4. Prior to Building Permit Issuance, construction documents for proposed fire apparatus access shall be submitted addressing the following, unless adequately addressed under an AM&M:
a. Fire apparatus access roadways shall be provided so the exterior walls of the first story of the building(s) are located no more than 150' from fire apparatus access as measured by an approved route around the exterior.
b. Fire apparatus access roadways shall have a "minimum" width of a fire apparatus access roadway for Engines is 20'. The "minimum" width of roadways for aerial apparatus is 26'.
c. Ariel access roadways shall be located a minimum of 15' and a maximum of 30' from the protected building, and positioned parallel to one entire sides of the building. The side of the building shall be approved.
d. Fire access roadways shall have a "minimum" unobstructed vertical clearance of not less than 13'6" inches. Aerial apparatus access roads may require additional vertical clearance.
e. Fire apparatus access roadways shall support a gross vehicle weight of 75,000-pounds.
f. Fire apparatus access roadways shall have a "minimum" inside turning radius of 36' or greater.
g. Dead-end fire apparatus access roadways in excess of 150' in length shall be provided with "approved" turning around(s).
h. Two separate and approved fire apparatus access roadways to the site are required. Roadways shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
i. Traffic calming devices are not permitted on any designated fire access roadway, unless approved.

F5. Prior to Building Permit issuance, the infrastructure necessary for the installation of an emergency responder's radio system is required to be incorporated into the design documents, including, but not limited to rated rooms, shafts, etc.).

F6. Prior to the Start of Construction, fire protection water supplies shall be installed and made serviceable prior to combustible materials being moved onsite.

F7. During the course of construction, safety protocols, standard operating procedures, and guidelines outlined within the Environmental Impact Report shall be followed, unless deviations are approved by the oversight agency.

STREETS

ST1. Prior to City's issuance of Building or Grading Permits, the Developer shall develop a Final Stormwater Management Plan and update the SCVURPPP C.3 Data Form.

ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified third party consultant from the SCVURPPP List of Qualified Consultants, and a third party review letter shall be submitted with the Plan.

ST3. For projects that disturb 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 submitted to the City Building Inspection Division, along with a stormwater pollution prevention plan (SWPPP). Active projects covered under the Construction General Permit will be inspected by the City once per month during the wet season (October – April).

ST4. The Developer shall 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 Building or Grading Permits. Proposed BMPs shall be submitted to and thereafter reviewed by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

ST5. During the construction phase, all stormwater control measures shall be inspected for conformance to approved plans by a qualified third party consultant from the SCVURPPP List of Qualified Consultants, and a third party inspection letter shall be submitted to the Public Works Department, Street Maintenance Division. Building occupancy will not be issued until all stormwater treatment measures have been adequately inspected. For more information contact Street Maintenance at (408) 615-3080.

ST6. The property owner shall enter into an Inspection and Maintenance (I&M) Agreement with the City for all installed stormwater treatment measures in perpetuity. Developers should contact Karin Hickey at (408) 615-3097 or KaHickey@santaclaraca.gov for assistance completing the Agreement. For more information and to download the most recent version of the I&M Agreement, visit the City's stormwater resources website at http://santaclaraca.gov/government/departments/public-works/environmental-programs/urban-runoff-pollution-prevention/stormwater-resources.

ST7. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.

ST8. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.

ST9. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.

ST10. 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.

ST11. 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 and an amendment of the property's I&M Agreement.

ST12. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.

ST13. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the Developer shall comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) 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 Developer has submitted a construction and demolition debris materials check-off list. Developer shall create a Waste Management Plan and submit a Construction and Demolition Debris Recycling Report through the City's online tracking tool at http://santaclara.wastetracking.com/.

ST14. For projects that involve a Rezoning, the Developer 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 Developer may be required to use the City's exclusive franchise hauler and rate structure for solid waste services.

ST15. The Developer shall provide a site plan showing all proposed locations of solid waste containers, enclosure locations, and street/alley widths to the Public Works Department, Street Maintenance Division. All plans shall comply with the City's Development Guidelines for Solid Waste Services as specified by development type. Contact the Street Maintenance Division at (408) 615-3080 for more information.

ST16. Pre-treatment devices and tallow bins shall be installed at all food establishments. Tallow bins shall be placed within a trash enclosure when possible. If enclosure is not sized to accommodate the tallow bin(s), a separate dedicated enclosure with drainage to the sanitary sewer system shall be provided.

PARKS AND RECREATION

PR1. The project will generate an estimated 3,584 residents. Based on the Mitigation Fee Act standard of 2.53 acres/1,000 residents, the amount of public parkland required for this project to mitigate the impact of the new resident demand is 9.0675 acres. The equivalent fee due in lieu of parkland dedication is $33,610,661. Developer shall be obligated to provide parkland, pay a fee in lieu thereof, or a combination of such dedication and fee, at the discretion of the City, pursuant to Chapter 17.35 of the City Code.

PR2. Any parkland dedicated to the City shall be dedicated or otherwise conveyed (i) free and clear of any liens unacceptable to the City, and (ii) in a condition free of any toxic materials.

PR3. Developer shall execute a separate park maintenance agreement with the City, which commits Developer to maintaining the park improvements, including landscaping and park amenities, within the parkland dedication area; indemnifies the City with respect to such maintenance; and subject to standard City insurance requirements, for the life of the Project.

PR4. A public access easement shall be required on all private streets to provide public access to the public park.

PR5. Any in lieu fees imposed under Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit. Park acreage to be recalculated by Developer and private, on-site recreational areas have not been validated to verify acreage and in-lieu fees.

PR6. A dwelling unit tax (DUT) is also due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project mix includes 230 studio units, 633 one-bedroom units, 127 one-bedroom plus den units, 562 two-bedroom units and 48 two-bedroom plus den units for a total DUT of $27,050.

PR7. Calculations may change if the number of units changes, if any areas do not conform to the Ordinance and City Code Chapter 17.35, if the fee schedule for new residential

development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning, and/or if City Council makes any changes.

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