

**SUBDIVISION CONDITIONS**  
**APPLICATION NO.: PL-2021-155**  
**918 RICH AVENUE**

1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property within the subdivision. All existing and proposed easements are to be shown on the map. Submit the map for review concurrent with all items on the Map Checklist and the Off-Site Improvement Plans to the Public Works Department. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
2. **PRELIMINARY TITLE REPORT:** At first submittal of a final map to the Public Works Department, the applicant shall provide a current preliminary title report indicating the exact name of the current legal owners of the property, their type of ownership (individual, partnership, corporation, etc.), and legal description of the property involved (dated within six months of the submission). The title report shall include all easements and agreements referenced in the title report. Depending upon the type of ownership, additional information may be required. The applicant shall provide an updated title report to the Public Works Department upon request. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on a final map. Submit a copy of the report with the first submittal of a final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. The applicant, through the applicant's registered soils engineer/geologist, shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located or provide a separate letter stating such.

4. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, submit a subdivision guarantee, Santa Clara County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).
5. **FINAL MAP APPROVAL:** A final map shall be signed and notarized by the owner and engineer/surveyor and submitted with an 8.5"x11" reduction of the map and a PDF to the Public Works Department. In order to place the approval of a final map on the public hearing agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting date. After City Council approval, the City Engineer will sign the map. The applicant's title company shall have the Santa Clara County Recorder's Office record the original and shall provide a Xerox mylar copy of the map to be endorsed by the Santa Clara County Recorder's Office. The endorsed Xerox mylar copy and a PDF shall be returned within one week after recording the map to the Public Works Department.
6. **STREET DEDICATION:** Dedicate a public street in fee on the face of the map to widen Rich Avenue an additional 10' along the project frontage, as required by the Public Works Director.
7. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) on the face of the map for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. Utility boxes and vaults are not allowed to encroach into the public sidewalk and must fit either entirely within the landscape strip or within the PUE. The property owner or homeowners association shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following: garages, sheds, carports, and storage structures; balconies and porches; retaining walls; C.3 bioretention systems; and private utility lines running longitudinally within the PUE.

8. **PRIVATE UTILITY AND ACCESS EASEMENTS:** Dedicate private utility and/or access easements on the face of the map, as necessary, for the common private street and utility improvements.
9. **EASEMENT VACATIONS AND QUITCLAIMS:** All existing easements that are or will no longer be needed and/or conflict with the proposed buildings and structures shall be vacated or quitclaimed. All vacations shall be approved with the project at the City Council meeting. Easements in conflict with the proposed building shall be vacated prior to the issuance of the building permit. The recording number of the easement vacation and quitclaim document(s) shall be included in the final map.
10. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements, as required by the utility companies and as approved by the Public Works Director. All street and public service easement dedications are to be shown on a final map. The subdivider shall submit two copies of the map to PG&E, AT&T (SBC), and Comcast for their review and determination of easement needs. The public service easement dedications must be approved by the utility companies prior to the approval of a final map.
11. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of a final map.
12. **MAP PLAN CHECK FEE:** Prior to issuance of any building permits OR prior to approval of a final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at time of payment. The map plan check fee shall be paid at the time of initial map plan check submittal per the adopted fee in effect at time of payment.
13. **PLAN CHECK AND INSPECTION FEE:** Prior to issuance of any building permits OR prior to approval of a final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at time of payment.

An initial plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial improvement plan check submittal based on the initial cost estimate for constructing street improvements and other public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums. Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

14. **TRANSPORTATION IMPACT FEE:** Prior to issuance of any building permits OR prior to approval of a final map, as applicable, the applicant shall pay the transportation impact fee for the development. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.
15. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits OR prior to approval of a final map, the applicant shall pay the Park Land Dedication Fee of \$48,000 for each net new market-rate residential unit with a project total fee of \$1,440,000, based on a land valuation of \$8,000,000 per acre in accordance with Chapter 41 of the City Code. No credit against the Park Land Dedication Fee is allowed for private open space and recreational facilities.
16. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of a final map, the applicant shall pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.
17. **UTILITY PAYMENT AGREEMENT:** Prior to the approval of the final map, the applicant shall sign a utility payment agreement and post a security deposit made payable to the City as security if each unit or building does not have separate sewer connections and water meters in accordance with Section 35.38 of the City Code. The utility payment agreement shall include provisions to have the security transferred from the applicant to the homeowners association (HOA), but still made payable to the City, when the HOA is formed for the subdivision.

18. **PUBLIC AND PRIVATE COMMON IMPROVEMENTS:** Install or reconstruct standard public and private common improvements required for the subdivision and as required by Chapters 27 and 28 of the City Code. The public improvements include, but are not limited to, new curb, driveway, sidewalk, landscaping, and conforms; new water and sewer facilities, including services/laterals, cleanouts, and any related appurtenances; and electric utility improvements.

The private common improvements include, but are not limited to, common private driveway and utility mains:

- a. **Improvement Agreement:** Prior to the approval of a final map, the property owner must sign a Public Works Department improvement agreement for the installation of the public and on-site common improvements.
  - b. **Bonds/Securities:** Prior to the approval of a final map, the property owner must sign a Public Works Department faithful performance bond (100%) and materials/labor bond (100%) or provide a letter of credit (150%) or cash security (100%) securing the installation and warranty of the off-site improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the internet at: [www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570\\_a-z.htm](http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm). The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department.
  - c. **Insurance:** Prior to the approval of a final map, the property owner must provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Contractor's Pollution Liability, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
19. **INFRASTRUCTURE QUANTITIES:** Upon submittal of the initial building permit and improvement plans, submit a completed construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans.
20. **OFF-SITE IMPROVEMENT PLANS:** Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way.

Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and shall show, at a minimum, work areas, delineators, signs, and other traffic-control measures required for work that impacts traffic on existing streets. Construction management plans: Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval and shall be incorporated into the off-site improvement plans and identified as "For Reference Only."

Off-site improvement plans, an initial plan check fee, and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the Checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 full-size and one half-size black-line sets, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the approval of a final map. CAD files shall meet the City's Digital Data Submission Standards.

21. **PRIVATE COMMON IMPROVEMENT PLANS:** Prepare on-site common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a California-registered civil engineer. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.

The improvement plans, Improvement Plan Checklist, and items noted within the Checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and a final map. All required materials shall be submitted electronically (i.e., flattened, reduced-size PDFs).

The improvement plans must be approved and signed by the Public Works Department. After the improvement plans have been signed by the Public Works Department, one full-size and one half-size black-line sets, one PDF of the signed/stamped plan set, and a USB flash drive with CAD file and PDF must be submitted to the Public Works Department prior to the approval of a final map. CAD files shall meet the City's Digital Data Submission Standards.

22. **SUBDIVISION AND DESIGN CRITERIA PROVISIONS:** It is the applicant's responsibility to comply with relevant provisions of Chapter 28 of the City Code and with the City's Design Criteria for Common Green Developments and Townhouse-Type Condominiums.
23. **ON-SITE UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).
24. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the subdivision are to be placed underground, including transformers. The undergrounding of the new and existing overhead electric and telecommunication lines is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. If allowed by the City, aboveground transformers shall be located so they are screened in the least visible location from the street or to the general public, as approved by the Community Development and Public Works Departments.
25. **UNDERGROUNDING OF OVERHEAD LINES:** Underground existing overhead electric and telecommunication facilities fronting the property along Rich Avenue and/or within the division of land, unless waived by the City Council after consideration of the recommendation of the Public Works Director due to unusual or impractical circumstances. The undergrounding work shall be constructed in conjunction with any applicable off-site improvements and completed prior to issuance of a Certificate of Occupancy for any new unit. All poles fronting the property and/or within the division of land shall be removed. If the undergrounding requirement is waived, the subdivider shall fulfill whatever substitute conditions the City shall impose prior to a final map approval.
26. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. Appropriate horizontal and vertical clearances in accordance with PG&E requirements shall be provided between gas transmission lines, gas service lines, overhead utility lines, street trees, streetlights, and building structures. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Dedicate public utility easements that are necessary for the common utility on a final map.

27. **STORM DRAINAGE CONNECTION:** The applicant proposes to connect to the neighboring property's (1075 El Monte Avenue) existing storm drain line, which connects to the City storm drain system on El Monte Avenue. The applicant shall obtain drainage rights by satisfying the following requirements prior to first building permit submittal:
1. Coordinate with St. Paul Lutheran Church and Rich Avenue Group, LLC (or the most current stakeholders), to amend the existing "Agreement and Grant of Easement" for storm drain purposes (Document No. 13336359), to allow the project to connect to the neighboring storm drain line as shown on Sheet C6 of the planning documents. A copy of the revised easement shall be submitted for the City's records.
    - a. With the initial Building Permit submittal, submit storm drain calculations to Public Works confirming the existing line is appropriately sized to accommodate all properties connecting to the line. If found to be inadequate, the storm drain line and connection to the City main shall be upsized accordingly.
    - b. The off-site public improvement plans shall show the proposed storm drain connection, the existing storm drain line, and replacement of the 1075 El Monte Avenue storm drain lateral from the City storm drain main to the property line inlet.

Alternatively, if land rights are not obtained from the adjacent property, the applicant shall design and construct an extension of the City's storm drain system to provide drainage for the site. A new 15" storm drain main shall connect to the City's main on El Camino Real and extend to the project's frontage along Rich Avenue where the site will connect with a 12" storm drain lateral. At the time of initial building permit submittal, the applicant shall incorporate this design into the off-site improvement plans. The storm drain design shall comply with City standards and shall be reviewed and approved by the City prior to building permit issuance.

28. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. Show and identify path of surface water release on the improvement plans.
29. **RETAINING WALL:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. A private easement for the retaining walls shall be shown on a final map. Retaining walls along the perimeter of the subdivision shall be maintained by the homeowners association (HOA). The maintenance of the retaining walls shall be included in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
30. **STORM DRAIN HOLD-HARMLESS AGREEMENT:** As portions of the site are or will be lower than the adjacent public street or the surface grade over the City's storm mains, the owner shall sign an agreement to hold the City harmless against storm surcharges or blockages that may result in on-site flooding or damage prior to approval of a final map.
31. **SANITARY SEWER HOLD-HARMLESS AGREEMENT:** If the sanitary sewer connection(s) inside the structure(s) is/are less than 1' above the rim elevation of the upstream sanitary sewer manhole, before approval of the building permit, the owner shall sign an agreement to hold the City harmless against sewer surcharges or blockages that may result in on-site damage prior to approval of a final map.
32. **SHARED PARKING AND ACCESS AGREEMENT:** Owners shall sign and be a party to an agreement (or amendment of an existing agreement), subject to the City's approval and recorded to run with the land, which provides for easements, covenants, and conditions relating to applicable parking, vehicle access, pedestrian access, utility use, and other uses between the subject properties. The agreement, together with all attachments, must be submitted to and approved by the Community Development Department and City Attorney's Office prior to the approval of a final map.
33. **CC&Rs:** Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association, together with a completed CC&R checklist, shall be submitted to and approved by the City Attorney's Office and the Community Development Department prior to approval and recordation of the map. Said covenants shall include and stipulate all of the standard provisions which are

shown on the attached sheet. The checklist and proposed CC&Rs shall be annotated to show exactly where each of the standard provisions have been incorporated into the CC&R document.

34. **CC&Rs, SPECIAL PAVEMENT MAINTENANCE:** The homeowners association shall be responsible for replacing any special pavers or textured/colored concrete that is removed by the City to repair, replace, or maintain any City underground utilities located within private streets, driveways, or easement areas. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
35. **CC&Rs, PRIVATE UTILITY MAINTENANCE PLAN, AND SANITARY SEWER OVERFLOW PLAN:** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the homeowners association (HOA) prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include elements, such as, but not limited to, flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspecting of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the HOA prepare a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
36. **CC&Rs, RETAINING WALLS:** Retaining walls shall have a maximum height of 18", unless an exception is granted by the Community Development and Public Works Departments. A private easement for the retaining walls shall be shown on a final map. Retaining walls along the perimeter of the subdivision shall be maintained by the homeowners association. The maintenance of the retaining walls shall be included in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
37. **CC&Rs, GARBAGE PICKUP (SHARED SERVICE):** The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating the homeowners are responsible for the removal of all the trash and refuse from the owner's lot to the central trash collection point. The homeowners association (HOA) shall be responsible for the maintenance of the central trash collection point and for the periodic removal therefrom. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
38. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of Planned Unit Development Permit and Development Review Permit, Application No. PL-2021-154. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of a final map.
39. **APPROVAL EXPIRATION:** If the map is not completed within 24 months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional 12 months, provided the application for extension is filed with the Planning Division by the applicant prior to the expiration of the original map. Upon filing a timely application for extension, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.