

SUBDIVISION CONDITIONS
APPLICATION NO.: 2023-064
753 VICTOR WAY

PARCEL MAP

1. SD-01* [SUBDIVISION CONDITION, PARCEL MAP]
MAP SUBMITTAL: File a parcel 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(ies) 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. SD-02* [SUBDIVISION CONDITION, PARCEL MAP]
PRELIMINARY TITLE REPORT: At first submittal of a parcel 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(ies), their type of ownership (individual, partnership, corporation, etc.), and legal description of the property(ies) 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. SD-03* [SUBDIVISION CONDITION, PARCEL MAP]
SOILS REPORT: Soils and geotechnical reports prepared for the subdivision shall be indicated on a parcel map. Submit a copy of the report with the first submittal of a parcel 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. SD-04 [SUBDIVISION CONDITION, PARCEL MAP]
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. SD-06 [SUBDIVISION CONDITION, PARCEL MAP]
PARCEL MAP APPROVAL: When all subdivision-related materials and agreements have been completed, the original parcel map shall be signed and notarized by the owners and engineer/surveyors and submitted to the Public Works Department for the City Engineer to 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.

RIGHTS-OF-WAY

6. SD-09* [SUBDIVISION CONDITION, RIGHTS-OF-WAY]
STREET DEDICATION: Dedicate a public street easement on the face of the map to widen Victor Way an additional 5' along the project frontage, as required by the Public Works Director.

7. SD-16* [SUBDIVISION CONDITION, RIGHTS-OF-WAY]
FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION: Dedicate a 10' wide public utility easement (PUE) along Victor Way frontage and 3.5' to 4' wide along Castro Street frontage 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. SD-21* [SUBDIVISION CONDITION, RIGHTS-OF-WAY]
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 parcel 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 parcel map.

ASSESSMENTS, FEES, AND PARK LAND

9. SD-25* [SUBDIVISION CONDITION, ASSESSMENTS, FEES, AND PARK LAND]
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 parcel map.
10. SD-26* [SUBDIVISION CONDITION, ASSESSMENTS, FEES, AND PARK LAND]
MAP PLAN CHECK FEE: Prior to issuance of any building permits OR prior to approval of a parcel 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.
11. SD-27 [SUBDIVISION CONDITION, ASSESSMENTS, FEES, AND PARK LAND]
PLAN CHECK AND INSPECTION FEE: Prior to approval of a parcel 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.

STREET IMPROVEMENTS

12. SD-40* [SUBDIVISION CONDITION, STREET IMPROVEMENTS]
PUBLIC IMPROVEMENTS: Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the City Code. These public improvements include, but are not limited to: minimum 2" half-street grind and overlay along Victor Way and Castro Street, new curb, new gutter, 5' detached sidewalk with 5' landscape strip on Victor Way and Castro Street, curb extension on Victor Way, undergrounding of all existing overhead utilities and poles, driveway approach, roadway signing and striping, and pavement marking.

- a. **Improvement Agreement:** Prior to the approval of a parcel map, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements.
 - b. **Bonds/Securities:** Prior to the approval of a parcel 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. 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 parcel 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.
13. SD-42* [SUBDIVISION CONDITION, STREET IMPROVEMENTS]]
INFRASTRUCTURE QUANTITIES: Upon submittal of the initial 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.
14. SD-43* [SUBDIVISION CONDITION, STREET IMPROVEMENTS]]
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 and driveway/property access. 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 parcel 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 parcel map. CAD files shall meet the City's Digital Data Submission Standards.
- UTILITIES
15. SD-46 [SUBDIVISION CONDITION, UTILITIES]
ON-SITE UTILITY MAINTENANCE: On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained by the property owner(s).

16. SD-47 [SUBDIVISION CONDITION, UTILITIES]
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.
17. SD-48* [SUBDIVISION CONDITION, UTILITIES]
UNDERGROUNDING OF OVERHEAD LINES: Underground existing overhead electric and telecommunication facilities fronting the property along Victor Way 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 parcel map approval.
18. SD-50* [SUBDIVISION CONDITION, UTILITIES]
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 parcel map.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

19. SD-51 [SUBDIVISION CONDITION, GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)]
LOT DRAINAGE: Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned lots shall be designed such that the drainage paths do not cross the common property lines unless an exception is approved due to unavoidable circumstances by the Public Works Department, such as to provide drainage to an existing Heritage tree.

COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&Rs)

20. SD-XX* [SUBDIVISION CONDITION, CC&Rs]
CC&Rs: Covenants, Conditions, and Restrictions (CC&Rs) for the property owner(s) of Units 1 and 2, 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. **(PROJECT-SPECIFIC CONDITION)**
21. SD-61* [SUBDIVISION CONDITION, CC&Rs]
CC&Rs, GARBAGE PICKUP (INDIVIDUAL SERVICE): The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision stating that the homeowners are responsible for bringing their garbage, recycling, and compost carts to the curb along a public street on garbage collection days. An exhibit indicating the location of the carts on pickup day shall be included. 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.

OTHER APPROVALS AND EXPIRATION

22. SD-68 [SUBDIVISION CONDITION, OTHER APPROVALS AND EXPIRATION]

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.

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