

## **FINAL CONDITIONS OF REZONING APPROVAL**

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

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

### **ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

### **COMMUNITY DEVELOPMENT**

- C1. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C2. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C3. Comply with all requirements of Building and associated codes (the CBC, CEC, CMC, CPC, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.
- C4. It shall be the Developer's responsibility through his engineer to provide written certification that the drainage designs for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The Developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
- C5. The Developer shall comply with the Mitigations Monitoring and Reporting Program identified in the 2232-2240 El Camino Real Residential Project Initial Study / Mitigated Negative Declaration, and shall implement it as Conditions of Approval for this project.
- C6. 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 nurseries, preschools, mortuaries, lodges or clubs which shall be prohibited.
- C7. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- C8. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

- C9. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- C10. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
- C11. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.
- C12. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and stormwater BMPs consistent with the O&M agreement throughout the life of the project.
- C13. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.
- C14. Site landscaping shall be maintained in good condition throughout the life of the Development and no trees shall be removed without City review and approval.
- C15. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with 24-inch box, a 1:1 with 36" box specimen trees reviewed, or equal alternative as approved by the Director of Community Development.
- C16. Site landscaping shall be maintained in good condition throughout the life of the Project and no trees shall be removed without City review and approval.
- C17. Construct six-foot masonry wall along property lines abutting residential properties in accordance with Zoning Ordinance requirements or to the satisfaction of the Director of Community Development.
- C18. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C19. Minor changes to the project would be subject to Planning Division review and approval prior to issuance of building permits.
- C20. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays and Sundays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 A.M. to 6:00 P.M. following on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. Construction activity shall not be allowed on recognized State holidays, as noted in Section 9.10.230 of the SCCC, as amended.
- C21. The Developer prepared a Transportation Demand Management (TDM) Plan to reduce vehicle trips. The development must reduce vehicle miles traveled (VMT) of residents and employees by 20 percent, half of which (a 10 percent VMT reduction) must result from TDM measures. The TDM Plan shall include, but is not limited to provision of bicycle storage, lockers and racks near the entrances to the residential lobby and commercial space, provision of subsidized transit passes (VTA ECO Pass or Clipper Cards) to the new residents during lease-up, provision of electric vehicle charging stations (a minimum of: seven installed turnkey electric vehicle level two charging stations in the residential area, plus prewiring for three additional level two chargers in the residential area, as well as one turnkey installed charger in the commercial area, plus three prewired in the commercial area), and provision of an on-site wireless network.
- C22. Each calendar year following final occupancy of the building, 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. If the annual targets are being met or exceeded, the Director of Community Development would have the discretion to require less frequent annual reporting.

- C23. Occupancy of all residential units in the Project shall be restricted in conformity with 42 U.S.C. § 3607(b) and the implementing regulations adopted by the Secretary of the United States Department of Housing and Urban Development (Code of Federal Regulations [“CFR”], Title 24, § 100.305) pertaining to “housing for older persons” (collectively, the “FHA”) and the Unruh Civil Rights Act (California Civil Code § 51.3), whichever is stricter.
- C24. The residential portion of the Project shall provide significant facilities and services specifically designed to meet the physical or social needs of older persons in compliance with the FHA and the Unruh Civil Rights Act, including Civil Code § 51.2(d).
- C25. The applicant/owner shall publish and adhere to policies and procedures that demonstrate its intent to operate the residential portion of the Project as housing for older persons in accordance with the FHA and Unruh Civil Rights Act. Such policies and procedures shall include advertising, lease provisions, the declaration of covenants, conditions, and restrictions (“CC&Rs”) (if applicable, and if the residential units are hereafter marketed and sold), written rules and regulations, and public postings, all in accordance with 24 CFR § 100.306. The applicant/owner shall also develop and adhere to procedures for routinely determining the occupancy of each restricted unit, including identification of whether the occupant(s) is/are eligible occupant(s) under the FHA and Unruh Civil Rights Act, which information must be updated not less frequently than once every two years through survey information, and be based upon reliable documentation (driver’s license, passport, etc.) verifying the age and status of the occupant(s). Such information (absent any confidential private information such as social security numbers, financial information, etc.) shall be available for inspection by City during normal business hours at the subject property or such other location as may be agreed to by the City and the applicant/owner, upon the applicant/owner’s receipt of not less than three business days’ prior notice by City.
- C26. Development shall provide twenty-five electrical vehicle charging stalls: one turnkey and four prepared stalls for commercial; and ten turnkey and ten prepared stalls for the residential.
- C27. The applicant/owner shall provide an annual parking survey to the Director of Community Development for review. If the parking allocation is adequately serving the commercial and residents, the Director of Community Development shall have the authority and discretion to require less frequent annual reporting.
- C28. The applicant/owner shall provide an occupancy survey of all senior residential units for the first year and every other year subsequently.
- C29. The applicant/owner shall provide a free six-month VTA pass for new lease holder and strengthen this incentive as needed after each TDM reporting until VMT reduction meets the twenty percent goal.
- C30. Developer shall enter into a Use Agreement with the City to formalize the provisions for the proposed “community meeting hub.” as outlined in the letter from SummerHill to the Director of Community Development dated September 1, 2017
- C31. Change Juliet balconies to window boxes
- C32. Implement up-lighting in landscape area and down-lighting where appropriate that minimizes upward glare while reducing sky glow.
- C33. Include additional seating area in front of northeast retail frontage along El Camino Real.
- C34. In accordance to the Developer’s volunteer contribution, five of the residential units shall be affordable to renters of moderate income (120% area median income) or lower. The Developer shall enter into an Affordable Housing Agreement with the City that will apply covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Community Development.
- C35. In accordance to the Developer’s volunteer contribution, the Developer shall enter in an agreement with the Santa Clara Unified School District.

## **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. Additionally, any work within El Camino Real shall be reviewed by the California Department of Transportation (Caltrans). Upon approval by Caltrans, the developer's agent shall secure an Encroachment Permit from Caltrans. Issuance of the Single 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. 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.
- E4. Developer is responsible for cost of relocation or modification of any public facility necessary to accommodate subject development.
- E5. 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.
- E6. 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.
- E7. 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.
- E8. Provide on-site ADA walkway connecting proposed building/parking to the public sidewalk.
- E9. Show and comply with City's driveway and intersection vision triangle requirements. 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.
- E10. Dedicate on-site easement(s) for new public sidewalk as required by means of map or approved instrument at time of development.
- E11. File and record Lot-Line-Adjustment or subdivision map(s) to create parcel for proposed development and pay all appropriate fee(s) prior to building permit issuance.
- E12. Caltrans permit will be required for all work within the right-of-way along El Camino Real.
- E13. All proposed sidewalks, walkway, & driveways shall be ADA compliant City Standard.
- E14. All proposed driveways shall be ADA compliant driveways per City Standard ST-8.
- E15. Provide ADA walkway connecting the proposed buildings to public sidewalks.
- E16. Show and comply City's Driveway Triangle of Safety requirement at all proposed driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety & Corner Visibility Obstruction areas.
- E17. Provide 8' wide minimum separated sidewalk with 4' wide landscape strip along Anna Drive property frontage.
- E18. Provide 10' wide minimum separated sidewalk with 4' wide landscape strip along El Camino Real property frontage.
- E19. 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.
- E20. Provide residential pedestrian access from both El Camino Real and Anna Dr. frontage.
- E21. Provide loading zones for residents and business onsite.
- E22. Provide traffic signal interconnect from El Camino Real/McCormick intersection to El Camino Real/Los Padres Blvd. intersection.
- E23. On-street parking shall not be counted toward on-site parking requirements.
- E24. For current proposed apartment units and retail areas, the following minimum bicycle facilities shall be provided at the main entrance and/or high visible areas; five Class I bicycle locker spaces and five

Class II bicycle rack spaces for the proposed residential uses, and one Class I and three Class II for the proposed retail uses.

## **ELECTRICAL**

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL7. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL10. Any relocation of existing electric facilities shall be at Developer's expense.
- EL11. Electric Load Increase fees may be applicable.
- EL12. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
- EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take

several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.

- EL15. 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 408-261-5469 to facilitate plan review.
- EL16. Drive up access required for any new / existing SVP transformers.
- EL17. SVP requires access to i's equipment 24/7 without prior notice.
- EL18. Maintain all clearances from SVP conduits. (5' from edge of conduits).

## **WATER**

- W1. Applicant/Owner shall coordinate with the Water & Sewer Utilities Department staff to upgrade the existing 8" CIP to 12" DIP water main on El Camino Real along the property frontage to the satisfaction of the Director of Water & Sewer Utilities.
- W2. Applicant shall indicate the disposition of all existing water and sewer services on the plans. The applicant must properly abandon all existing services on the property that will not be used per Water & Sewer Utilities standards, and indicate existing main size, type, and connecting laterals.
- W3. Applicant shall submit plans showing separate proposed domestic water, sanitary sewer, and fire services for each building and different type of use (retail, residential, and commercial) connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities.
- W4. RPDA backflow prevention device(s) are required on all potable water services, fire services, and irrigation services. Prior to City's issuance of building permits, the applicant shall submit plans showing the location of the RPDA backflow prevention device(s) to the satisfaction of the Director of Water & Sewer Utilities.
- W5. Prior to issuance of building permits, the applicant shall submit a composite utility plan showing all utilities (including electrical) and landscaping (trees/shrubbery) so that the Water Department can verify conflicts for proposed water services. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W6. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. To the satisfaction of the Director of Water & Sewer Utilities. The applicant shall maintain 12" of vertical clearance at water service crossing with other utilities, and all required horizontal clearances from water services: 10' from sanitary sewer utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 5' from gas utilities, and 10' from existing and proposed trees. If applicant installs root barriers, clearance from tree reduces to 5'(clearance must be from the edge of tree root barrier to edge of water facilities).
- W7. 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.
- W8. Applicant shall illustrate and label existing water and sanitary sewer main (sizes and type) on McCormick.
- W9. Prior to issuance of building permits, the applicant shall provide more detail for the joint trench configuration detail. (width)
- W10. The joint trench detail that goes under the water, sanitary sewer and storm drain shall be revised to adhere to a minimum of a 36" vertical clearance from the utilities to the satisfaction of the Director of Water and & Sewer Utilities.
- W11. Prior to issuance of building permits, the applicant shall provide cross sections at utility crossing with water.
- W12. Prior to issuance of Building Permits, applicant shall coordinate with Lyhak Eam at (408)615-2008 to schedule a fire flow test.
- W13. Fire department requires a new fire hydrant on Anna Drive. Prior to issuance of Building Permits, applicant shall submit plans showing a new fire hydrant on Anna Drive (200 feet from existing fire hydrant) per City standard detail no. 18.
- W14. If the water services are installed in the private property, a water utility easement shall be recorded around all water appurtenances. The water utility easement shall be at a minimum of 5 feet around the water facilities without overlapping any other public utility easement.
- W15. 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 sewer utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities.

- W16. Prior to issuance of Building Permits, the applicant shall submit plans showing existing sanitary sewer laterals and a clean out at the property line for each sanitary sewer lateral. For pipe sizes 8-inch or greater, a sanitary sewer manhole is needed.
- W17. If bio-retention areas are proposed for this project, they shall not be located closer than 5-feet from any water service and no water facilities shall cross the bio-retention areas.

## **POLICE**

- PD1. The Developer shall provide a minimum average illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD2. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible.
- PD3. There shall be positioned near the entrance an illustrative diagram of the complex, which shows the location of the viewer and unit designations within the complex, including separate building designations. This diagram shall be illuminated and should be protected by vandal and weather resistant covers.
- PD4. The Developer shall meet the City's guidelines established for radio signal penetration, detailed in the Santa Clara Police Department's Public Safety Radio System Building Penetration Guidelines. The intended use of telecommunications sites shall be clearly and accurately stated in the project description. 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.
- PD5. 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)
- PD6. 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.
- PD7. The Developer shall provide enclosure fencing (trash area, utility equipment, etc.) that is either see-through or that has a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.
- PD8. The Owner/Developer shall ensure that exterior elevators are see-through for maximum visibility. The Owner/Developer shall ensure that all elevators are well lit and equipped with a security mirror to provide interior and exterior visibility prior to entry or exit.
- PD9. Convex mirrors should be installed in elevator cabs and at stairwell landings.
- PD10. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the Developer shall ensure that addresses are displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provides vehicular access, address numbers shall be clearly visible from that access.
- PD11. Parking structures, including ramps, corners and entrances, should be illuminated at a minimum of an average of 5-foot candles at all hours by the Developer, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives.
- PD12. The Developer should equip the parking structure/site with an emergency panic alarm system that reports to a central office and/or 9-1-1. If more than one button is installed, they should be placed no more than 100 ft. apart.

- PD13. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).
- PD14. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism to the wall.
- PD15. If the development includes any benches, these benches should not be longer in five feet in length and have arm rests at both ends. If the benches are longer than five feet 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.
- PD16. Garage, gate and other critical access points shall provide keypad access with assigned passcodes for the Police Department.
- PD17. When there is an alley or driveway to the rear of the business or commercial establishment that provides pedestrian or vehicle access, that area should be fenced and locked after hours. A 'Knox Box' or key coded system shall be used for police and fire emergency access.
- PD18. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime.
- PD19. Each distinct unit within the building shall have its address displayed on or directly above both front and rear doors, to the satisfaction of Chief of Police.
- PD20. 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.
- PD21. 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.
- PD22. Exterior stairs shall be open style whenever structurally possible, and should be well lit.
- PD23. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls and interior hallways.
- PD24. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD25. The parking structure/site should be equipped with centrally located emergency telephones.
- PD26. "White" light source should be utilized. There should be no "dark" areas inside the structure.
- PD27. The interior of the parking structure should be painted a light, highly reflective color.

## **FIRE**

- F1. At time of Building Permit Application, construction documents for the fire protection infrastructure improvements, including but not limited to plans, hydraulic calculations, and materials data packages shall be submitted for review and approval. As part of the submittal, provide a hydraulic calculations showing that minimum required fire-flow of 3350 gpm at a residual pressure of 20 psi can be met for a duration of 3 hours (maximum 50% reduction of the base 6,700 gpm for a sprinklered building). Water flow data from the City of Santa Clara shall be current within one year.
- F2. At time of Building Permit Application, the required number, location and distribution of fire hydrants for the building based on the California Fire Code, Appendix C, Table C105.1.
- F3. Based on the construction type and square footage presented a fire flow of 6,700 gpm results in a total of 7 hydrants spaced at an average of 250 feet. Although the nature of this project cannot support the location of 7 hydrants an additional new hydrant shall be installed on Anna Drive approximately 200 feet west of the existing hydrant.
- F4. At time of Building Permit Application, the Design Team shall submit an Alternate Means and Method Application (AMMA) to mitigate the lack of fire department access around the perimeter of the garage, residential and commercial units. The mitigation shall be as follows:
- Provide an emergency voice/alarm communications system throughout.
  - Increase the sprinkler density for the residential buildings from a 0.1 gpm/sq. ft to a 0.15/sq. ft. over the most remote 4 residential sprinklers to include the attic spaces where coverage is required.
  - Increase the sprinkler density for the garage from 0.15 gpm/1500 square feet to 0.2/1500 square feet.
  - Increase the sprinkler density for the commercial/retail areas from a 0.1 gpm/1500 square feet to a 0.15gpm/1500 square feet.



- F5. 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.
- F6. Prior to the Start of Construction Fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.
- 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. Ladder pads are reflected in Sheet SP1.9, In other than Type I, Type II-A Type III-A or Type IV construction, emergency escape and rescue windows shall be provided per Section 1030 of the 2016 CFC. As outlined in the attached Emergency Escape and Rescue Windows Access Guidelines, show the required ladder access pathways/pads in the construction documents. No mitigations will be allowed for not meeting the standard. Where such pathways/pads cannot be met, the building footprint will need to reduce or the construction type shall be changed.
  - b. Traffic calming devices are not permitted on any designated fire access roadway, unless approved by the Fire Prevention & Hazardous Materials Division.
- F8. Provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.  
Hazardous Materials Closure, Site Mitigation, Demolition Application:
- F9. Prior to issuance of a Building Permit, Steps 1 through 3 summarized below must be addressed during the planning phase of the project. The development projects Phase I and/or Phase II environmental documents will be the project guiding documents:
- 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.
- 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.
- 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.”
- F10. A hazardous materials closure permit is required to be obtained from the Fire Prevention and 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.

## **STREETS**

- ST1. Prior to submitting any project for Street Department review, applicant shall provide a site plan showing existing stormwater drainage facilities, and proposed storm water drainage facilities all proposed trees (including size and species). Trees are to be noted as to whether they are proposed to be saved or removed.

- ST2. No cutting of any part of City trees, including roots, shall be done without following City Tree Preservation Specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.
- ST3. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).
- ST4. Applicant is advised to contact Street Department to obtain required tree removal permits in the event trees are removed at 408-615-3080 to facilitate plan review.
- ST5. All landscaping and irrigation systems shall meet City standard specifications.
- ST6. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- ST7. Developer must provide third party verification of stormwater management plan, conduct inspection of stormwater treatment devices within 45 days of installation, and enter into an Inspection and Maintenance Agreement with the Street Division. Document must be printed single-sided and be notarized. For more information, call 408-615-3080.
- ST8. All post construction structural controls shall require property owner to execute with City a Stormwater Treatment Measures Inspection and Maintenance Agreement for each parcel.
- ST9. Applicant to comply with City Development Guidelines for Solid Waste Services as specified by development type. Set up meeting with Dave Staub of the Street Department at 408-615-3080 to discuss the requirements.
- ST10. Developers shall purchase and install full trash capture devices on the property, which must be maintained by the property owner in perpetuity. Maintenance of full trash capture devices must be addressed in the Stormwater Treatment Measures Inspection and Maintenance agreement.
- ST11. Multi-family residential garbage level of service must be calculated at a rate of no less than 20 gallons per unit.
- ST12. 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. Applicant must track and report on project recycling. This may be done for through our online tracking tool at <http://santaclarawastetracking.com/>. 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.
- ST13. Any stormdrains on private property shall be marked with appropriate stormwater pollution prevention message such as "no dumping – flows to bay". Developer is responsible to add these markings upon construction.
- ST14. In the event of new zoning designation, applicant/owner shall contact the Street Division at 408-615-3080 to verify if property falls within exclusive franchise area. If so, this might result in having to use the City's exclusive franchise hauler and different rate structure for solid waste services.
- ST15. Projects with active building permits over 1 acre in size must maintain a SWPPP and are to be inspected once a month during the wet season (October - April) - \$137.65 per inspection.
- ST16. Stormwater Control Measures shall be inspected upon installation for conformance to plans by a qualified 3rd 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.
- ST17. 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 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>
- ST18. 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.
- ST19. Projects with active building permits over 1 acre in size shall file a Notice of Intent (NOI) with the California State Water Resources Control Board and develop a Stormwater Pollution Prevention Plan (SWPPP). Active projects will be inspected by the City once a month during the wet season (October - April).

- ST20. Project proponents shall purchase and install full trash capture devices on the property, which must be maintained by the property owner in perpetuity. Maintenance of full trash capture devices shall be addressed in the Inspection and Maintenance agreement.
- ST21. All outdoor equipment and materials storage areas shall be covered and/or bermed, or designed to limit the potential for runoff to contact pollutants.
- ST22. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.  
Solid Waste.
- ST23. Projects greater than 5,000sqft shall recycle at least 50% of construction and demolition waste. Applicant shall track and report on project recycling. This may be done through the City's online tracking tool at <http://santaclara.wastetracking.com>.
- ST24. 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.
- ST25. 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 include the tallow bin(s), a separate dedicated enclosure with drainage to sanitary sewer shall be provided.
- ST26. 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.
- ST27. The level of service for multi-family residential garbage shall be calculated at a rate of no less than 20 gallons per unit.
- ST28. Include a Solid Waste Management Plan. Designs shall clearly show proposed storage locations, enclosure dimensions (if applicable), and access route for setouts and setbacks of carts, cans, or bins.
- ST29. All new solid waste enclosures shall meet the following specifications:
- Enclosure shall drain to the sanitary sewer, or be covered and located 25 feet or more from any storm drain inlet.
  - Entrance shall have a slope with a minimum gradient of 2 percent but no greater than 4 percent to prevent outside stormwater runoff from entering the enclosure. Stormwater inside enclosure(s) shall drain into the sanitary sewer.
  - Enclosure shall have a minimum 10-inch wide, 3-inch tall curb along interior walls or 6-inch diameter bollards or angle irons to prevent wall damage.
  - A double, swinging gate with bollards or J-hooks shall be installed at the front of the enclosure to provide a minimum of 120-degree swing area and a minimum unobstructed inside opening of 12 feet.
- ST30. 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.

## **PARKS AND RECREATION**

- PR1. Effective September 13, 2014, the Santa Clara City Code Chapter 17.35 requires new residential developments to provide adequate park and recreational land and/or pay a fee in-lieu of parkland dedication pursuant to the Quimby Act (Quimby) and/or Mitigation Fee Act (MFA). In addition, the City has an existing Chapter 3.15 Dwelling Unit Tax. For reference, the Project is in the 95050. The closest neighborhood park to the Project is Steve Carli Park.
- PR2. Mitigation Fee Act. This analysis in this memo assumes that the Project is not a subdivision and the Mitigation Fee Act provisions will apply. This Project will generate an estimated 338 new residents. Based on the Mitigation Fee Act standard of 2.53 acres/1000 residents, the amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 0.8557 acres. The equivalent fee due in lieu of parkland dedication is \$3,171,981.
- PR3. Application for Credit. According to City Code Chapter 17.35, projects may submit a written request for up to 50% credit for eligible on-site private parkland and recreation amenities dedicated to **Active Recreational Uses** provided all requirements of Chapter 17.35 are met and provided such amenities are found to be in the public interest. The development must contain at least four (4) of the eight (8) elements itemized in Chapter 17.35. The combined area of these Active Recreational Uses must equal a minimum of 0.75 acres, or 32,670sf per Section 17.35.070(g)(1). **The calculation shall not include features required to be included by zoning and building codes and other applicable laws,**

**including but not limited to yards, court areas, setbacks, decorative landscape area required with residential site design, etc.** Said facilities and improvements shall be constructed prior to the issuance of a certificate of use and occupancy for the units that are receiving the credit. It is unlikely the Project could achieve the requirements needed to qualify for credit; therefore, the Project would not be eligible for 50% credit against any fees due in lieu of parkland dedication.

PR4. Dwelling Unit Tax Calculation. According to City Code Chapter 3.15, a dwelling unit tax is also due based upon the number of units and additional bedrooms. The tax is due upon application and refundable if Project is not approved. The Project mix includes 14 studio units, 91 one bedroom units, and 46 two bedroom units: [\$15 x 151 bedrooms) + (\$5 x 46 additional bedrooms)] for a total DUT of \$2,495.

PR5. Parks & Recreation Department Comments/Questions/Requirements: Initial calculations may change if the number of units and/or the number of bedrooms changes, if fees change prior to Project approval, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if City Council makes changes:

- Mitigation Fee Act provisions of 17.35:
  - Public Parkland Dedication Amount: 0.8557 acres
  - Equivalent Fee Due In-Lieu of Parkland Dedication: \$3,171,981
- Potential Credits: N/A
- Dwelling Unit Tax Due: \$2,495.

**Summary of Total Fees Due: \$3,171,981 + \$2,495 = \$3,174,476**