

## **CONDITIONS OF 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. 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.
- C2. 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, grading and building permits.
- C3. Construction activity not confined within a building shall be limited to the hours of 8:00 a.m. to 6:00 p.m. weekdays, 9:00 a.m. to 6:00 p.m. on Saturdays, and not permitted on Sundays and State and federal holidays. 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, and prohibited on Sundays and State and federal holidays.
- C4. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The applicant shall post a sign with contact information for the disturbance coordinator in a location clearly visible from the public right-of-way, for the duration of project construction. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.
- C5. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&R's) or equivalent instrument assigning and governing perpetual maintenance of the common lot/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.
- C6. The Covenant, Conditions and Restrictions for this project shall include language that precludes exclusive storage use of the garage and obstruction of parking spaces in the garage by storage, and requires property owners to maintain garages for parking purposes.
- C7. The project shall comply with Conditions of Approval for the 3035 El Camino Real Project (PLN2018-13265) and with the Mitigated Negative Declaration / Mitigation Monitoring or Reporting Program (CEQ2018-01061).

## **ENGINEERING**

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. 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.
- E4. 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.
- E5. 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.
- E6. The proposed storm drain overland release easements to be dedicated to the City along the neighboring properties from the project site to Santa Cruz Avenue must be recorded and be adequately designed to convey the 100-year storm event flow within the easements, as approved by the City, prior to releasing the Subdivision Map for recordation and subsequent issuance of building permits.
- E7. After City Council approval of the Tentative Subdivision 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. The City approved Subdivision Map shall be recorded by developer prior to building permit issuance.
- E8. File and record Subdivision Map for proposed development and pay all appropriate fees prior to issuance of the Building Permit.
- E9. 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.
- E10. Dedicate, as required, on-site easements for new sidewalk, sanitary sewer main, storm drain overland release, and any other new utilities by means of Subdivision Map or approved instrument at time of development.
- E11. All non-City standard improvements within sidewalk and utility easements require an easement encroachment agreement.
- E12. City sidewalk and private concrete flatwork shall be separated by an expansion joint per City standard detail ST-17.
- E13. Proposed trees shall be five (5) feet minimum clear of sidewalks, except at landscape strip. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees.

- E14. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the Public Works Director.
- E15. The site plan complies with the City's driveway triangle of safety requirements at all driveways. However, visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways in order to allow an unobstructed view of oncoming traffic.
- E16. All proposed driveways shall be ADA compliant per City Standard ST- 8.
- E17. Driveway width shall be a minimum of 24 feet but no more than 30 feet.
- E18. Provide 10' wide minimum separated sidewalk with 4' wide landscape strip along El Camino Real property frontage.
- E19. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E20. Time limited parking zone along El Camino Real project frontage shall be removed with the approval of the project.
- E21. Install "No Parking" signs along El Camino Real property frontage.
- E22. Caltrans permit will be required for all work within the right-of-way along El Camino Real.

### **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. 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. If they are townhomes or single-family residences, then each unit shall have it's own meter, located on the structure. 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.

- 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. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- EL16. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) 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.

## **WATER**

- W1. The applicant must indicate the disposition of all existing water and sewer services and mains 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.
- W2. The size of all proposed water and fire services shall be shown to scale. At the location where backflow prevention device located, the landscape area shall be extended a minimum of three feet from the edge of the device.
- W3. Prior to the issuance of Building Permits, the applicant shall provide fixture unit counts for any water services greater than 2".
- W4. Prior to issuance of Building Permits, the applicant shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12" minimum vertical clearance is maintained.

- W5. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer), building foundation, facade and landscaping (trees and shrubbery) so that the Water Department can verify conflicts for proposed water service locations. The applicant must indicate the correct pipe material and the size of existing water and sewer main(s) on the plans.
- W6. Proposed new fire hydrant shall be located in the landscape area, two feet behind the face of curb or back of walk, per City standard detail No. 18.
- W7. No structures (fencing, foundation, bio filtration swales, etc.) allowed over sanitary sewer and/or water utilities and easements.

### **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. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.
- PD2. The installation and use of interior and exterior security cameras and recording devices is highly encouraged.

### **FIRE**

- F1. Hazardous Materials Closure, Site Mitigation, Demolition Application: Prior to issuance of grading permits or any excavation of the project site, additional soil sampling will be completed prior to removal of asphalt in the area of the former structure.

### **STREETS**

#### **Solid Waste**

- ST1. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant 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 applicant has submitted a construction and demolition debris materials check-off list. Applicant 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/>.
- ST2. For projects that involve a Rezoning, the applicant 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 applicant may be required to use the City's exclusive franchise hauler and rate structure for solid waste services.

#### **Stormwater**

- ST3. Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan and update the SCVURPPP C.3 Data Form.
- ST4. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter shall be submitted with the Plan.
- ST5. For projects that disturb a land area of one acre or more, the applicant 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).

- ST6. The applicant 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.