

---

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
PLANNING COMMISSION HEARING ON JULY 8, 2024**

**Planning Application 2016-7978  
898 East Fremont Avenue**

**SPECIAL DEVELOPMENT PERMIT:** Redevelop a 0.62-acre commercial property. Demolish the existing fueling canopy and auto service building and construct a new 4,400 square foot fueling canopy and a 3,614 square foot one-story commercial building consisting of a 2,396 square foot convenience store, and a 1,218 square foot takeout restaurant, resulting in 34% floor area ratio (FAR).

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

---

GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:

The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)

GC-4. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

GC-5. NOTICE OF FEES PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

GC-6. ALCOHOL BEVERAGE CONTROL (ABC):

The project applicant shall obtain all appropriate and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of use approved as part of this permit. [COA] [PLANNING]

GC-7. USE AND ABC COMPLIANCE:

Non-compliance with the Conditions of Approval for this planning application or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either reconsideration (discretionary review of new application) of the SDP and the imposition of additional Conditions of Approval or the initiation of the revocation process by the Director of Community Development. [COA] [PLANNING]

GC-8. EXHAUST AND OPENINGS:

No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. [COA] [PLANNING]

GC-9. STORMWATER MANAGEMENT PLAN:

Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2022-0018, as determined by a completed Stormwater Management Plan Data Form, and therefore must submit a Stormwater Management Plan as per SMC 12.60.210 prior to issuance of the building permit. [SDR] [PLANNING]

GC-10. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the City, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility connections, meters/vaults, trees and landscaping, traffic signal, signage, striping, streetlights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plans sheets C1-C5 dated 4/1/2024 are subject to change during the plan check process.

The developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy of the first building, or to the satisfaction of the Public Works Department. [COA] [PUBLIC WORKS]

GC-11. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C1-C5 dated 4/1/2024 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-12. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

**PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.**

PS-1. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-2. SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow data may be required as needed. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

PS-3. APPROVAL FROM UTILITY COMPANIES:

Prior to the first plan check submittal, obtain approval letters from various utility companies for the partial vacation of the existing Roadway and Utilities Easement along Wolfe Road. [COA] [PUBLIC WORKS]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

---

**BP-3. NOTICE OF CONDITIONS OF APPROVAL:**

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

**BP-4. BLUEPRINT FOR A CLEAN BAY:**

The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

**BP-5. ROOF EQUIPMENT:**

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

**BP-6. FEES AND BONDS:**

The following fees and bonds shall be paid in full prior to issuance of building permit. The final fees are calculated at the time of building permit submittal.

(a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$18,771.48 prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

(b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$25,798.50 prior to issuance of a Building Permit. (SMC 19.22). [SDR] [PLANNING]

**BP-7. MECHANICAL EQUIPMENT (EXTERIOR):**

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors/neighboring properties and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architectural or landscaping features. [PLANNING] [COA]

BP-8. DEPARTMENT OF PUBLIC SAFETY REVIEW:

Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit. [COA] [PLANNING]

BP-9. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). [COA] [PLANNING]

BP-10. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-11. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-12. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.230. Best management practices shall be identified on the building permit set of

---

plans and shall be subject to review and approval by the Director of Public Works:

- a. Storm drain stenciling. The stencil is available from the City's Environmental Services Department, which may be reached by calling (408) 730-773-7717.
- b. 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.
- c. Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d. Covered trash, food waste, and compactor enclosures.
- e. Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i. Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii. Dumpster drips from covered trash and food compactor enclosures.
  - iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv. Swimming pool water, spa/hot tub, water feature and fountain discharges if discharged to onsite vegetated areas is not a feasible option.
  - v. Fire sprinkler test water, if discharged to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-13. CITY STREET TREES:

The landscape plan shall include street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]

BP-14. EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent properties. [COA] [PLANNING]

- BP-15. **PHOTOMETRIC PLAN:**  
Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]
- BP-16. **LIGHTING POLE HEIGHTS:**  
Pole heights shall not to exceed 20 feet unless approved by the Director of Community Development. [COA] [PLANNING]
- BP-17. **PARKING MANAGEMENT PLAN (NONRESIDENTIAL):**  
A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) Employee parking locations shall be away from the building, in parking spaces that are the least used.
  - b) Specify the location and term of short-term parking.
  - c) Specify the location of the required carpool/car share spaces.
  - d) Allow the use of valet parking when appropriate on sites with limited parking.
  - e) Employees shall be required to park on the site.
  - f) Provide adequate signage to direct traffic and pedestrians [COA] [PLANNING]
- BP-18. **NOISE REDUCTION VERIFICATION:**  
The project acoustical consultant shall review the final construction drawings and confirm that all recommended measures to meet City of Sunnyvale noise standards for interior and exterior noise (including, but not limited to, sound walls, STC-rated windows and doors, habitable ventilation with windows closed, noise attenuation in roof, wall, and floor-to-ceiling construction) have been incorporated into the drawings. [COA] [PLANNING]
- BP-19. **GREEN BUILDING:**  
The plans submitted for building permits shall demonstrate the project's compliance with the CAL Green Mandatory Measures per the City's Green Building Program. [COA] [PLANNING] [BUILDING]
- BP-20. **CONSTRUCTION MANAGEMENT PLAN:**  
The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development and Director of Public Works with a separate Miscellaneous Plan Permit (MPP) prior to issuance of a demolition permit, grading permit, or



---

building permit. The CMP shall identify measures to minimize the impacts of construction including the following:

- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
- b) Use ‘quiet’ models of air compressors and other stationary noise sources where such technology exists.
- c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
- e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
- g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
- h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
- j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING] [PUBLIC WORKS]

**BP-21. CONSTRUCTION AIR QUALITY MITIGATION MEASURES:**

Prior to the issuance of grading or building permits, the Bay Area Air Quality Management District’s (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) shall be noted on the construction documents, including the following:

- 
- a) All exposed surfaces (e.g., 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 vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
  - e) 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 binders are used.
  - f) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - g) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. [COA] [PLANNING]

BP-22. CONSTRUCTION EMISSION MITIGATION:

Pursuant to LUTE FEIR mitigation measure MM 3.5.6, the project shall implement a feasible plan to reduce diesel particulate matter (PM) emissions from construction by at least 80 percent such that increased cancer risk and PM<sub>2.5</sub> concentrations from construction would be reduced below toxic air contaminant (TAC) significance levels as follows:

- a) All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM<sub>10</sub> and PM<sub>2.5</sub>), if feasible, otherwise,
- b) If use of Tier 4 equipment is not feasible, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include PM emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 80 percent reduction in PM exhaust in comparison to uncontrolled equipment. Alternatively, or in combination,
- c) Use of electrical or non-diesel fueled equipment.

Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel PM emissions by 80 percent or greater. Elements of the plan could include a combination of some of the following measures:

- 
- d) Implementation of a) above to use Tier 4 or alternatively fueled equipment,
  - e) Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
  - f) Use of electrically-powered equipment,
  - g) Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
  - h) Change in construction build-out plans to lengthen phases, and
  - i) implementation of different building techniques that result in less diesel equipment usage.

The construction operations plan shall be subject to review by an air quality expert and approved by the City prior to issuance of grading or building permits. [COA] [PLANNING]

**BP-23. NESTING BIRDS:**

Pursuant to the LUTE FEIR, the project shall comply with the MBTA and CDFW requirements to protect and avoid impacts to nesting birds by scheduling construction activities to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.

If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal. [COA] [PLANNING]

**BP-24. SOIL, SOIL VAPOR AND GROUNDWATER:**

As stated in the 2015 case closure letter from the Santa Clara County Department of Environmental Health (SCCDEH), any land use change, grading activities, excavation, and installation of water wells on-site

---

shall be notified by the property owner or project applicant to the Sunnyvale Community Development Department and Department of Public Safety (DPS).

A Site Management Plan (SMP) and Health Safety Plan (HSP) for redevelopment activities on-site shall be prepared by the project applicant. The SMP shall include (1) protocols for proper closure of the existing gasoline station (including its underground storage tanks) and restaurant under the supervision of DPS, (2) methodologies for collecting and testing soil/soil vapor/groundwater sampling for contaminants associated with the former agricultural use (e.g., pesticides), the potential presence of lead based paint in soil surrounding the structures, and current gasoline operations (e.g., total petroleum hydrocarbons and volatile organic compounds), (3) management practices for handling, remediation, and disposal of impacted soil/groundwater or other materials that may potentially be encountered during construction activities, and (4) protocols for accepting imported fill materials.

The soil/soil vapor/groundwater sampling completed as part of the SMP shall be compared against the applicable screening levels published by the RWQCB, DTSC and/or EPA.

- If there are no contaminants identified that exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP does not need to be submitted to an oversight agency, and shall only be submitted to the City prior to the beginning of construction earthwork activities and issuance of a permit for grading and excavation.
- If contaminants are identified at concentrations exceeding applicable screening levels, the SMP shall be submitted for review and approval by an appropriate regulatory oversight agency (e.g., SCCDEH). Further investigation may be required by the oversight agency to determine the extent of contamination (i.e., location and concentration level) and the appropriate measures required to remediate the contamination for the proposed land use(s) shall be confirmed and implemented. Remediation measures could include operation of soil vapor and groundwater extraction and treatment systems. A copy of the approved SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation. [COA] [PLANNING]

**BP-25. NOISE CONTROL PLAN:**

New development and public projects shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City. Measures specified in the Noise Control Plan and implemented

---

during construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
  - b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
  - c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
  - d) Unnecessary idling of internal combustion engines should be strictly prohibited.
  - e) Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
  - f) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
  - g) Where feasible, temporary power service from local utility companies should be used instead of portable generators.
  - h) Locate cranes as far from adjoining noise-sensitive receptors as possible.
  - i) During final grading, substitute graders for bulldozers, where feasible.
  - j) Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
  - k) The contractor shall designate a "noise disturbance coordinator/superintendent" who will be responsible for tracking and responding to any local complaints about construction noise.
  - l) The noise disturbance coordinator/superintendent shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures are implemented to correct the problem.
  - m) The telephone number for the noise disturbance coordinator/superintendent shall be posted at the construction site and included in any construction notices sent to neighbors.
- [COA] [PLANNING]

The Noise Control Plan shall identify measures to reduce vibration levels below 0.25 in/sec PPV for older buildings and 0.5 in/sec PPV

for conventional buildings, which may include the following project-specific measures:

- n) Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences adjoining the site.
- o) Avoid dropping heavy equipment within 25 feet of residences. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of residences adjoining the site.
- p) The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care. [COA] [PLANNING]

**BP-28. ARCHAEOLOGICAL RESOURCES:**

Prior to the issuance of grading or building permits, the project applicant is required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e. prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential. [COA] [PLANNING]

**BP-29. CULTURAL RESOURCES:**

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

All measures shall be printed on all construction documents, contracts, and project plans, and reviewed by the Community Development Director prior to issuance of grading and building permits. During construction,

---

the project applicant and contractor shall be responsible for, implementing these measures. [COA] [PLANNING]

**BP-30. PALEONTOLOGICAL RESOURCES:**

Prior to the issuance of grading or building permits, the project is required to include information on the improvement plans that if, during the course of grading or construction, fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of a project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow. [COA] [PLANNING]

**BP-31. STORMWATER MANAGEMENT C.3 DATA FORM:**

Submit the completed City of Sunnyvale and Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Data Form to the Planning Division prior to issuance of a Building Permit. [COA] [PLANNING]

**BP-32. STORMWATER MANAGEMENT PLAN:**

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

**BP-33. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:**

Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]

**BP-34. CONSTRUCTION MATERIAL AND STAGING:**

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [COA] [PUBLIC WORKS]

**BP-35. BICYCLE PARKING:**

Provide the following minimum bicycle facilities at the main entrance and/or high visible areas per Sunnyvale Municipal Code Section 19.46.150: two (2) total bicycle spaces. One (1) of which must be Class I (secured bicycle parking), the remaining bicycle space will be

---

Class II (bicycle rack). Clearly indicate the location and number of spaces on the plans. [COA] [PUBLIC WORKS]

- BP-36. UNDERGROUND TRANSFORMER:  
The proposed new transformer shall be located underground. Approval shall be obtained from PG&E prior to issuance of the building permit. [COA] [PLANNING]
- BP-37. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:  
To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City using Sunnyvale.wastetracking.com hosted by Green Halo. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion [COA][ENVIRONMENTAL SERVICES]
- BP-38. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:  
A detailed solid waste disposal and recycling design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-39. SOLID WASTE AND RECYCLING ENCLOSURE  
The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City's latest guidelines. The required enclosures shall:
- a) Match the design, materials and color of the main building;
  - b) Be of masonry construction;
  - c) Be screened from view;
  - d) All gates, lids and doors shall be closed at all times;
  - e) Shall not conflict with delivery/receiving areas;
  - f) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
  - g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-40. RECYCLING AND SOLID WASTE CONTAINER:  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]



BP-41. SOLID WASTE SERVICES:

Waste and recycling services shall be maintained under one account for each of the public domestic water meters that serve an occupied building held by the applicant, owner or landlord, unless otherwise approved by the City. The account holder is responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [FINANCE/ENVIRONMENTAL SERVICES]

**EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.**

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, signing/stripping plans, erosion control plans, traffic signal plans, and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineer and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C1-C5 of Preliminary Improvement dated 4/1/2024 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/637820856582800000>

<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>

[COA] [PUBLIC WORKS]

EP-2. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]

EP-3. BENCHMARKS:

The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website [sunnyvale.ca.gov/home/showpublisheddocument/1590/6379979](https://www.sunnyvale.ca.gov/home/showpublisheddocument/1590/6379979)

---

[14061100000](#). Plans based on NGVD29 will not be accepted. [COA]  
[PUBLIC WORKS]

EP-4. UTILITY CONNECTION:

This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]

EP-5. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be at a new sanitary sewer manhole. All storm drain laterals connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR]  
[PUBLIC WORKS]

EP-6. POTHOLING OF EXISTING UTILITIES:

Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflicts between existing utilities and proposed new dry utilities, sewer and storm drain laterals, and water laterals 4" and larger. Potholing shall be performed during design after proposed locations of new laterals are not likely to change. Accurate elevations and locations of existing crossings shall be shown in profiles along gravity or pressure laterals 4" and larger. It is strongly recommended that both the top and bottom elevations of any existing fiber and electrical duct banks are potholed. [COA] [PUBLIC WORKS]

EP-7. EXISTING UTILITY ABANDONMENT/RELOCATION:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes and procedures, including abandonment by other utility owners. [COA]  
[PUBLIC WORKS]

EP-8. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:

Developer is required to pay for all changes or modifications to existing City utilities, streets and other public utilities within or

---

adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]

EP-9. DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-10. WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS]

EP-11. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service laterals is not allowed. Existing sewer laterals must be abandoned or replaced unless the City allows them to be re-used. To propose re-use, the applicant shall submit CCTV video of the lateral to the City. The beginning of the video must show the front of the property to confirm its location before insertion into the pipe. Video must extend from the cleanout to the main. Camera may not be submerged at any time, and must include a footage counter. If the City feels that the lateral is in acceptable condition, and has no significant sags, damage, or root intrusion, the City may allow it to be re-used. The City may also require CCTV for proposed re-use of an existing storm drain lateral, on a case by case basis. Sheet C2, Preliminary Grading and Utility Plan dated 4/1/2024, is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-12. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:

Provide separate fire and domestic service lines to each building. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install reduced pressure backflow prevention devices (RPBP) behind the street right-of-way for the domestic service line and a reduced pressure detector assembly (RPDA) and 5/8" water meter behind the street right-of-way for the fire service line. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

- 
- EP-13. PUBLIC FIRE HYDRANTS AND FIRE HYDRANT LATERALS:  
Remove and replace the existing fire hydrant (FH) barrel and existing fire hydrant lateral on the Fremont Avenue project frontage with Clow 865 for mains 10” and larger. Install new Clow 865 fire hydrant barrel and lateral on the Wolfe Road frontage. New fire hydrant laterals and barrels must be located outside of existing and proposed tree driplines, or as determined by Department of Public Works. Hydrants shall be located per City standard detail 2B and 2B-2. Public fire hydrants shall be maintained a minimum of 3 horizontal feet from trees, vines, shrubs, bushes, and other obstacles. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-14. WATER METER:  
Each building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) for each point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-15. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:  
Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.  
  
All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City’s Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [SDR] [PUBLIC WORKS]
- EP-16. SANITARY SEWER AND STORMDRAIN MANHOLES:  
Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-17. NEW SEWER LATERAL CCTV VIDEO:  
The contractor shall provide a CCTV video of new sewer laterals. Video must clearly show the front of the property before camera is inserted into the pipe. [COA] [PUBLIC WORKS]

- EP-18. **SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:**  
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Department of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-19. **STORM DRAIN DESIGN:**  
Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full. The project impact to the existing storm drain main shall retain 1' below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter. [COA] [PUBLIC WORKS]
- EP-20. **PUBLIC RIGHT-OF-WAY STORMWATER TREATMENT:**  
Treatment measures for all stormwater must be located on-site, including treatment for stormwater runoff from impervious area in the public-right-of-way. Treatment measures shall be identified and included in the Stormwater Management Plan, required per BP-32 [SDR] [PUBLIC WORKS]
- EP-21. **CATCH BASIN TRASH CAPTURE DEVICES AND STENCILING:**  
Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection system. The developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- EP-22. **UTILITY METER/VAULT:**  
No existing or new utility meters or vaults shall be located within the driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-23. **DRIVEWAY APPROACHES:**  
Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard detail 6C-2 and city standard specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]

- 
- EP-24. CURB RAMPS:  
Remove and replace all existing curb ramps and install two new directional curb ramps on the southwest corner and one COS Detail 13C-2 curb ramp on southeast corner of Wolfe Road at Fremont Avenue, or as deemed necessary by the Department of Public Works. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. [COA] [PUBLIC WORKS]
- EP-25. STREETSCAPE IMPROVEMENTS:  
Remove existing concrete curb, gutter, and sidewalk and install new concrete curb and 1' gutter, 4-foot landscape strip and 6-foot detached sidewalk along the Fremont Avenue and Wolfe Road frontages. This Condition of Approval supersedes the approved plans, which show a 2' gutter. A 1' gutter shall be installed instead. Provide sidewalk transition to conform to existing sidewalk at west and south end of the project limits. The perpetual maintenance of sidewalk improvements along the project frontages shall be the sole responsibility of the property owner [COA] [PUBLIC WORKS]
- EP-26. STREET PAVEMENT:  
Grind and overlay 2.5" of rubberized asphalt from lip of gutter to the northern edge of the existing bike lane along the entire Fremont Avenue property frontage, or as directed by the Department of Public Works.
- Apply Type III slurry seal, from lip of gutter to lip of gutter, on along the entire Wolfe Road property frontage, or as directed by the Department of Public Works.  
[SDR] [PUBLIC WORKS]
- EP-27. WOLFE ROAD WIDENING:  
As identified in the 2016 Report to Bicycle and Pedestrian Advisory Commission 16-0262 and approved by City Council 14-0273 Authorize Capacity and Safety Improvements to the Wolfe Road Corridor from El Camino Real to Homestead Road (Study Issue), Wolfe Road is required to be widened to accommodate future bike lanes and a future additional northbound left turn pocket from Wolfe Road onto Fremont Avenue westbound. Along the Wolfe Road project frontage, curblines are to be shifted west approximately 7 to 8 feet as shown on sheets SD1 dated 06/20/18 and C2 dated 4/1/2024. [COA] [PUBLIC WORKS]
- EP-28. STREET LIGHTS:  
Replace all existing streetlight conduits, wires and pull boxes with new ones along Wolfe Road and Fremont Avenue frontages to the end of the system per City's current standards. Install a new marbelite streetlight pole on the west side of Wolfe Road 120 feet

---

south of the existing traffic signal safety light located on the southwest corner of Wolfe Road at Fremont Avenue.

Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code.

Developer shall comply with the City's street light design guidelines and plan check submittal requirements as provided by the City upon request.

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance.

Upon Completion of the streetlight improvements, developer shall provide drawings to the City in AutoCAD format. [COA] [PUBLIC WORKS]

EP-29. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. A striping plan shall be designed as an interim for the future lane configuration of Wolfe Road, as determined by the Public Works Department. [SDR] [PUBLIC WORKS]

EP-30. TRAFFIC CONTROL PLAN:

Submit a traffic control plan with the off-site improvement plans for review and approval. Per the City's Temporary Traffic Control Checklist, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

EP-31. TRAFFIC SIGNAL IMPROVEMENTS:

Traffic signal modification at the southwest and southeast corner of the Wolfe Road and Fremont Avenue intersections shall be required, including, but not limited to, a new signal pole (including foundation, signal heads), new ADA push buttons on both sides of the western and southern crosswalks, in accordance with current City design guidelines, Caltrans Standards, and City Traffic Signal Specification. Traffic signal improvements shall be designed to

---

accommodate the new ADA curb ramps affected by the Wolfe Road widening. [COA] [PUBLIC WORKS]

EP-32. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: Wolfe Road: *Brachychiton acerifolius* – Australian Flametree; Fremont Avenue: *Quercus shumardii* – Shumard Oak. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15 gallon size. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. [SDR] [PUBLIC WORKS]

EP-33. PROTECTION OF EXISTING TREES:

No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to adjusting locations of utility lines. [SDR] [PUBLIC WORKS]

EP-34. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-35. APPROVAL FROM OTHER AGENCIES:

This project requires approval letter/permit from the Santa Clara Valley Water District for relocation of the existing reclaimed water structure on Wolfe Road. [COA] [PUBLIC WORKS]

EP-36. VTA COORDINATION:

Developer shall notify VTA of the proposed improvement plans to determine if any VTA routes will be impacted during construction. Developer shall work directly with VTA on these construction impacts by emailing [bus.stop@vta.org](mailto:bus.stop@vta.org) or calling 408-321-5800 a minimum of 2 business days in advance to work at the bus stop area. For impacts that require removal of a shelter during



---

construction, a minimum of 2 weeks' notice is required. For street closures, a week advance notification is required to reroute buses. For impacts to a concrete bus pad, a minimum of 2 weeks is required to obtain a VTA permit.

EP-37. EASEMENT DEEDS:

This project requires a minimum of 11' street right-of-way measured from the face of the curb to property line on both the Wolfe Road and Fremont Avenue frontages. Developer shall provide additional street dedication on Fremont Avenue, approximately three (3) additional feet. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-38. PARTIAL ROADWAY AND UTILITIES EASEMENT VACATION:

A portion of the existing Roadway and Utilities Easement (L452 PG 1792) along Wolfe Avenue shall be vacated prior to encroachment permit sign off. Existing easement is larger than required and shall be partially vacated as approximately shown on plans sheet SD1 dated 06/20/18. [COA] [PUBLIC WORKS]

EP-39. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]

EP-40. RECORD DRAWINGS:

Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In addition, streetlight record drawings shall be in AutoCAD format & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

EP-41. PUBLIC WORKS DEVELOPMENT FEES:

Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be

---

determined based upon the fee rate at the time of fee payment.  
[COA] [PUBLIC WORKS]

EP-42. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:  
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]

EP-43. OFF-SITE IMPROVEMENT COST ESTIMATE:  
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

**PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

PF-1. LANDSCAPING AND IRRIGATION:  
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:  
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

PF-3. NOISE REDUCTION VERIFICATION:  
Following construction completion, the project acoustical consultant shall measure interior and exterior noise levels to confirm they are within allowable City of Sunnyvale noise standards and submit a report to the Director of Community Development prior to occupancy. If noise levels exceed allowable standards, the project applicant shall work with the project acoustical consultant on a compliance plan to reduce noise to acceptable levels, subject to the review and approval of the Director of Community Development. The project applicant shall incorporate all approved subsequent measures and confirm with additional testing that acceptable levels are met prior to occupancy of the units. [COA] [PLANNING]

PF-4. COMPLETION OF SITE REMEDIATION:  
Prior to any building occupancy, the applicant shall provide documentation from the appropriate regulatory agency (County of Santa Clara Department of Environmental Health, California Department of Toxic Substances Control, or State of California San Francisco Bay Regional Water Quality Control Board) confirming that all required site remediation measures required to occupy any

---

building or site have been completed and that plans have been provided for ongoing monitoring, if required, to the satisfaction of the agency. Deed restrictions, if required by the external oversight agency, shall be recorded prior to final occupancy. [COA] [PLANNING]

- PF-5. VERIFICATION OF GREEN BUILDING MEASURES:  
Prior to any nonresidential building occupancy, the applicant shall provide documentation from the project's LEED AP confirming the project has been built to achieve the minimum points required and that the project should be eligible to be certified by the U.S. Green Building Council (USGBC) at the approved LEED level. [COA] [PLANNING] [BUILDING]
- PF-6. NEW PUBLIC EASEMENTS LOCATED ON-SITE:  
Any new easements required for public use purpose shall be shown on a recorded Easement Deed as deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-7. COMPLETION OF PUBLIC IMPROVEMENTS:  
Developer shall complete all required public improvements in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

**DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

- DC-1. BLUEPRINT FOR A CLEAN BAY:  
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. TREE PROTECTION:  
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
- DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:  
OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

---

OR 2.2: Construction equipment must be maintained per manufacturer's specifications.

OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:

- i. Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
- ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
- iv. Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]

DC-4. DUST CONTROL:

At all times, the Bay Area Air Quality Management District's CEQA Guidelines and "Basic Construction Mitigation Measures Recommended for All Proposed Projects", shall be implemented. [COA] [PLANNING]

**AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.**

AT-1. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The proposed convenience store is allowed to operate 24 hours a day, seven days a week.
- b) The hours of operation are limited to 8:00 a.m. to 10:00 p.m. for standard hours of operation for the proposed takeout restaurant use. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. CHANGE IN LAND USE:

Any changes to the proposed land use, such as the addition of additional dining areas for the takeout restaurant, must require approval from the Director of Community Development through a Planning permit. If the modification meets the trip generation threshold, a Transportation Impact Analysis (TIA) may also be required. [COA] [PLANNING]

- 
- AT-3. DELIVERY HOURS:  
Delivery hours for the approved use shall comply with SMC 19.42.030:
- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
  - b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
- AT-4. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-5. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-6. EXTERIOR EQUIPMENT:  
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-7. LANDSCAPE MAINTENANCE:  
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-8. LANDSCAPED BUFFER:  
Maintain the eight-foot masonry wall, and ten-foot wide landscaped buffer along the side property line. [SDR] [PLANNING]
- AT-9. AWNINGS:  
Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-10. PARKING MANAGEMENT  
On-site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-11. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
- e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

AT-12. DISPLAY NEAR FRONT DOOR (SERVICE STATIONS ONLY):  
No beer or wine shall be displayed within 5 feet of the cash register or front door unless it is inside a permanently-affixed cooler. [COA] [PLANNING]

AT-13. DISPLAY AT MOTOR FUEL ISLANDS (SERVICE STATIONS ONLY):  
No advertisement of alcoholic beverages shall be displayed at motor fuel islands. [COA] [PLANNING]

AT-14. EMPLOYEE AGE (SERVICE STATIONS ONLY):  
Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years old. [COA] [PLANNING]

AT-15. PROHIBITION OF SINGLE SERVINGS SALES (SERVICE STATIONS ONLY):  
The sale of single servings of beer or wine is prohibited. For the purpose of this condition of approval, a single serving shall be defined as "less than 24 fluid ounces of beer or wine." [COA] [DEPARTMENT OF PUBLIC SAFETY]

AT-16. ALCOHOL DISPLAY AREA:  
The display of alcoholic beverages shall be limited to be no more than 40% of the total floor area. [COA] [DEPARTMENT OF PUBLIC SAFETY]

AT-17. RESPONSIBLE ALCOHOL TRAINING:  
The Permittee shall ensure all employees receive "'Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours and made available for inspection upon request. [COA] [DEPARTMENT OF PUBLIC SAFETY]

- 
- AT-18. NO LOITERING AND GRAFFITI PREVENTION:  
The Permittee shall install "No loitering" signs to discourage customers from loitering and drinking of alcohol on the property. The Permittee shall be responsible to pick up litter and abate graffiti twice each day. [COA] [DEPARTMENT OF PUBLIC SAFETY]
- AT-19. SECURITY SYSTEM:  
The Permittee shall implement a silent or audible alarm system to increase security at this location and utilize digital security cameras with instant viewing capabilities that cover the store entrance and exit, entire building perimeter, parking lot areas, shipping and receiving areas and store interior. [COA] [DEPARTMENT OF PUBLIC SAFETY]
- AT-20. ADDRESSING:  
Address numbers shall be easily readable from the street. Numbers a minimum of 12" is recommended. Businesses with rear alley entrance doors shall be numbered with the same address numbers. Numbers that are a minimum of 4" are recommended. [COA] [DEPARTMENT OF PUBLIC SAFETY]
- AT-21. DOOR SECURITY MEASURES:  
Adequate security hardware, such as dead bolt locks, should be installed. All glass doors shall be secured with a dead bolt. Dead bolt locks shall be of the type whose dead bolt and deadlocking latch can be retracted by a single action of the inside doorknob/lever/turn-piece.  
Overhead roll-up doors shall be secured from the inside by a cylinder lock or padlock which cannot be defeated from outside the door. [COA] [DEPARTMENT OF PUBLIC SAFETY]
- AT-22. WINDOWS SECURITY MEASURES:  
Consider alternatives to tinted windows. They can prevent patrol and/or SWAT action by obstructing interior view in the event of a takeover or other emergency situation.  
  
If tinted windows are used, leave lights on at night to allow patrol to view interior activity. Bullet resistant glass should be installed at attendant's kiosk if necessary.  
  
Louvered windows shall not be used large display-type window, and any window accessible from the side and rear, but not visible from the street, should consist of rated burglary-resistant glazing or its equivalent. The "lock wrap" type that attaches to the window frame is recommended. [COA] [DEPARTMENT OF PUBLIC SAFETY]
- AT-23. ROOFTOP AND OPENINGS SECURITY MEASURES:

One of the following shall be utilized on all skylights:

- Rated burglary-resistant glass or acrylic material
- Iron bars of at least on half-inch diameter or flat steel bars of at least one quarter inch width, spaced no more than five inches apart under the skylight and securely fastened.
- Grill of at least one eighth-inch steel and two-inch mesh.

All hatchway openings on the roof of any building shall be secured as follows:

- If the hatchway is wooden, it shall be covered on the outside with at least 16-gauge sheet steel or its equivalent, attached in a manner that makes removal difficult.
- The hatchway shall be secured from the inside with a slide bar or slide bolts.
- Only a crossbar or padlock provided by the fire marshal shall be used. Outside pin-type hinges on all hatchway openings shall have nonremovable pins.

Exterior rooftop ladders should be eliminated or incorporated into the interior design. All air duct or air vent openings exceeding 8" by 12" on the rooftop or exterior walls of any building shall be secured by means of:

- Iron bars of at least one half-inch diameter, or flat steel bars of at least one quarter-inch width, spaced no more than five inches and securely fastened.
- Grill of at least one eight-inch steel and two-inch mesh
- If the barrier is on the outside, it shall be secured with galvanized rounded head, flush bolts of at least one-fourth inch in diameter. [COA] [DEPARTMENT OF PUBLIC SAFETY]

#### AT-24. LIGHTING SECURITY MEASURES

Monument signs shall be well-lit during hours of darkness.

Interior night-lights shall be used during hours of darkness when premises are closed for business.

Adequate lighting of plot and grounds contiguous to buildings shall be provided with LED lighting with sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site. [COA] [DEPARTMENT OF PUBLIC SAFETY]



<b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<b>AIR QUALITY</b>				
The project would result in less than significant criteria air pollutant emissions by being below the BAAQMD thresholds of significance and with the implementation of LUTE EIR mitigation measure MM 3.5.3.	<p><b>LUTE MM 3.5.3:</b> Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District’s (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents.</p> <p>In the cases where construction projects are projected to exceed the BAAQMD’s air pollutant significance thresholds for NO<sub>x</sub>, PM<sub>10</sub>, and/or PM<sub>2.5</sub>, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, tractors) shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.</p>	Prior to issuance of grading or building permits, the applicant shall ensure that the basic construction mitigation measures from Table 5-2 of the BAAQMD 2022 CEQA Air Quality Guidelines (latest update) are printed on the construction documents. <sup>1</sup>	All basic construction mitigation measures from Table 5-2 of the BAAQMD 2022 CEQA Air Quality Guidelines (latest update) shall be printed on all construction documents.	City of Sunnyvale-Community Development Director
The project with implementation of	<b>MM AIR-1.1:</b> Pursuant to LUTE FEIR mitigation measure MM 3.5.6, the project shall implement a	Prior to issuance of demolition and	The TAC reduction plan	City of Sunnyvale

<sup>1</sup> Bay Area Air Quality Management District. *2022 CEQA Air Quality Guidelines*. Revised April 25, 2023. Table 5-2.

<b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
LUTE MM 3.5.6 would reduce toxic air contaminant emissions to a less than significant level.	feasible plan to reduce diesel particulate matter (PM) emissions from construction by at least 80 percent such that increased cancer risk and PM <sub>2.5</sub> concentrations from construction would be reduced below toxic air contaminant (TAC) significance levels as follows: <ul style="list-style-type: none"> <li>• All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM10 and PM2.5), if feasible, otherwise,               <ul style="list-style-type: none"> <li>○ If use of Tier 4 equipment is not feasible, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include PM emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 80 percent reduction in PM exhaust in comparison to uncontrolled equipment. Alternatively, or in combination,</li> </ul> </li> </ul>	grading permits, the applicant is responsible for completing a plan to identify measures that can reduce diesel PM emissions by at least 80 percent, and printing the measures on the construction documents.  During construction, applicant and its contractors are responsible for implementing the diesel particulate matter control measures identified in the	shall be reviewed by an air quality expert and approved by the City.  All measures to control PM emissions during construction shall be printed on all construction documents, contracts, and project plans.	Community Development Director

<p align="center"><b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
	<ul style="list-style-type: none"> <li>○ Use of electrical or non-diesel fueled equipment.</li> <li>● Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel PM emissions by 80 percent or greater. Elements of the plan could include a combination of some of the following measures:               <ul style="list-style-type: none"> <li>○ Implementation of the first bullet above to use Tier 4 or alternatively fueled equipment,</li> <li>○ Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,</li> <li>○ Use of electrically-powered equipment,</li> </ul> </li> </ul>	<p>construction documents.</p>		

<p align="center"><b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
	<ul style="list-style-type: none"> <li>○ Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,</li> <li>○ Change in construction build-out plans to lengthen phases, and</li> <li>○ Implementation of different building techniques that result in less diesel equipment usage.</li> <li>● The construction operations plan would be subject to review by an air quality expert and shall be approved by the City prior to construction.</li> </ul>			
<b>BIOLOGICAL RESOURCES</b>				
The project would comply with the MBTA and CDFW requirements to protect and avoid impacts to nesting birds with	<b>MM BIO-1.1:</b> Pursuant to the LUTE FEIR, the project shall comply with the MBTA and CDFW requirements to protect and avoid impacts to nesting birds by scheduling construction activities to avoid the nesting season to the extent feasible. The nesting season for most birds, including most	The applicant is responsible for ensuring construction activities avoid the nesting season to the extent feasible.	Prior to issuance of a grading permit or tree removal, a final report of the pre-	City of Sunnyvale Director of Community Development

<p align="center"><b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
implementation of MM BIO-1.1.	<p>raptors, in the San Francisco Bay area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established</p>	<p>The applicant is responsible for ensuring pre-construction surveys are completed by a qualified ornithologist (as described in mitigation measure MM BIO-1.1) if construction and tree removal occur between September and January. Any construction buffer zone must be implemented and maintained during construction activities.</p>	<p>construction survey for nesting birds, including any protection measures completed, shall be submitted by the applicant to the City.</p>	

<p align="center"><b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
	<p>around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.</p>	<p>Prior to the start of grading or tree removal, the applicant is responsible for submitting a final report of nesting birds to the City.</p>		
<p align="center"><b>HAZARDS AND HAZARDOUS MATERIALS</b></p>				
<p>The project would reduce impacts from residual contamination in soil and groundwater to a less than significant level with implementation of MM HAZ-1.1.</p>	<p><b>MM HAZ-1.1:</b> As stated in the 2015 case closure letter from the Santa Clara County Department of Environmental Health (SCCDEH), any land use change, grading activities, excavation, and installation of water wells on-site shall be notified by the property owner or project applicant to the Sunnyvale Community Development Department and Department of Public Safety (DPS).</p> <p>A Site Management Plan (SMP) and Health Safety Plan (HSP) for redevelopment activities on-site shall be prepared by the project applicant. The SMP shall include (1) protocols for proper closure of the existing gasoline station (including its underground</p>	<p>Prior to issuance of a grading permit, the applicant is responsible for having a SMP and HSP prepared. The SMP shall be prepared as outlined in MM HAZ-1.1.</p> <p>The applicant shall submit a copy of</p>	<p>The SMP and HSP shall be approved by a regulatory oversight agency (if required) and submitted to the City.</p>	<p>City of Sunnyvale Director of Community Development</p>

<b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
	<p>storage tanks) and restaurant under the supervision of DPS, (2) methodologies for collecting and testing soil/soil vapor/groundwater sampling for contaminants associated with the former agricultural use (e.g., pesticides), the potential presence of lead based paint in soil surrounding the structures, and current gasoline operations (e.g., total petroleum hydrocarbons and volatile organic compounds), (3) management practices for handling, remediation, and disposal of impacted soil/groundwater or other materials that may potentially be encountered during construction activities, and (4) protocols for accepting imported fill materials.</p> <p>The soil/soil vapor/groundwater sampling completed as part of the SMP shall be compared against the applicable screening levels published by the RWQCB, DTSC and/or EPA.</p> <p>- If there are no contaminants identified that exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP does not need to be submitted to an oversight agency, and shall only be submitted to the City prior to the</p>	<p>the SMP to the City. If contamination is found on-site, the SMP shall be submitted to an oversight agency for review and approval and that approved SMP shall be submitted to the City. In either case, the SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation.</p> <p>During construction, applicant and their contractors are</p>		

<b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	beginning of construction earthwork activities and issuance of a permit for grading and excavation. - If contaminants are identified at concentrations exceeding applicable screening levels, the SMP shall be submitted for review and approval by an appropriate regulatory oversight agency (e.g., SCCDEH). Further investigation may be required by the oversight agency to determine the extent of contamination (i.e., location and concentration level) and the appropriate measures required to remediate the contamination for the proposed land use(s) shall be confirmed and implemented. Remediation measures could include operation of soil vapor and groundwater extraction and treatment systems. A copy of the approved SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation.	responsible for implementing the SMP and HSP.		
<b>Noise</b>				
The project would not result in a significant temporary increase in ambient noise	<b>LUTE MM 3.6.3:</b> New development and public projects shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise	Prior to the issuance of demolition and grading permits, the applicant is	The applicant shall submit a Noise Control Plan for review and	City of Sunnyvale Director of Community Development



<p align="center"><b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
levels with implementation of LUTE MM 3.6.3.	<p>Control Plan that shall be submitted for review and approval by the City. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:</p> <ul style="list-style-type: none"> <li>• Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).</li> <li>• Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.</li> <li>• Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds,</li> </ul>	<p>responsible for preparing a Noise Control Plan pursuant to LUTE MM 3.6.3 and submitting it to the City for approval.</p> <p>During construction, applicant and their contractors are responsible for implementing the noise control measures identified.</p>	approval by the City.	

<p align="center"><b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
	<p>incorporate insulation barriers, or include other measures.</p> <ul style="list-style-type: none"> <li>• Unnecessary idling of internal combustion engines should be strictly prohibited.</li> <li>• Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>• Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> <li>• Where feasible, temporary power service from local utility companies should be used instead of portable generators.</li> </ul>			

<b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> <li>• Locate cranes as far from adjoining noise-sensitive receptors as possible.</li> <li>• During final grading, substitute graders for bulldozers, where feasible.</li> <li>• Wheeled heavy equipment are quieter than track equipment and should be used where feasible.</li> </ul> <p><b>MM NOI-1.1:</b> Consistent with LUTE mitigation measure MM 3.6.3, the project shall implement the following project-specific measures:</p> <ul style="list-style-type: none"> <li>• The contractor shall designate a “noise disturbance coordinator/ superintendent” who will be responsible for tracking and responding to any local complaints about construction noise. The noise disturbance coordinator/superintendent shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures are implemented to correct the problem. The telephone number for the noise disturbance coordinator/superintendent shall be posted at the construction site and</li> </ul>			

<b>Mitigation Monitoring and Reporting Program</b> 898 E. Fremont Avenue Gas Station Project File # 2016-7978				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	included in any construction notices sent to neighbors.			
<p>The project would reduce construction vibration levels to a less than significant level with implementation of MM NOI-1.2.</p> <p><b>Same Impact as Approved Project</b></p>	<p><b>MM NOI-1.2:</b> Consistent with LUTE mitigation measure MM 3.6.3, the project shall implement to prepare a Noise Control Plan with measures to reduce vibration levels below 0.25 in/sec PPV for older buildings and 0.5 in/sec PPV for conventional buildings, which may include the following project-specific measures:</p> <ul style="list-style-type: none"> <li>• Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences adjoining the site.</li> <li>• Avoid dropping heavy equipment within 25 feet of residences. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of residences adjoining the site.</li> <li>• The contractor shall alert heavy equipment operators to the close proximity of the</li> </ul>	<p>Prior to the issuance of demolition and grading permits, the applicant is responsible for preparing a Noise Control Plan pursuant to LUTE MM 3.6.3 and submitting it to the City for approval.</p> <p>During construction, applicant and their contractors are responsible for implementing the noise control measures identified.</p>	<p>The applicant shall submit a Noise Control Plan for review and approval by the City.</p>	<p>City of Sunnyvale Director of Community Development</p>

<p style="text-align: center;"><b>Mitigation Monitoring and Reporting Program</b>            898 E. Fremont Avenue Gas Station Project            File # 2016-7978</p>				
<b>Impact</b>	<b>Mitigation Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
	adjacent structures so they can exercise extra care.			