



SARATOGA
California

Community Development Department

13777 Fruitvale Avenue

Saratoga, CA 95070

408.868.1222

March 25, 2020

SHP Quito Village LLC
c/o Steve Lynch, Director of Planning and Entitlement
965 Page Mill Road
Palo Alto, CA 94304

RE: Application No. MISC20-0001 – 19764-18850 Cox Avenue – Final Approval Letter and Standard Conditions of Approval.

Dear Mr. Lynch,

This letter serves as ministerial approval of the Quito Village SB 35 application for 19764-18850 Cox Avenue ("Application") pursuant to Government Code Section 65913.4, including approval of the proposed vesting tentative subdivision map, design review, and tree removal permit, subject to the standard requirements set forth below. The application, submitted by Sand Hill Property Company Quito Village LLC ("Applicant") on January 9, 2020, includes 4,999 square feet of commercial-retail and 251,436 square feet of residential. The existing 6.269-acre site (6.04 net acres) would be subdivided into two parcels; a 0.27-acre parcel to locate the commercial-retail building and a 5.77-acre parcel to accommodate the residential buildings. The residential component of the project comprises 90 units in 17 buildings with 10 percent of the units affordable to very-low income households. A total of 233 parking spaces would be provided on site which include 53 surface parking spaces to service the commercial-retail use and guests, and 180 spaces in enclosed garages to service the residential units. The project also includes amenities such as approximately 76,871 square feet of landscaping, including a central park, a pocket park, and an open plaza near the commercial building.

On February 20, 2020, the City sent you an SB 35 Preliminary Eligibility and Corrections letter, and on February 26, 2020, the City sent an Additional Comments letter requesting additional information necessary to process your application. On March 9, 2020, pursuant to Government Code section 65913.4(b)(1), the City sent you a letter with the finding that the project is consistent with the law's objective planning standards and is eligible for its streamlined, ministerial review.

This approval is based on the application and the additional information submitted on March 4, 2020 provided in response to the City's February 20, 2020 SB 35 Preliminary Eligibility and

Corrections letter and the February 26, 2020 Additional Comments letter requesting additional information.

The project application is approved subject to the following Standard SB 35 Project Requirements and Standard Municipal Code Requirements.

STANDARD SB 35 REQUIREMENTS

1. The proposed project does not include public investment in housing affordability (including local, state, or federal government assistance), beyond tax credits and at least 50 percent of the units are not affordable to households making at or below 80 percent of the Area Median Income (AMI), therefore pursuant to Section 301(d)(2)(A) of the SB35 Guidelines, this approval shall automatically expire in three years from the date the Streamlined Ministerial Approval has been provided (March 20, 2020). The development may receive a one-time, one-year extension if the applicant can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application. If construction begins within the time limits set forth above, approval of this project shall remain valid for a development as long as vertical construction of the development has begun and is in progress. (Section 301(d)(2)(A) & (B) of the SB35 Guidelines)
2. Since the commercial component is not part of a vertical mixed-use structure, construction of the residential component of the mixed-use development shall be completed prior to, or concurrent with, the commercial component. (Section 400(b)(3) of the SB35 Guidelines)
3. Prior to issuance of the first building permit, a covenant or restriction shall be recorded against the development dedicating ten (10) percent of the units (nine (9) units) to housing affordable to very-low income households earning 50% or less of the Area Median Income. The recorded covenant or restriction shall remain an encumbrance on the development for a minimum of either:
 - a. 55 years for rental developments (affordable rent is calculated pursuant to Health and Safety Code Section 50053) or
 - b. 45 years for owner-occupied properties (affordable housing cost is calculated pursuant to Health and Safety Code Section 50052.5). (Section 402(b)(1) of the SB35 Guidelines)
4. Affordable units shall be distributed throughout the development and shall be of comparable size, both in terms of the square footage and the number of bedrooms, and quality to the market rate units with access to the same common areas and amenities. (Section 402(f) of the SB35 Guidelines)

5. Units affordable to households at or below 50% of the area median income shall be calculated based on the following:
 - a. For owner-occupied units, affordable housing cost is calculated pursuant to Health and Safety Code Section 50052.5
6. The applicant shall require in all contracts for the performance of the work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development. (Section 403(b)(4)(A) of the SB35 Guidelines)
7. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development. (Section 403(b)(4)(B) of the SB35 Guidelines)
8. Pursuant to Section 403(b)(4)(C) of the SB35 Guidelines, the applicant shall provide the City, on a monthly basis while the development is in progress or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
 - a. A monthly report provided to the City shall be a public record under California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. Should the applicant fail to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code, he/she shall be subject to a civil penalty of \$10,000 per month for each month for which the report has not been provided.
 - b. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of \$200 per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil code and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code Penalties shall be paid to the State Public Works Enforcement Fund.
 - c. The above requirements do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.
9. Pursuant to Section 403(a)(5)(A-C) of the SB35 Guidelines, Because the development is not a public work, all of the following shall apply:

- a. The applicant shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
- b. The applicant shall ensure that all contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
- c. The applicant shall ensure all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided herein.
 - i. The obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
 - ii. The payroll record and Labor Commissioner enforcement pursuant to c. and c.i., above, shall not apply if all contractor and subcontractors performing work on the development are subject to a project labor agreement, as defined in Section 102(q) of the SB35 Guidelines, that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure.

STANDARD MUNICIPAL CODE REQUIREMENTS

10. Pursuant to Section 15-19.020(a) of the Saratoga Municipal Code (SMC), business operations for commercial uses providing direct customer service (including, but not limited to, conducting a delivery service) on-site between the hours of 1:00 A.M. and 6:00 A.M. shall not be allowed.
11. Pursuant to Section 15-19.020(c) of the SMC, the following uses are expressly prohibited:
 - a. Any use which emits air pollutants, solid or liquid wastes, radioactivity, or other discharge which endangers human health or causes damage to animals, vegetation or property.

- b. Any use which creates offensive odor, vibration, glare or electrical disturbance, detectable beyond the boundaries of the site, or creates a hazard of fire or explosion.
 - c. Any use involving drive-through service, such as restaurants and financial institutions with drive-through windows in all commercial districts.
 - d. Any use involving automotive body work, such as collision repair, painting, dismantling or customizing.
 - e. Mini-storage facilities.
 - f. Outdoor sales or storage of motor vehicles.
12. Pursuant to Section 15-19.020(f)(5) of the SMC, the project Covenants, Conditions & Restrictions (CC&Rs) shall include a clause requiring pedestrian open space, front setback areas, side setback areas, and not less than fifteen (15) percent of any parking lot area to be completely landscaped and permanently maintained. CC&Rs shall be finalized and recorded prior to issuance of the final occupancy permit.
13. Pursuant to Section 15-19.020(j) of the SMC, set-up and cleaning activities conducted at restaurants and other commercial establishments located immediately adjacent to a residential area, which generate any noise audible to the occupants of the adjacent residence, including noise generated by the operation of delivery or service vehicles, shall not begin prior to one hour before the normal opening time of the establishment or extend later than one hour after the normal closing time of the establishment as specified by the license granted by the City.
14. Pursuant to Section 14-25.080(g) of the SMC, in order for the applicant to receive a credit not exceeding fifty (50) percent given against the requirement of dedication for park and recreation purposes or payment of fees in lieu when the following standards are met:
- a. Yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
 - b. The project CC&Rs shall include provision requiring private ownership and maintenance of the open space in an adequate manner; and
 - c. The project CC&Rs shall include provision restricting the use of private open space for park and recreational purposes only. Such a restriction shall run with the land in favor of the future owners of the property within the subdivision.

15. Pursuant to Section 14-25.080(b) of the SMC, prior to issuance of a building permit, the applicant shall pay the park in-lieu fee based on the average number of persons per household, based upon the most recent available federal census, divided by two hundred (the quotient of one thousand persons per five acres).
16. After the issuance of a final occupancy permit, storage of personal property and materials shall be permitted pursuant to the requirements of SMC Section 15-12.160.
17. The applicant shall be required to apply for a separate building permit for installation of freestanding and building signage. The signs shall be designed pursuant to the design criteria outlined in Section 15-30.040 of the SMC.
18. Pursuant to Section 15-30.050 of the SMC, the following signs are prohibited:
 - a. Signs made of reflective material, and signs incorporating flashing or moving parts, except for traffic control signs or devices erected by a governmental entity. Televisions or monitors less than three square feet in area are excluded from this prohibition.
 - b. Mobile billboard advertising displays.
 - c. Advertising displays that are painted or attached to a vehicle parked on any property for more than forty-eight hours within a one-week period, if the sign is larger than twenty percent of the body panel (e.g. door, hood, roof) on which it is located.
 - d. Streamers, balloons, flares, pennants, twirlers and similar attention-getting devices on or incorporated into any advertising display.
 - e. Posters, placards, announcements, and advertisements that are erected on any fence, pole, tree, pavement, wall, bus stop, bench, or any other object permanently affixed in or upon a public highway, public street or public right-of-way except as authorized by Subsection 15-30.060(k).
 - f. Obscene signs, which are defined as signs containing depictions or representations which:
 - i. Taken as a whole, the average person, applying contemporary community standards, would find appeals to the prurient interest;
 - ii. Depict or describe, in a patently offensive way, sexual conduct specifically defined by California Law; and
 - iii. Taken as a whole, lack serious literary, artistic, political, or scientific value.
 - g. Signs that obstruct any door, window, fire escape or other egress path from any building.
 - h. Signs or sign structures that are in streets or travel lanes; conflict with traffic control signs or devices; interfere with, obstruct, or misdirect traffic; impede traffic or pedestrian

movement; obstruct the clear view of vehicular or pedestrian traffic; are located in a median at a location other than one authorized by SMC Subsection 15-30.060(k); or otherwise create a pedestrian or vehicular safety hazard.

- i. Any signs other than those allowed by Article 15-30 of the SMC.

STANDARD SUBDIVISION CODE REQUIREMENTS

19. Pursuant to Section 14-25.020 of SMC, at the time of construction, in making the survey for the subdivision or building site, the engineer or surveyor shall set permanent monuments at all exterior boundary corners and angle points except where such monuments already exist in their proper positions, at all street intersections on centerlines or offsets, at the beginnings and ends of curves, and as otherwise directed by the City Engineer. In the case of intersecting curved streets, monuments shall be placed at the point of intersection of the centerlines where possible. All monuments shall be subject to inspection and approval by the City Engineer before approval of the final map. All monuments within the improved portion of a street must be set eight inches below the finished grade line of the street in a City standard monument box. In addition, a three-fourths inch, galvanized steel pipe two feet long shall also be set six inches below finished grade at each lot corner. Without limiting the generality of any other provision of Chapter 14 of the SMC, any monument required under the provisions of Section 14-25.020 which is disturbed or destroyed shall be replaced before acceptance of any of the streets or other easements by the City.
20. Pursuant to Section 14-25.070 of the SMC, no native, ornamental or orchard trees required to be shown on the application for tentative map approval under Subsection 14-20.040(v) of the SMC shall be removed or destroyed without a prior permit to do so issued by the Community Development Director pursuant to Article 15-50 of the SMC, unless such removal is specifically authorized as part of the tentative map approval granted under Chapter 14 of the SMC. No such trees may be removed or destroyed prior to the filing of an application for tentative map approval with the intent of circumventing the requirements of Chapter 14 of the SMC.

The City may revoke any tentative map approval upon the violation of Section 14-25.070 by the subdivider or owner.

The approval of a tentative map by the City shall automatically constitute authorization to remove all trees within all portions of street rights-of-way which are to be improved, and to remove trees from the area as designated by the subdivider or owner to be covered by the envelope of the proposed structure or structures to be erected on the lot or site, and the area of the proposed driveway on the lot or site.

21. Pursuant to Section 14-30.030(a) of the SMC, prior to issuance of the building permit, the applicant shall provide all drainage plans to the City for review and approval. All plans shall

be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES) as defined in Article 15-06 of the Zoning Code. In order to ensure compliance with the program, grading plans shall incorporate appropriate source control and site design measures that minimize storm water pollutant discharges to the maximum extent possible. Existing storm drains already discharging into a watercourse shall be of a capacity sufficient, as verified by the City, to adequately and safely carry all of such additional drainage generated by the development. The storm drain system shall consist of mains of not less than twelve inches in diameter, together with such manholes, catch basins, laterals and other structures, and at such grades, as required by the City Engineer to conform to good drainage requirements for the area and topography of the subdivision or site to prevent standing or flooding waters within and outside of its boundaries. The applicant shall comply with all conditions of the Water District as may be imposed by any permit required to be obtained from such district in order to discharge water on to a water course.

22. Pursuant to Section 14-30.030(d) of the SMC, prior to issuance of the building permit, the applicant shall submit plans to the City showing lateral and main connections to the sanitary district facilities as necessary per the Health Officer. Sanitary sewers shall be installed to grades, standards, location, design, lengths and sizes, as approved by the sanitation engineer for the district having jurisdiction, and in accord with all laws and regulations of said district. Other than as might be permitted under Article 14-35 of Chapter 14 of the SMC, disposal of sanitary sewage may not be by septic tank methods, or any other method other than by connection to a sanitary sewer system.
23. Pursuant to Section 14-30.040(a) of the SMC, prior to issuance of the building permit, the applicant shall provide plans showing the complete water system including mains, valves, fittings, blowoffs, fire hydrants and other appurtenances and structures adequate to provide water supply for domestic or commercial use and for fire protection in conformity with the standards established by the Board of Fire Underwriters of the Pacific. Water mains shall conform to the design criteria of the San Jose Water Company and the State Public Utilities Commission, and the grades, location and sizes shall be approved by the City Engineer. The number and location of fire hydrants shall be as determined by the Fire Chief of the district serving the area in which the subdivision or building site is located. Applicant shall be responsible to construction the complete system as approved by the City.
24. Pursuant to Section 14-30.060 of the SMC, prior to issuance of the final occupancy permit, the applicant shall install all approved landscaping on site. The applicant shall maintain the landscaping including trees for a minimum of one year after planting. All installed landscaping shall be consistent with the City approved landscape plans.
25. Pursuant to Section 15-47.020(b) of the SMC, prior to issuance of the building permit, the applicant shall provide the City with documentation demonstrating that the estimated total water use (ETWU) of the landscape area shall not exceed the maximum applied water allowance (MAWA). The applicant shall provide the following:

- a. Water-efficient landscape worksheet;
 - b. Water budget in compliance with the standards in Section 15-47.030 of the SMC;
 - c. Landscape and irrigation design plan in accordance with Section 15-47.040 of the SMC;
 - d. Certificate of completion. A certificate of completion, on such forms as may be prescribed, shall be filed with the Community Development Department; and
 - e. Landscape plan check fee. Fees for review and processing of required documents, as set forth in the fee schedule adopted by the City.
26. Pursuant to Section 15-47.050 of the SMC, all the landscaped areas shall be maintained in compliance with the established water budget allocation consistent with standards outlined in Article 15-47 of the SMC, to ensure water use efficiency, including by inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in each landscape area; and removing obstructions to emission devices.
27. Pursuant to Section 15-80.040 of the SMC, prior to issuance of the building permit, the applicant shall provide plans to the City showing undergrounding of all public utilities.

STANDARD PLANNING REQUIREMENTS

28. Prior to issuance of the building permit, the applicant shall submit a construction management plan showing the truck routes to be used to make delivery of materials and on-site construction staging. The truck route shall be consistent with Figure C-3 included in Circulation and Scenic Highway Element of the General Plan (CI-Policy-3.1).
29. Pursuant to General Plan implementation action CI-Action-3.2, truck deliveries shall be made outside of typical peak commute travel period (7:00 am to 9:00 am and 4:00 pm to 6:00 pm).
30. Pursuant to General Plan implementation action CI-Action-5.14, motorized vehicular traffic on trails, pathways, parks, and dedicated open space areas is prohibited except for maintained and emergency purposes.
31. In the event that prehistoric or historic resources are encountered during excavation and/or grading on the site, all activity within a 50-foot radius of the find will be stopped, the City will be notified, and the archeologist will examine the find and make appropriate recommendations. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped and

the applicant shall notify the Santa Clara County Coroner. The Santa Clara County Coroner will determine whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial. (Land Use Element of the General Plan, Policy LU 12.9)

32. Construction activities on the site will include demolition of existing structures, hardscape, and grading. These activities will generate dust and particulate matter. The project is required to implement the following BAAQMD best management practices during construction:
- a. All exposed surfaces including, but not limited to, parking areas, staging areas, soil piles, graded areas, and unpaved access roads shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binder area used.
 - e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. All construction equipment shall be maintained, and property tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. Post a publicly visible sign with the telephone number for a Disturbance Coordinator, established by the project applicant, regarding dust complaints. The Disturbance Coordinator shall be available 24 hours a day, seven days a week to respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

(Policy LU 15.1; Open Space and Conservation Element of the General Plan, Policy OSC 15.1)

33. Pursuant to Noise Element of the General Plan, Policy 2.2, prior to issuance of the final occupancy permit, the applicant shall provide documentation to the City certifying that the interior noise level in the habitable rooms of the residential units is less than 45 DNL.
34. Pursuant to General Plan, Policy 2.4, prior to issuance of the building permit, the applicant shall provide documentation certifying that the commercial building is designed to reduce daytime interior noise level to Leg(h) 50 dB as a maximum allowable hourly average noise level during daytime operations.
35. Pursuant to Safety Element of the General Plan Policy SAF-1.1, prior to issuance of the building permit, the applicant shall provide a geotechnical report to the City for review of potential issues of land instability or geologic hazards.
36. Pursuant to General Plan Policy SAF-2.1, prior to issuance of the building permit, the applicant shall demonstrate compliance with the City's earthquake construction and soil-engineering standards.
37. Prior to issuance of the building permit, the applicant shall demonstrate compliance with the required early warning fire alarm system in each of the multi-family dwellings and commercial structures. (General Plan Policy SAF 4.1d.)
38. Prior to the issuance of the building permit, the applicant shall provide revised site plans showing adequate turning and back-up distance for the four (4) guest parking spaces located between Buildings 1 and 2.

STANDARD CITY ARBORIST REQUIREMENTS

39. No protected tree authorized for removal or encroachment pursuant to this project may be removed or encroached upon until the issuance of applicable permit from the building division. The applicant shall be responsible to protect trees pursuant to Article 15-50 of the SMC on all construction sites.
40. Pursuant to Section 15-50.050 of the SMC, this project will require a tree permit prior to removal of trees. Applicant shall submit a signed tree permit application for staff's review and approval prior to removal of trees on site. Staff will process the tree permit ministerially and it will be subject to applicable objective standards. (Section 301(a)(5) of the SB 35 Guidelines.) The table below sets forth the removal criteria. Trees 3, 4, and 7 (as shown on the topographic survey, sheet TM2.0 of the development plans) are not protected and may be removed at any time without a permit. See the project arborist report for additional comments.

Tree No.	Species	Criteria met	Comments
1, 2	Mayten	1, 7, 9	Poor condition
5, 6	Canary Island Pine	1, 2, 7, 9	Interfere with PG&E
8	Siberian Elm	1, 2, 7, 9	Possible stump sprouts, possible damage to the wall it grows next to

41. Prior to issuance of the building permit, the applicant shall submit plans including information and protection recommendations from the project arborist report by HortScience – Bartlett Consulting on October 21, 2019 copied onto a plan sheet.
42. Prior to issuance of the building permit, the applicant shall submit plans to the City including information on the project data, conditions of approval, and the map showing tree protection sections of the City Arborist report dated October 21, 2019.
43. Prior to issuance of the building permit, pursuant to Section 15-50.080 of the SMC, the applicant shall pay a Tree Protection Security Deposit of \$137,450 (total value of trees inventoried (\$151,250) minus trees not protected (3, 4, 7, 28 = \$3,100) minus protected trees to be removed (1, 2, 5, 6, 8 = \$10,700) = \$137,450). The deposit can be made in form of cash, check, credit card payment or a bond. The deposit shall remain in place for the duration of construction of the project and may be released once the project has been completed, inspected, and approved by the City Arborist.
44. Prior to arrival of construction equipment or materials on site, the applicant shall install a six-foot high chain link fencing mounted on 2-inch diameter galvanized posts, driven into the ground and spaced no more than 10 feet apart around trees identified for protection in the approved site plan and other construction documents. The tree protection fencing shall include signs saying, "TREE PROTECTION FENCE – DO NOT MOVE OR REMOVE WITHOUT APPROVAL FROM CITY ARBORIST, KATE BEAR (408) 868-1276". Whenever protection is needed outside of fences, unprocessed wood chips, or approved equivalent, shall be placed to the edge of the tree's canopy and to a depth of 6 inches. Tree protection fencing shall remain undisturbed throughout the construction until final inspection.
45. Prior to issuance of the building permit, the applicant shall call City Arborist, Kate Bear or her successor or designee, at (408) 868-1276 for an inspection of tree protection fencing once it has been installed.
46. All construction activities shall be conducted outside tree protection fencing unless permitted as conditioned below. These activities include, but are not necessarily limited to, the following: demolition, grading, trenching for utility installation, equipment cleaning, stockpiling and dumping materials (including soil fill), and equipment/vehicle operation and parking.

47. Prior to commencement of work inside the fence area, the applicant shall request a field meeting and approval from the City Arborist. Any work occurring in the tree protection fencing shall require monitoring from the Project Arborist.
48. The project arborist shall be Jillian Keller, unless another arborist is approved by the City Arborist. The Project Arborist shall visit the construction site every two weeks during grading, trenching or digging activities and every six weeks thereafter. A letter/email shall be provided to the City after each inspection that documents the work performed around trees, includes photos of the work in progress, and provides information on tree condition during construction. The Project Arborist shall supervise any permitted pruning or root pruning of trees on site. Roots of protected trees measuring two inches in diameter or more shall not be cut without prior approval of the Project Arborist.
49. Tree 1, 2, 5, 6, and 8 meet the criteria for removal and may be removed once building permits are issued.
50. Prior to final inspection, new trees equal to \$10,700 shall be planted. New trees may be of any species and planted anywhere on the property as long as they do not encroach on retained trees. Replacement values for new trees are listed below.

15 gallon = \$350	24 inch box = \$500	36 inch box = \$1,500
48 inch box = \$5,000	60 inch box = \$7,000	72 inch box = \$15,000
51. Prior to issuance of the building permit, applicant shall provide plans that show the location of the trees. Trees shall be replaced on or off site according to good forestry practices and shall provide equivalent value in terms of aesthetic and environmental quality, size, height, location, appearance and other significant beneficial characteristics of the removed trees. Only drought tolerant plants that are compatible with oaks are permitted under the outer half of the canopy of oak trees on site. Water loving plants and lawns are not permitted under oak tree canopies.
52. During the course of construction, should any protected tree be damaged beyond repair, new trees shall be required to replace the tree. If there is insufficient room to plant the necessary number of new trees, the value of any replacement trees that cannot be planted may be paid into the City's Tree Fund. Replacement values for new trees are listed below.

15 gallon = \$350	24 inch box = \$500	36 inch box = \$1,500
48 inch box = \$5,000	60 inch box = \$7,000	72 inch box = \$15,000
53. Prior to issuance of the final occupancy permit, when the contractor wants to remove tree protection fencing and have the tree protection security deposit released by the City, the contractor or applicant shall call City Arborist for a final inspection. Before making the request for the final inspection, the Project Arborist shall do a final inspection and prepare a letter with their findings and provide said letter to the City for the project file.

STANDARD FIRE DEPARTMENT REQUIREMENTS

54. Prior to issuance of the building permit, the applicant shall submit plans to the City for review. The plans shall show that all proposed buildings and infrastructure comply with The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the City of Saratoga Municipal Code (SMC) and, California Code of Regulations (CCR).
55. Prior to issuance of the building permit, pursuant to CFC Sec. 903.2, applicant shall submit plans to the Santa Clara County Fire Department showing automatic sprinkler systems information. Approved sprinkler systems in the new buildings shall be provided in the locations described in Section 903.2 or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall not be utilized as a means of area reduction for the purposes of circumventing automatic fire sprinkler system installation requirements.
56. Prior to issuance of the building permit, pursuant to 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7, the applicant shall submit plans to the City showing that potable water supplies will be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractor and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted until compliance with the requirements of the water purveyor of record area documented by that purveyor as having been met by the applicant(s).
57. Prior to issuance of the building permit, pursuant to CFC Sec. 503 and 1029 and NFPA 1932 Sec. 5.1.8 through 5.1.9.2, the applicant shall submit plans to the City showing ground-ladder rescue from the second floor sleeping rooms for fire department operations. With the climbing angle of 75 degrees maintained, an approximate walkway width along either side of the building shall be no less than seven (7) feet clear. Landscaping shall not be allowed to interfere with the required access.
58. Prior to issuance of the building permit, pursuant to CFC Sec. 907 and the currently adopted edition of NFPA 72, the applicant shall submit plans to the SCCFD showing details of a fire alarm system for all proposed buildings.
59. Prior to issuance of the building permit, the applicant shall submit plans to the City showing public fire hydrants at locations consistent with the requirements of the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,000 GPM at minimum 20 psi, residual. Fire hydrants shall

be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C. In the development plans submitted to the City, the applicant shall note locations of existing fire hydrants on the street, all proposed Fire Department Connections (FDC) locations. Please note: FDC's shall be located within 100-feet of a public fire hydrant.

60. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection area provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with CFC Sections 505.2 and 501.4.
61. Prior to issuance of the building permit, the applicant shall submit plans to the City showing the minimum clear width of fire department access roads as 20 feet. The minimum outside turning radius is 42 feet for required circulation access roadways. Fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code. The building plans shall also include information indicating how the fire lanes are marked.
62. Prior to issuance of the building permit, applicant shall submit plans to the City showing the fire apparatus access roads be provided to every facility, building, or portion of a building hereafter constructed or moved into or with the jurisdiction. The fire apparatus access road shall comply with the requirements of the Fire Code and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility, pursuant to CFC Sec.503.1.1.
63. Prior to issuance of the final certificate of occupancy, pursuant to CFC Sec. 505.1, new buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
64. During construction, the site shall comply with applicable provisions of the CFC Chapter 33 and SCCFD Standard Detail and Specification SI-7 which are accessible at www.sccfd.org. Applicant shall include notifications in the construction plans as appropriate to the project pursuant to CFC Chapter 33.

65. Any alterations of approved construction documents shall be approved in advance pursuant to CFC Sec. 105.3.6.

STANDARD PUBLIC WORKS REQUIREMENTS

66. Pursuant to Section 10-20.030 of the SMC, applicant shall obtain an encroachment permit for any work and all improvements in the City's right-of-way or City easement, including all work on all new utilities, prior to commencement of the work.
67. Prior to final inspection, the applicant shall repair all damage to driveway approach, curb and gutter, public streets, or other public improvements during construction at no cost to the City. (Standard condition for Encroachment Permits)
68. Pursuant to Sections 4-25.090 and 15-80.040 of the SMC, prior to issuance of a building permit, the applicant shall submit plans to the City showing all new and upgraded utilities undergrounded.
69. Pursuant to Section 16-75.050 of the SMC, during construction, applicant shall maintain the streets, sidewalks and other right of way as well as adjacent properties, both public and private, in a clean, safe and usable condition. All spills of soil, rock or construction debris shall be removed immediately.
70. Pursuant to Section 15-47.060 of the SMC, prior to issuance of the building permit, the applicant shall submit plans to the City showing adequate source control measures to limit pollutant generation, discharge, and runoff (e.g. landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs, such as Bay-Friendly Landscaping).
71. Pursuant to Sections 10-20.070, 16-17.130, and 16-75.050 of the SMC, during construction, all building- and construction-related activities shall adhere to the New Development and Construction – Best Management Practices as adopted by the City for the purpose of preventing stormwater pollution as follows:
 - a. The applicant shall implement construction site inspection and control to prevent construction site discharges of pollutants into the storm drains per approved Erosion Control Plan.
 - b. The City requires the construction site to maintain year-round effective erosion control, run-on and run-off control, sediment control, good site management, and non-storm water management through all phases of construction (including, but not limited to, site grading, building, and finishing of lots) until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

- c. City will conduct inspections to determine compliance and determine the effectiveness of the BMPs in preventing the discharge of construction pollutants into the storm drain. Applicant shall be required to timely correct all actual and potential discharges observed.
72. Prior to commencement of any earthwork or grading activities, the applicant shall arrange a pre-construction meeting. The meeting shall include the City of Saratoga Grading Inspector (408-868-1201), the grading contractor, and the project Soils Engineer. The permittee or representative shall arrange the pre-construction meeting at least 48 hours prior to the start of any earthwork activities. (Standard condition for Grading Permit)
73. Pursuant to Section 15-45.070 of the SMC, prior to foundation inspection by the City, the Licensed Land Surveyor of record shall provide a written certification that all building setbacks are per the approved plans.
74. Prior to issuance of the final certificate of occupancy, pursuant to Section 16.66.090 of the SMC, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the City's building inspector to be properly elevated. Such certification and verification shall be provided to the City's Floodplain Administrator.
75. Upon completion of the rough grading work and prior to issuance of the final occupancy permit at the final completion of the project, pursuant to Section 16-17.150 of the SMC, the applicant shall provide the final grading reports to the City.
76. Prior to calling for final building inspection, the applicant shall complete all Public Works conditions per the approved plans. (Standard condition for projects involving permits from Public Works Department)
77. Pursuant to Sections 14-30.030, 15-06.581, and 15-46.030 of the SMC, prior to commencement of construction, the applicant shall file a Notice of Intent (NOI) with Regional Water Quality Control Board, if required, to obtain coverage under the State General Construction Activity NPDES ("National Pollution Discharge Elimination System") Permit. Satisfactory evidence of the filing of the NOI shall be furnished to the City. The applicant shall comply with all provisions and conditions of the State Permit, including preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Copies of the SWPPP shall be submitted to the City prior to beginning of construction and maintained on site at all times construction.
78. Pursuant to Section 14-30.030(a) of the SMC, the project will be reviewed in accordance with the most recent and up-to-date storm water and sewage requirements which are jointly administered by Saratoga Community Development Department and the Saratoga Department of Public Works. Disposition and treatment of stormwater shall comply with

the applicable requirements of the NPDES Permit issued to the City of Saratoga and the implementation standards established by the Santa Clara Valley Urban Runoff Pollution Prevention Program (collectively the "NPDES Permit Standards"). Prior to issuance of Zoning Clearance for a Demolition, Grading or Building Permit for this Project, a Stormwater Management Plan shall be submitted to the Community Development Director for review and approval demonstrating how all storm water will be retained on-site and in compliance with the NPDES Permit Standards. If not all stormwater can be retained on-site due to topographic, soils or other constraints, and if complete retention is not otherwise required by the NPDES Permit Standards, the Project shall be designed to retain on-site the maximum reasonably feasible amount of stormwater and to direct all excess stormwater away from adjoining property and toward stormwater drains, drainageways, streets or road rights-of-way and otherwise comply with the NPDES Permit Standards and applicable City Codes.

79. Pursuant to Section 15-06.581 of the SMC, prior to calling for final inspection, the applicant shall submit and record a long-term Operations and Maintenance (O&M) Agreement and Plan as required by the Santa Clara Valley Urban Runoff Prevention Program.
80. Prior to submittal of the Final Map to the City Engineer for examination, the (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act and Section 14-25.020 of the SMC.
81. The applicant shall submit four (4) copies of the Final Map in substantial conformance with the approved Tentative Map, along with the additional documents required by Section 14-40.020 of the SMC, to the City Engineer for examination. The Final Map shall contain all of the information required in Section 14-40.030 of the SMC and shall be accompanied by the following items:
 - a. Two copies of map checking calculations.
 - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Map.
 - c. Two copies of each map referenced on the Final Map.
 - d. Two copies of each document/deed referenced on the Final Map.
 - e. Two copies of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.

82. Pursuant to Section 14-55.050 of the SMC, the applicant shall pay a Map Checking fee per the City of Saratoga Fee Schedule, at the time of submittal of the Final Map for examination.
83. Pursuant to Section 14-25.020 of the SMC, interior monuments shall be set at each lot corner either prior to recordation of the Final Map or some later date to be specified on the Final Map. If the owner (applicant) chooses to defer the setting of interior monuments to a specified later date, then sufficient security per the City of Saratoga Fee Schedule shall be furnished prior to Final Map approval, to guarantee the setting of interior monuments.
84. Pursuant to Section 14-25.030 of the SMC, the applicant shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Map, in substantial conformance with the approved Tentative Map, prior to Final Map approval. Additional easements for storm water drainage and treatment facilities shall be dedicated on the Final Map as needed.
85. Prior to Final Map approval, pursuant to Section 14-05.050 of the SMC, the applicant shall furnish a written indemnity agreement and proof of insurance coverage.
86. The applicant shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of subdivision improvement construction. Copies of permits other than those issued by the City shall be provided to City Engineer. (Standard Conditions for projects with a Subdivision request)
87. Pursuant to Sections 14-05.050 and 14-25.080 of the SMC, prior to Final Map approval, the applicant shall pay the applicable Park Development Fees per the City of Saratoga Fee Schedule.
88. Prior to commencement of construction, the applicant shall get plans approved showing compliance with all conditions regarding improvements, whether on-site or off-site requested by other agencies or utilities having jurisdiction over the project. Such agencies include but are not limited to the Santa Clara Valley Water District and Regional Water Quality Control Board. Prior to issuance of city permits, the applicant must present evidence of permit approval by any such agencies, as required for any activities within jurisdictional areas of said agencies (Standard Conditions for projects with a Subdivision request).
89. As a condition of this Approval, Owner and Applicant hereby agree to defend, indemnify and hold the City and its officers, officials, boards, commissions, employees, agents and volunteers harmless from and against:
 - a. any and all claims, actions or proceedings to attack, set aside, void or annul any action on the subject application, or any of the proceedings, acts or determinations taken, done or made prior to said action; and

- b. any and all claims, demands, actions, expenses or liabilities arising from or in any manner relating to the performance of such construction, installation, alteration or grading work by the Owner and/or Applicant, their successors, or by any person acting on their behalf.

If you have any questions, please contact me at 408-868-1231 or dpedro@saratoga.ca.us

Respectfully,

Debbie Pedro

Debbie Pedro, AICP
Community Development Director

Enclosure:
SB 35 60-Day Consistency Determination Letter dated March 9, 2020.