

CONDITIONS OF APPROVAL MAP
McLaren Data Center Project – 651, 725 and 825 Mathew St.

GENERAL

- G1. 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 against the City by reason of its approval of developer's project.
- G2. 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.

COMMUNITY DEVELOPMENT

- C1. 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.
- C2. Submit plans for final architectural review to the Planning Division prior to issuance of building permits.
- C3. The Developer shall comply with the Mitigations Monitoring and Reporting Program identified in the McLaren Data Center Project Initial Study / Mitigated Negative Declaration, and shall be incorporated in the Conditions of Approval for this project.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees prior to issuance of the Building Permit. 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, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer is required to reconstruct westerly portion of the existing Mathew Street pavement that has not been reconstructed along the property frontage. The portion that has been reconstructed is required to be slurry sealed.
- E4. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.
- E5. Developer shall construct sidewalk to the centerline (middle) of Mathew Street.

- E6. Maintain City access to utilities located in the public right-of-way along Mathew Street. No raised curbs will be allowed in portion of driveway within public right-of-way.
- E7. 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.
- E8. 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.
- E9. Dedicate, as required, on-site easements for new and existing utilities and new sidewalks by Subdivision Map or approved instrument at time of development. Developer shall pay applicable easement preparation/processing fee.
- E10. After City Council approval of the Tentative Map, submit 10 copies of the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E11. File and record Subdivision Map to create parcels for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.
- E12. Private improvements within public easements included as part of the approved plans shall be approved as part of the Subdivision Map. Details shall be required as part of the approved plans. Private improvements not included as part of the approved plans shall require an easement encroachment agreement after Subdivision Map recordation.
- E13. All proposed sidewalk, walkway, and driveways shall be ADA compliant City Standard.
- E14. All proposed driveways shall be ADA compliant driveways per City Standard ST-8 or as approved by the City Traffic Engineer.
- E15. Protect in place all street signs along the property frontage.

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