

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
MARCH 23, 2015**

**Planning Application 2014-7985  
1050-1060 Helen Ave.**

Special Development Permit to construct 7 two-story homes (3 duets and 1 detached home) and Vesting Tentative Map to subdivide 2 lots into 8 lots, including 7 ownership lots and one common lot

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. USE EXPIRATION:**

The approved Special Development Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

**GC-3. PERMIT EXPIRATION:**

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [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. PUBLIC IMPROVEMENTS:**

The developer is required to install all public improvements, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc. as required by the Director of Public Works. 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. [COA] [PUBLIC WORKS] (SMC 18.08, SMC 18.12)

**GC-7. 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] (SMC 13.08.030, SMC 13.08.60 and SMC 13.08.070)

**GC-8. PARCEL MAP RECORDATION:**

This project is subject to, and contingent upon, the approval of a tentative map and recordation of a tract map. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and approval during the tract map process prior to any grading or building permit issuance. [COA] [PUBLIC WORKS] (SMC 18.38)

**GC-9. 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. [SDR] [PUBLIC WORKS]

**GC-10. 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]

**GC-11. PUBLIC IMPROVEMENTS:**

Developer shall install public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, 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 developer is required to complete the installation all public improvements around the perimeter of each lot and other improvements as deemed necessary by the Director of Public Works, prior to occupancy of the first building located on that corresponding lot, or to the satisfaction of the Director of Public Works. [COA] [PUBLIC WORKS]

**GC-12. RECORDATION OF FINAL MAP:**

This project is subject to, and contingent upon the approval of a tentative map and recordation of a final map. The submittal, approval and recordation of the Final Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review

and approval during the final map process prior to any grading or building permit issuance. [COA] [PUBLIC WORKS]

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

**PS-1. REQUIRED REVISIONS TO PROJECT PLANS:**

The plans shall be revised to address comments from the Planning Commission, including the following:

- a) Installation and maintenance of a 6-foot tall wood fence at the southeasterly lot ("Lot 7") as shown on the site plan, that incorporates high-quality and airtight materials for mitigation of noise impacts; the fence must have a minimum surface weight of 3 lbs. per square foot;
- b) Direction of runoff from roof of proposed house into vegetated areas;
- c) Landscape plans must be modified to include planting of additional 36-inch box-size trees along the northerly, southerly, and easterly property lines of the property for assistance in mitigating noise and other environmental impacts originating the adjacent street and surrounding commercial properties;
- d) Plans must be modified to include installation of a masonry wall, eight feet in height as measured from adjacent grade, along the northerly, easterly, and southerly property lines to provide separation from surrounding properties;
- e) Plans must be modified to include contrasting paving materials on the driveway to create a designated pedestrian path from the public sidewalk to the entries of the units;
- f) Trash collection receptacles located on adjacent properties must be shown on plans; the applicant shall coordinate with owners of adjacent properties to relocate of trash bins, if necessary, to achieve adequate separation from the proposed new residential units;
- g) Plans must be modified to include a greater diversity of colors throughout building exteriors. [COA] [PLANNING]

**PS-2. EXTERIOR MATERIALS REVIEW:**

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

**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]

**PS-3. PERMEABLE PAVERS:**

Plans submitted for Building permit must include placement of permeable pavers in all portions of the shared drive aisle, trash staging area, and unassigned parking stalls. [COA] [PLANNING]

**BP-5. 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-6. SOLID WASTE DISPOSAL PLAN:**

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

**BP-7. 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-8. FEES AND BONDS:**

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) **TRANSPORTATION IMPACT FEE** - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **\$10,435.00**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) **PARK IN-LIEU** - Pay Park In-lieu fees estimated at **\$188,179.20**, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]

**BP-9. 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 and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

**BP-10. 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. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Planning Director. [COA] [PLANNING]

**BP-11. 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). The landscape plan shall include the following elements:

- a) Planting of additional 36-inch box-size trees along the northerly, southerly, and easterly property lines for assistance in mitigating noise and other environmental impacts originating the adjacent street and surrounding commercial properties;
- b) All areas not required for parking, driveways or structures shall be landscaped;

- c) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size;
- d) Ground cover shall be planted so as to ensure full coverage eighteen months after installation;
- e) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas;
- f) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]

**BP-12. 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-13. LANDSCAPE BUFFER:**

Install and maintain a 8 foot solid decorative masonry wall, along the northerly, easterly, and southerly property lines, measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

**BP-14. 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-15. STORMWATER MANAGEMENT CALCULATIONS:**

Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

**BP-16. BEST MANAGEMENT PRACTICES - STORMWATER:**

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. 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 Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- 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 discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-17. CITY STREET TREES:**

The landscape plan shall including 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-18. CITY STREET TREES (SUBDIVISION):**

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

**BP-19. 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 residential properties. [COA] [PLANNING]
- BP-20. **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-21. **LIGHTING POLE HEIGHTS:**  
Pole heights shall not to exceed 15 feet. [COA] [PLANNING]
- BP-22. **LIGHTING SPACING:**  
Installation of lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]
- BP-23. **NOISE REDUCTION:**  
Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures" in the approved environmental document and all plans shall be wetstamped and signed by the consultant. Mitigation Measure to include:  
Installation and maintenance of a 6-foot tall wood fence at the southeasterly lot ("Lot 7") as shown on the site plan, to incorporate high-quality and airtight materials for mitigation of noise impacts; the fence must have a minimum surface weight of 3 lbs. per square foot. [COA] [PLANNING]
- BP-24. **SOLID WASTE DISPOSAL PLAN:**  
A detailed recycling and solid waste disposal 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-25. **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-26. **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-27. **CONSTRUCTION MATERIAL AND STAGING:**  
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [COA] [PUBLIC WORKS]

<b>EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.</b>
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- EP-1. **COMPLETE OFF-SITE IMPROVEMENT PLAN SET:**  
A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [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 preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA] [PUBLIC WORKS]
- EP-3. **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. The

sanitary sewer lateral may be connected to the existing City of Santa Clara main during the plan check review stage and subject to City of Santa Clara's approval. [COA] [PUBLIC WORKS]

EP-4. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole. [SDR] [PUBLIC WORKS]

EP-5. EXISTING UTILITY ABANDONMENT:

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 to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-6. 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-7. WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]

EP-8. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]

EP-9. WATER METER:

Install new radio-read water meter(s) for each point of connection to the water main. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. Install new reduced pressure backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-10. SANITARY SEWER ANALYSIS:

Submit a focused sanitary sewer analysis 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.

[COA] [PUBLIC WORKS]

EP-11. 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 Director 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-12. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new 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-13. 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 public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-14. STREETLIGHTS:

Provide photometric analysis to confirm if the street lighting along the project frontage is in accordance with the City's Roadway Lighting Design Criteria. The photometric analysis shall include all the streetlights on the project frontage upgraded to LED and the existing streetlights on the opposite side of the project. The minimum average illuminance shall be approximately 0.9 fc or above and the uniformity ratio shall be approximately 4.0 or below.

Remove existing street light fixture and replace with new Cree BXSPA22 73 W, Type II fixtures along project frontage.

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 Developer per latest City standard details and specifications and National Electrical Code. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

EP-15. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approach along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]

EP-16. STREETSCAPE IMPROVEMENTS:

Remove existing concrete curb and 2' gutter and install new concrete curb and 2' gutter per current City standards along the entire project frontage. Install a 4-foot wide park strip (not including 6-inch curb) and 6-foot wide detached sidewalk along project frontage. [COA] [PUBLIC WORKS]

EP-17. STREET PAVEMENT:

Install type II slurry seal for the entire width of the Helen Avenue from the lip of gutter to the lip of gutter along the project frontage. [SDR] [PUBLIC WORKS]

EP-18. CITY STREET TREES:

The developer shall install required street trees along the project frontage on Helen Avenue: Brachychiton Acerifolius – Australian Flame Tree. 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 both sides of the new park-strip area. No trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-19. UNDERGROUND OVERHEAD LINE:

Underground the existing power overhead line(s) along the project frontage on Helen Avenue.

EP-20. 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 Director of Public Works. [COA] [PUBLIC WORKS]

EP-21. APPROVAL FROM OTHER AGENCIES:

- This project requires approval letter from the City of Santa Clara since one property is at the City of Santa Clara boundary line [COA] [PUBLIC WORKS]
- EP-22. PERMIT FROM OTHER AGENCIES:  
This project may require permit from City of Santa Clara or Caltrans. [COA] [PUBLIC WORKS]
- EP-23. RECORD DRAWINGS:  
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-24. SEWER MANHOLE:  
Install new sewer manhole at the property lines for proposed sanitary sewer lateral to be used for the project. [SDR] [PUBLIC WORKS]
- EP-25. SANITARY SEWER VIDEO:  
The contractor shall make a video copy of the interior of the new sanitary sewer lateral installed prior to it is put into service. [COA] [PUBLIC WORKS]

<b>TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.</b>
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- TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):  
Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
  - The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
  - The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
  - The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #**2014-7985**, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all

public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.

- e) The CC&Rs shall contain language for Best Management Practices “Agreement to Maintain” pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following provisions:
  - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
  - ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- g. The CC&Rs shall contain the following language:
  - i) “Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.
  - iii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
  - iv) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
  - v) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition,

assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.

vi) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.

vii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-2. HOA CREATION:

The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-3. HOA TRANSFER:

At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]

TM-4. COMMON LOT:

The common lot shall be assigned a private street name selected from the City-Council-approved list of street names honoring Fallen Public Safety Officers in accordance with the official Street Name System and as approved by the Community Development Department. [COA] [PLANNING]

TM-5. FINAL MAP COMPLIANCE WITH TENTATIVE MAP:

The final map shall be substantially the same as the tentative map. The tentative map dated 01/06/2015 shall be revised based upon the conditions stated herein and incorporated into the final map for City's review and approval by the Department of Public works during the plan check review stage. Any alteration of the tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. [COA][PLANNING/PUBLIC WORKS]

TITLE 18 AND SUBDIVISION MAP ACT:



The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements.

[COA] [PUBLIC WORKS]

TM-6. 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 delineated on the map or recorded concurrently with the map with a separate instrument, unless otherwise approved by the Director of Public Works. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements.

Add PUE to lot 8 common driveway to accommodate joint trench facilities. Add all existing easements in accordance with the latest title report. Trash staging area is part of the Lot 8 common area, not part of the Lot 7.

[COA] [PUBLIC WORKS]

TM-7. APPROVAL FROM OTHER AGENCIES:

Obtain approval letter from the City of Santa Clara since one existing property is adjacent to the City of Santa Clara boundary line [COA] [PUBLIC WORKS]

TM-8. UTILITY COMPANY APPROVAL:

Obtain approval letters from various utility companies for each of the parcel map in regards to any existing or new easements associated with the project.

[COA] [PUBLIC WORKS]

TM-9. EMERGENCY VEHICLE ACCESS EASEMENT:

Developer shall dedicate a minimum 20'-wide emergency vehicle ingress-egress easement over the surface parking areas, excepting areas for parking stalls. [COA][PUBLIC SAFETY/PUBLIC WORKS]

TM-10. PUBLIC STREET DEDICATION:

This project requires a 1'-wide street dedication as an easement on Helen Avenue for public purpose, [COA] [PUBLIC WORKS]

TM-11. 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]

TM-12. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:

Developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

TM-13. OFF-SITE IMPROVEMENT COST ESTIMATE:

Provide an itemized engineer's estimate for all off-site public improvements for the entire project with breakdowns corresponding to each lot. [COA] [PUBLIC WORKS]

TM-14. COVENANTS, CONDITIONS AND RESTRICTIONS:

This project requires conditions, covenants, and restrictions (CC&R's) to be recorded with provisions including, but not limited to, the following items:

- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- b) The Homeowners Association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Agreement)
- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. [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. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-4. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-5. IRRIGATION METERS:

For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]

PF-6. NOISE REDUCTION VERIFICATION:

Documentation indicating that the following mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities:

- a. Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
- b. MM 1 – Noise: Documentation that a maximum noise level of 60 dB has been achieved for the specified areas of the project (Acoustical Engineer).

Refer to the building permit plans for the Mitigation Monitoring Plan or Negative Declaration, attached to the approved building permit plans.

Mitigation measure: Installation and maintenance of a 6-foot tall wood fence at the southeasterly lot ("Lot 7") as shown on the site plan, to

incorporate high-quality and airtight materials for mitigation of noise impacts; the fence must have a minimum surface weight of 3 lbs. per square foot. [COA] [PLANNING]

**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:

- a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
- b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.

- d) 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. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-2. 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-3. 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-4. OFF-STREET PARKING:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-5. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

- a) Garage spaces shall be maintained at all times so as to allow for parking of vehicles.
- b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- c) Maintain all parking lot striping and marking.

- d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]

**AT-6. RECREATIONAL VEHICLE STORAGE PROHIBITED:**

Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

**AT-7. HOA REVIEW AND APPROVAL:**

In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

**AT-8. HOA RESPONSIBILITIES:**

The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]

**AT-9. BMP MAINTENANCE:**

The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

**AT-10. BMP RIGHT OF ENTRY:**

The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]