

## Exhibit "Conditions of Approval"

### CONDITIONS OF APPROVAL SANTANA TERRACE SENIOR APARTMENTS PROJECT

#### GENERAL

- G1. 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.
- 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.

#### PLANNING AND BUILDING INSPECTION

- P1. 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.
- P2. 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 Planning and Inspection. Major modifications to the architecture of buildings would require Architectural Committee review and approval.
- P3. Construct six-foot tall wood fence with two-foot high lattice along property lines, the vertical dimension of the fence shall be measured from the finished lot grade on the neighboring side of such fence, to the satisfaction of the Director of Planning and Inspection.
- P4. Construction activity 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 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- P5. 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.
- P6. 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.
- P7. 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.
- P8. 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



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- 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.
- P9. 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.
- P10. 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.
- P11. 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.
- P12. The applicant shall comply with all the mitigation measures outlined in the adopted Mitigation Monitoring or Reporting Program for Santana Terrace Senior Apartments 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 to 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.
- E4. Developer is responsible for cost of relocation or modification of any public facility necessary to accommodate subject development.
- E5. 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.
- E6. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.
- 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



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- replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E8. Dedicate, as required, on-site easements for new utilities by means of final map or approved instrument at time of development.
  - E9. 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.
  - E10. 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 issuance of building permits.
  - E11. 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.
  - E12. Proposed trees shall be 5' minimum clear of sidewalks. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to dripline 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 dripline of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
  - E13. For 92 apartment units, provide 3 Class I and 4 Class II bicycle parking spaces at main entrance and/or high visible area.

### **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.



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- 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. 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. 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.
- EL15. Existing electric easement along north property line serves this parcel and surrounding parcels. All clearances are to be met in this area.
- EL16. Existing electrical underground facilities are to be kept clear from new trees, etc.
- EL17. SVP has existing 5ft to 10ft easement all along the property on the north side between the building and the property limit. Any new trees and building structure proposed shall be outside the existing SVP easement and within clearance from SVP equipment per SVP standard. If there is existing trees on the existing electrical easement, those trees shall be removed.
- EL18. SVP has the existing transformer on the north side of the property behind existing building serving existing 100 Winchester Blvd and 1850 Pruneridge Avenue. Any improvement proposed shall meet clearance and access requirement to the existing transformer per SVP guidelines.
- EL19. If a new transformer is required, the project will be responsible for providing underground substructure and required easement to maintain SVP system to maintain service to the 1850 Pruneridge Avenue and restore SVP 12 KV system. Project will be responsible for all cost related to relocation of service to 1850 Pruneridge Avenue.
- EL20. There is an existing electrical duct bank 11 feet from face of curb which might be in conflict with proposed trees. The existing electrical duct bank does not meet current



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electrical standard. The existing duct bank shall be abandoned and new electric duct bank is to be installed per SVP guidelines and standards.

### **WATER**

- W1. Prior to the issuance of Building or Grading Permits, the applicant must indicate the size and disposition of all existing water services, water mains (12" CIP), sanitary sewer mains (8" VCP), and fire services on the plans. Developer has the option of using the existing fire service lateral for proposed fire service and installing a new service lateral for the new fire hydrant. Applicant must also indicate location of nearest existing fire hydrant to project site, and should consider proposing a new water valve near site. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W2. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present, or two feet behind face of curb if no sidewalk is present, per Water Department Standard Drawings & Specifications no. 18.
- W3. Approved backflow prevention device(s) are required on all potable water services. Prior to City's issuance of Building Permits, the applicant shall submit plans showing the location of the approved backflow prevention device(s) to the satisfaction of the Director of Water & Sewer Utilities.
- W4. Prior to issuance of Building permits, the applicant shall provide a note indicating horizontal and vertical clearances from water services. The applicant shall maintain one foot of vertical clearance at water service crossing with other utilities, and maintain all required horizontal clearances from water services, including ten feet from trees and sanitary sewers. If applicant installs root barriers, clearance from trees reduces to five feet.
- W5. Prior to issuance of Building Permits, the applicant shall submit plans showing a clean out at the property line for each sanitary sewer lateral to the satisfaction of the Director of the Water & Sewer Utilities.
- W6. Prior to the issuance of Building Permits, the applicant shall provide fixture unit count to determine the appropriate size of proposed water meter sizes.
- W7. Applicant shall show a separate water and fire service for each building.

### **FIRE**

- F1. The required fire-flow for the building shall be based on the construction type and square footage of the building in accordance with the California Fire Code, Appendix B, Table B105.1. A maximum reduction of 50% in fire-flow is allowed with the installation of an automatic fire sprinkler systems designed in accordance with California Fire Code § B105.2. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration.
- F2. The required number, location and distribution of fire hydrants for the building shall be based on the California Fire Code, Appendix C, Table C105.1. The required number of fire hydrants shall be based on the fire-flow before the reduction.
- F3. Construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction, and shall be in conformance with the development plans dated 10-01-2015.
- F4. When fire apparatus access roads are required to be installed, such improvements shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are approved by the Fire Prevention and Hazardous Materials Division.



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- F5. The minimum width of a fire apparatus access roadway for Engines is 20 feet. The minimum width of roadways for aerial apparatus is 26 feet. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building, and positioned parallel to one entire side of the building except when alternative methods of protection are approved by the Fire Prevention and Hazardous Materials Division. The side of the building shall be approved by the Fire Prevention and Hazardous Materials Division.
- F6. All fire department access roadways shall be an all-weather surface designed to support the imposed load of fire apparatus with a gross vehicle weight of 75,000-pounds.

### **POLICE**

- PD1. Address number of the building shall be clearly visible from the street and shall be a minimum of six (6) inches in height, and a color contrasting with the background material. Numbers shall be illuminated during hours of darkness.
- PD2. There shall be positioned at the lobby entrance an illustrative diagram of the complex, which shows the location of the viewer and unit designations within the complex, including common amenities.
- PD3. 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.
- PD4. Provide a minimum illumination of one-foot candle in carport, parking areas, and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD5. Any required enclosure fencing (trash area, utility equipment, etc.) if not see thru, should have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.
- PD6. If the development includes any exterior (public access) benches, these benches should not be longer than 5 feet in length, and should have arm rests at both ends. If the benches are longer than 5 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.
- PD7. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD8. 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.
- PD9. 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.
- PD10. 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.
- PD11. 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).
- PD12. A Knox Box or Coded Entry System is required for police access to enclosed parking lots and gated or secured communities.



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### **STREETS**

#### **Landscape:**

- ST1. Submit copy of complete landscape and automatic irrigation plans for review and comment by City staff. Plans are to include all existing trees with 4" or larger diameter (measured 30" above ground) on development property and adjacent property if they may be impacted. Trees are to be correctly labeled with specie name and correctly plotted as to exact location on the plans. Trees are to be noted as to whether they are proposed to be saved or removed. City tree preservation specifications are to be included on all plans where existing trees are to be saved during construction. A copy of these specifications can be obtained from the City Arborist at 408-615-3080.
- ST2. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size (15 gallon minimum) to be determined by City Arborist.
- ST3. All landscaping and irrigation systems shall meet City standard specifications.
- ST4. Provide the Street Department with information regarding existing tree information and/or how trees are to be preserved. Applicant to coordinate with Ron Janzing of the Street Department at 408-615-3080 prior to re-submittal.

#### **Stormwater:**

- ST5. Applicants must have 3<sup>rd</sup> party verification of storm water management plan, conduct inspections of storm water treatment devices within 45 days for 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.
- ST6. Any storm drains in private streets shall be marked with appropriate storm water pollution prevention message such as "no dumping – flows to bay". Developer is responsible to add these markings upon construction.

#### **Solid Waste:**

- ST7. Project shall meet C&D debris recycling requirements (50%) and track project recycling, such as through Green Halo. For more information contact the Street Division at 408-615-3080.
- ST8. Solid waste enclosure must provide a minimum unobstructed inside opening of 12 feet and have a minimum inside dimensions of 18.5 feet by 10.5 feet.
- ST9. Multi-family residential garbage level of service must be calculated at a rate of no less than 20 gallons per unit per week.
- ST10. Applicant 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

### **PARKS AND RECREATION**

- PR1. The Santa Clara City Code Chapter 17.35 requires new residential development 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). For a project over 50 units, the City may require parkland dedication and/or fee in lieu of land dedication for parks.
- PR2. While the Project is over 50 units and the City may require parkland dedication only, due to the constraints of the parcel's smaller size (1.8 acres), shape and location, the Parks & Recreation Department proposes that a fee in-lieu of the total parkland dedication is appropriate to mitigate the neighborhood and community parkland impacts of this Project.