

## **CONDITIONS OF VESTING TENTATIVE SUBDIVISION 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 set forth in the Development Agreement in effect between the City of Santa Clara and TOD Brokaw, LLC.
- C2. The project shall comply with the mitigation measures and conditions identified in the Environmental Impact Report and Mitigation Monitoring and Reporting Program for the Gateway Crossings Project.
- C3. 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.
- C4. Obtain City approval for name of private street(s) prior to Final Map approval.
- C5. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&Rs) or equivalent instrument assigning and governing perpetual maintenance of the 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.

### **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. Existing Coleman Avenue public street easement shall be dedicated to the City in fee title by separate instrument.
- E9. Additional public street dedication required for the widening of Coleman Avenue shall be dedicated on the Subdivision Map.
- E10. File and record Subdivision Map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E11. 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.
- 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. 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.
- E21. Public parking cannot be counted towards on-site parking requirements.
- E22. All proposed driveways shall be City Standard ST-8 driveways with the exception of driveways at intersections which may be City Standard ST-10.
- E23. The driveway on Coleman south of the Brokaw Road intersection can be designed as a flared driveway to accommodate trucks.
- E24. 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.
- E25. 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.
- E26. Remove existing curb ramp at southwest corner of Brokaw/Coleman along project frontage and install 2 curb ramps per City Standard ST-14.
  - E27. Provide a right-out only driveway approximately 200' west of Coleman Avenue.
  - E28. 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.
  - E29. Provide minimum 11' wide westbound left turn lane at driveway on the western edge of the property.
  - E30. The first un-signalized driveway on Coleman approximately 500' south of Brokaw should be signed for right out only at exit. This driveway can be designed as a flared driveway to accommodate trucks.
  - E31. 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.
  - E32. 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.
  - E33. 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.
  - E34. Provide minimum 8' wide sidewalk along Brokaw Road with 5' landscape strip along Brokaw Road.
  - E35. Provide minimum 8' wide sidewalk plus 6' wide landscape strip along Coleman Avenue property frontage.
  - E36. 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.
  - E37. 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.
  - E38. All traffic striping, messages and symbols shall be thermoplastic.
  - E39. 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.
  - E40. 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.
  - E41. The developer shall comply with the mitigations in the EIR/TIA.
  - E42. Install "No Parking at Any Time" signs along the project frontage on the south side of Brokaw Road.