

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application 2022-7271  
1170 Sonora Court**

Related applications on a 1.09-acre site:

SPECIAL DEVELOPMENT PERMIT: to demolish the existing 14,902 square foot one-story industrial building and construct a seven-story mixed-use building with 107 apartments, 79,211 square feet of office/R&D space, 377 square feet of retail space, and two levels of below-grade parking.

VESTING TENTATIVE PARCEL MAP: to allow creation of six commercial condominiums in the office/R&D space.

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 by the final review authority if the approval is not exercised per the Development Agreement terms, unless a written request for an extension is received prior to the expiration date and is approved by the City Manager. [SDR] (PLANNING)

GC-3. 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-4. 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-5. BELOW MARKET RATE PROGRAM/CONDO CONVERSION:

Any future conversion of this apartment project into 8 or more condominium units for sale to individual home buyers will require

compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]

GC-6. AFFORDABLE RENTAL HOUSING DEVELOPER AGREEMENT:

The Developer/Owner shall sign and submit to the City for recording a “Density Bonus Developer and Regulatory Agreement and Declaration of Restrictive Covenants” in a form provided by the City to secure the affordability restrictions applicable to the project. This agreement must be recorded before issuance of a building permit or recordation of a final map, whichever occurs first. [COA] [HOUSING]

GC-7. ~~DELETED~~

~~RECREATION FACILITIES:~~

~~The recreation facilities (pool and clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase. [COA] [PLANNING]~~

GC-8. 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-9. DEVELOPMENT AGREEMENT:

The project is subject to the terms and conditions of the approved Development Agreement (DA). In the case of any conflicts between the conditions of approval and the DA, the DA shall take precedence and the conditions of approval shall be modified to be consistent with the DA. [COA] [PLANNING/OCA]

GC-10. LSAP DEVELOPMENT INCENTIVES:

The approved project density is achieved through obtaining ~~seven~~ 11 points in the LSAP Development Incentives Program. The project shall include all identified incentives and retain for the life of the project. Proposed modifications and replacements are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

GC-11. LSAP NON-RESIDENTIAL CAPACITY ALLOCATION:

The project shall receive an allocation of 62,622 square feet of office from the LSAP Development Capacity without requiring additional environmental review. In the event this entitlement expires, these units

shall be returned to the Development Capacity for use in other LSAP projects. [COA] [PLANNING]

GC-12. SIGNAGE:

Signage is not approved as part of this permit. Signage shall be reviewed with a separate sign permit. [COA] [PLANNING]

GC-13. RESIDENTIAL AND NONRESIDENTIAL TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:

The project is subject to the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). The project must achieve the 12 points as provided on the approved TDM program. Verification of compliance is subject to approval by the Director of Community Development prior to occupancy and shall be demonstrated (when applicable) on building permit plans. Nonresidential developments within LSAP are required to implement a TDM program. The project must achieve a daily trip reduction target of 20 percent and a peak hour trip reduction target of 35 percent for new Office/R&D development. The Director may require the onsite TDM coordinator to send to the City annual confirmation that the specified TDM measures are provided to residents. [SDR] [PLANNING]

GC-14. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the Lawrence Station Area Plan (LSAP) Environmental Impact Report (EIR). The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PLANNING/PUBLIC WORKS] **MITIGATION MEASURE**

GC-15. PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08 and LSAP, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, 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 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 Department of Public Works. [COA] [PUBLIC WORKS]

**GC-16. 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 C.B.4.00 and C.B.5.00 of Preliminary Grading and Utility Plan dated 8/15/2023 are subject to change during the 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>

[SDR] [PUBLIC WORKS]

**GC-17. 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-18. PARCEL MAP RECORDATION:**

This project is subject to, and contingent upon the approval of a Vesting Tentative Parcel Map and recordation of a Parcel Map. The submittal, approval and recordation of the Parcel 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 Vesting Tentative Parcel Map are subject to City's technical review and approval during the Parcel map process prior to any grading or building permit. Sheets C1.0-C7.00 of Vesting Tentative Parcel Map submittal dated 06/19/23 are subject to change during plan check process. [COA] [PUBLIC WORKS]

<b>PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.</b>
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**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 monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]

**MM: THE FOLLOWING CONDITION SHALL BE ADDRESSED AND MITIGATION MEASURES NOTED FOR LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS SEIR – MMRP AS RELEVANT TO THIS PROJECT**

MM-1. MITIGATION, MONITORING & REPORTING PROGRAM (MMRP):

The project is subject to the applicable measures in the Mitigation and Monitoring Reporting Program (MMRP) as required in the Lawrence Station Area Plan (LSAP) Update/Intuitive Surgical Corporate Campus Subsequent Environmental Impact Report (SEIR). The MMRP has been included as Exhibit 1. [COA] [PLANNING/PUBLIC WORKS]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR BUILDING SUPERSTRUCTURE PERMIT AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT.**

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. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:**

To mitigate the impacts of large projects on local waste disposal, recycling levels and the migration of PCBs, demolition waste weights/volumes including hazardous waste manifests for applicable structures with PCB concentrations greater than 50 ppm, construction weights/volumes, and recycling weights/volumes are to be reported to the City using [Sunnyvale.wastetracking.com](http://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-6. RECYCLING AND SOLID WASTE ENCLOSURE:**

The building permit plans shall include details for the installation of a recycling and solid waste enclosure. [COA] [PLANNING]

**BP-7. 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-8. 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-9. PENINSULA COORDIOR JOINT POWERS BOARD PERMITS:**

The project will be subject to a final review and approval by JPB to execute the proposed improvements on the JPB's property. [COA] [PLANNING]

**BP-10. LSAP DEVELOPMENT INCENTIVES:**

The project achieves the approved density through participation in the LSAP Development Incentives Program with 11 density incentive points identified. The following actions are required per the program for each identified incentive with review and approval by the Director of Community Development prior to building permit issuance:

- a. **Parking below grade (7 points).** At least 85% of the project's auto parking supply is provided below-grade.
- b. **Bicycle Repair Station (2 points)**
- c. **Street Furniture for Public Use (2 points)** [COA] [PLANNING].

**BP-11. FEES AND BONDS:**

The following fees and bonds shall be paid in full prior to issuance of a Building Permit or as defined in the Development Agreement.

- a) **TRANSPORTATION IMPACT FEE** - Pay Traffic Impact fee of for the net new units resulting from the proposed project estimated as **\$285,583** for residential and **\$370,928.63** for net new office area and retail area. (SMC 3.50). [SDR] [PLANNING]
- b) **PARK IN-LIEU** - Pay Park In-lieu fees estimated as **\$6,280,480.80**. The 18 units designated as affordable housing are exempt from the fee. [SDR] [PLANNING]
- c) **LAWRENCE STATION AREA PLAN (LSAP) SENSE OF PLACE FEE** -Pay the LSAP Sense of Place fee estimated as **\$260,652** for residential units and **\$160,772.5** for the nonresidential area. [SDR] [PLANNING]
- d) **LSAP RESIDENTIAL WASTEWATER FEE** – Pay the LSAP Residential Wastewater fee estimated as **\$92,448** (\$864/unit).
- e) **HOUSING MITIGATION FEE**- Pay the Housing Mitigation fee estimated as **\$1,199,355.50** for the nonresidential area. [SDR] [PLANNING]

**BP-12. 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. The rooftop exhaust fans and supply fans that project above the screening parapet or are not screened on all four sides shall be painted to match the parapet color or alternative color as determined by the Director of Community Development. [COA] [PLANNING]

BP-13. 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-14. 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-15. 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-16. 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 recommendations outlined in the applicant's Arborist report for protection of the mature trees must be included in the building permit plans and maintained in place during the duration of construction.
- e. 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-17. 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-18. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third-party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-19. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

BP-20. 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 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-21. CITY STREET TREES:

~~Preserve and include the existing street trees in 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-22. 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-23. 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-24. PARKING MANAGEMENT PLAN

A Parking Management Plan is subject to 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) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
- b) The property manager/homeowner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use.
- c) Clearly indicate that unassigned spaces cannot be rented or reserved for a specific resident and will be available for parking on a first come, first serve basis without a fee or charge.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans.
- g) Employee parking locations shall be away from the elevators, in parking spaces that are the least used.
- h) Specify the location and term of short-term parking.
- i) Allow the use of valet parking when appropriate on sites with limited parking.
- j) Employees shall be required to park on the site.
- k) Provide adequate signage to direct traffic and pedestrians. [PLANNING] [COA]

## BP-25. COMPACT SPACES:

Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

**BP-26. BICYCLE SPACES:**

For the residential use, provide 27 Class I and 6 Class II bicycle parking spaces; and for the office/R&D use provide 10 Class I and 6 Class II bicycle parking spaces per VTA Bicycle Technical Guidelines and as shown on the approved plans. Clearly indicate the location and the number of bicycle parking spaces on the Building Permit plans. Bicycle parking as shown on sheets AS.B.104, A.B.1B1, and A.B.101 dated 05/12/23 is subject to change during plan check process. Any proposed reductions shall be reviewed and approved by the Director of Community Development, but shall not be below the minimum required spaces as follows:

- Office/R&D: 10 Class I; 6 Class II
  - Residential: 27 Class I; 6 Class II
- [COA] [PLANNING/PUBLIC WORKS]

**BP-27. CARPOOL PARKING:**

A total of eight preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]

**BP-28. SOLAR ASSISTED HOT WATER:**

Solar-assisted hot water shall be provided for all swimming pools and spas and provide 70% of hot water needs for summer months. [SDR] [PLANNING]

**BP-29. 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. Additionally, project noise consultant must review the construction plans and confirm that the noise study's recommendations have been met. [COA] [PLANNING]

**BP-30. GREEN BUILDING:**

The plans submitted for building permits shall demonstrate the project achieves a minimum of 90 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-31. REACH CODES:

The residential building is subject to the City's Reach Codes for new multifamily buildings – high rise. Prior to building permit issuance, the project green building professional shall confirm the construction plans are consistent with the Reach Codes. The following standards apply:

- a) The new building shall be all-electric construction (no gas lines). All-electric appliances include heat pump water and space heaters, induction cooktops, electric clothes dryers, among others.
- b) A solar Photo Voltaic (PV) System of at least 5 megawatts shall be installed.
- c) Project includes the provision of 135 parking spaces. Electric vehicle (EV) infrastructure shall be installed as follows:
  - 23 EV capable
  - 23 EVCS (Level 2)
  - 50 RC spaces (Level 1)
  - 22 RC spaces (Level 2)

~~Since the office and residential use will be sharing the parking structure, the most restrictive Reach Code EV parking requirements between the uses will apply. For offices, the Level 2 requirement is 35% EVCS, which is more restrictive than the 30% RC requirement for multifamily. The 70% Level 1 RC requirement for multifamily is more restrictive than the 35% C requirement for office. Therefore, the requirement for this project is 65% Level 1 RC and 35% EVCS for the 135 shared spaces in the parking structure. In order to obtain the density incentive, at least 35% EVCS (48 spaces) will need to be provided out of the 135 total spaces in the structure. The 70% RC requirement for the 135 total spaces must also be met.~~

[COA] [PLANNING] [BUILDING]

BP-32. 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 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]

BP-33. CONSTRUCTION AIR QUALITY MITIGATION MEASURES:

In accordance with LSAP Mitigation Measure 3.5.3a, 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] [MITIGATION MEASURE] [PLANNING]

BP-34.      ARCHAEOLOGICAL RESOURCES:

In accordance with LSAP Mitigation Measure MM 3.10.2, 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] [MITIGATION MEASURE] [PLANNING]

BP-35.      BAT SURVEY:

In accordance with LSAP Mitigation Measure MM 3.9.2, prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified biologist no more than 3 days prior to the start of construction activities. If bat roosts are identified, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed. If maternity roosts are identified during the maternity roosting season (typically May to September) they must remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If roosting is found to occur on-site, replacement roost habitat (e.g., bat boxes) shall be provided to offset roosting sites removed. If no bat roosts are detected, no further action is required if the trees and buildings are removed prior to the next breeding season.

If a female or maternity colony of bats is found on the project site, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large oak tree not planned for removal), a qualified biologist shall determine what buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).

If an active nursery roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted, under the direction of a bat specialist. [COA] [MITIGATION MEASURE] [PLANNING]

**BP-36. BIOLOGICAL RESOURCES—BIRD NESTING:**

In accordance with LSAP Mitigation Measure 3.9.3, all construction and clearing activities shall be conducted outside of the avian nesting season (January 15 – August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to 3 days before initiation of construction activities, tree removal, and/or site preparation involving removal of vegetation. The qualified biologist shall survey the construction zone and a 250 ft. radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as necessary. The City shall be notified if altered exclusion zone widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged. [COA] [MITIGATION MEASURE] [PLANNING]

**BP-37. DISCOVERY OF FOSSILS:**

In accordance with LSAP Mitigation Measure 3.7.4, the project shall 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 are 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] [MITIGATION MEASURE] [PLANNING]

**BP-38. PLAN FOR REMEDIATION OR EFFECTIVE SITE MANAGEMENT CONTROLS:**

In accordance with LSAP Mitigation Measure 3.8-1, prior to the issuance of grading or building permits, a plan for remediation or effective site management controls of soil, groundwater, and/or soil vapor contamination for the use of the site shall be completed, consistent with applicable regulations and to the satisfaction of the Santa Clara County Department of Environmental Health, California Department of Toxic Substances Control (DTSC), or San Francisco Bay Regional Water Quality Control Board (RWQCB) (as appropriate) before initiation of construction activities. Deed restrictions, if appropriate, shall be recorded.

The improvement plans shall also include a statement if hazardous materials or contamination is discovered or suspected during construction activity, all work shall stop immediately until a qualified professional has determined an appropriate course of action. [COA] [MITIGATION MEASURE] [PLANNING]

**BP-39. DEWATERING:**

In accordance with LSAP Mitigation Measure 3.8-1, if temporary or permanent dewatering is required, prior to the issuance of grading or building permits, the applicant shall provide documentation that the San Francisco Bay RWQCB has approved of discharge to the sewer. Discharge of any groundwater removed from a construction site to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be subject to City Water Pollution Control Permit requirements. [COA] [MITIGATION MEASURE] [PLANNING]

**BP-40. CONSTRUCTION TRAFFIC CONTROL PLAN**

In accordance with LSAP Mitigation Measure 3.3.5, prior to the issuance of grading or building permits, a Construction Traffic Control Plan shall be prepared for City review and approval. The plan shall include, but not be limited to, schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including maintaining an open lane for vehicle travel at all times. All traffic control measures shall conform to City of Sunnyvale, Santa Clara County, and/or Caltrans standards, as applicable. The improvement plans shall specify the requirement to implement the construction traffic control plan.

[COA] [MITIGATION MEASURE] [PLANNING/PUBLIC WORKS]

**BP-41. CONSTRUCTION NOISE MITIGATION MEASURES**

In accordance with LSAP Mitigation Measure 3.6.4, the project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a noise control plan that shall be submitted for review and approval by the Director of Community Development. 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; and
- 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. Pile-driving is prohibited unless authorized by the Director of Community Development. If authorized, noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
  - Installing intake and exhaust mufflers on pile-driving equipment;
  - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible as determined by the Director of Community Development;
  - Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
  - Using cushion blocks to dampen impact noise, if feasible based on soil conditions as determined by the Director of Community Development. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
  - At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities. [COA] [MITIGATION MEASURE] [PLANNING]



**BP-4<sup>2</sup>. 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 as updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

**BP-4<sup>3</sup>. 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-4<sup>4</sup>. 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]

**BP-4<sup>5</sup>. UNDERGROUND UTILITIES:**

All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]

**BP-4<sup>6</sup>. PARCEL MAP:**

This project is subject to, and contingent upon recordation of one parcel map. The submittal, approval and recordation of the parcel map(s) shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Parcel map(s) shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding parcel map. [COA] [PUBLIC WORKS]

**BP-4<sup>7</sup>. TIE-BACKS INTO PUBLIC RIGHT-OF-WAY:**

Shoring tie-backs encroaching into existing / new public right-of-way and / or public utility easements along the project frontage are prohibited. [COA] [PUBLIC WORKS]

**BP-4<sup>8</sup>. 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-49. SOLID WASTE AND RECYCLING ENCLOSURE:

- a. 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:
- b. Match the design, materials and color of the main building;
- c. Be of masonry construction;
- d. Be screened from view;
- e. All gates, lids and doors shall be closed at all times;
- f. Shall not conflict with delivery/receiving areas;
- g. Shall be consistent with the approved Solid Waste and Recycling Management Plan;
- h. Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements.
- i. Solid waste management plan shall include a plan sheet for Level 3 that verifies the chute core continues from ground level to level seven.
- j. Solid waste management plan shall include a retail waste estimate, containers required and frequency of weekly service, and direction as to whom will be managing the retail account.

[COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-50. 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-51. FIRE PREVENTION CONDITIONS:

Prior to building permit issuance, the following Fire Prevention conditions shall be satisfied:

- a) A fully automatic fire sprinkler system and sprinkler monitoring system is required.
- b) Provide a manual and automatic fire alarm system.
- c) Provide details related to building services and systems, including but not limited to, commercial kitchen hoods, fuel- fired equipment (generators, fire pumps, etc), mechanical

refrigeration (chiller rooms), elevator recall, and stationary battery systems.

- d) Provide required number of approved fire extinguishers.
  - e) Provide two-way communication system per CBC 1007.8.
  - f) Comply with CBC 3002.4 for gurney elevator.
  - g) All buildings shall have approved radio coverage for emergency responders in accordance with Section 510 of the California Fire Code and local standards. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for additional details. (SMC 510.1)
  - h) Wherever a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure is required to provide and install radio retransmission equipment necessary to restore communication capabilities. Such equipment shall be located in an approved space or area within the new structure. (SMC 510.1.1)
  - i) Knox boxes (key boxes) will be required in accordance with Sunnyvale Fire Prevention guidelines.
  - j) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
  - k) Required means of egress during construction. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls and windows are in place. Exception: In new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purpose of stairway construction (i.e. installation of gypsum board, painting, flooring, etc.). [SMC 16.52.3311]
  - l) Provide a written Fire Protection Construction Plan.
  - m) Provide an approved electronic "Pre-Fire Survey" map prior to Public Safety Department final recommendation for Certificate of Occupancy.
- [COA] [FIRE PREVENTION]

**BP-52. BIRD SAFE DESIGN:**

The building permit plans shall include the measures contained in study prepared by H. T. Harvey & Associates, dated May 5, 2023. Plans shall include the necessary information to illustrate that it meets the intent of the memo. The applicant shall provide a letter from the consultant indicating that the building permit plans are consistent with the May 5, 2023, recommendations. [COA] [PLANNING]

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

**EP-1. LAWRENCE STATION AREA PLAN:**

This project is in the Lawrence Station Area Plan (LSAP) adopted September 14, 2021, therefore, the developer shall comply with any applicable design requirements as identified in the LSAP or as amended and approved by the City. [COA] [PUBLIC WORKS]

**EP-2. 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, photometric analysis, signing/striping 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 Engineering 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. Sheet C.B.4.00 and C.B.5.00 of Preliminary Improvement Plan – Grading and Utility Plan dated 08/15/23 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

- a. <https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/637820856582800000>
  - b. <https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>
- [COA] [PUBLIC WORKS]

**EP-3. 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-4. BENCHMARKS:**

The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website [sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000](https://www.sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000) Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

**EP-5. 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-6. 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-7. 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 fiber and electrical duct banks are potholed. [COA] [PUBLIC WORKS]

**EP-8. 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-9. 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-10. 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 the 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-11. 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-12. 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. Sheets C.B.4.00 and C.B.5.00 of Preliminary Grading and Utility Plan dated 08/15/23 are subject to change during plan check process. [COA] [PUBLIC WORKS]

**EP-13. 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 detector assembly (RPDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY- FIRE PREVENTION]

**EP-14. PUBLIC FIRE HYDRANTS AND FIRE HYDRANT LATERALS:**

Remove and replace existing fire hydrant (FH) barrels and existing fire hydrant lateral(s) along the entire project frontage with Clow 75 for mains 8" and smaller, and Clow 865 for mains 10" and larger. 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-15. DOMESTIC WATER SERVICE LATERAL:**

Install new radio-read domestic water meter(s) and reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at each domestic water lateral in accordance with current City standards. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required. For water meter size two (2) inch or larger, provide meter

sizing calculations to the Department of Public Works for approval of meter size. For domestic water meters 3" and larger, provide 2 mainline isolation valves immediately adjacent to the water lateral (3 valves connected to the tee). Separate domestic water laterals, meters, and backflow preventers are required for commercial and residential usages. Sheets C.B.4.00 and C.B.5.00 of Preliminary Grading and Utility Plan dated 08/15/23 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-16. IRRIGATION WATER SERVICE LINE AND BACKFLOW PREVENTERS:

Install new radio-read irrigation water meter(s) and reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at each irrigation lateral in accordance with current City standards. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required.

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 backflow preventer enclosure where applicable. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required. [COA] [PUBLIC WORKS]

EP-17. SANITARY SEWER AND STORM DRAIN 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-18. 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-19. 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 subject to approval by the Public Works Department 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-20. 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 new storm drain lateral shall be 12 inches and the main line shall be minimum 15 inches diameter in the public right-of-way. [COA] [PUBLIC WORKS]



**EP-21. STORM DRAIN MAIN EXTENSION**

All treated stormwater shall discharge directly into a closed pipe storm drain main. There is no existing main currently in front of the project within Sonora Court. Project is required to extend the storm drain main to the project frontage and connect project's discharge to the new main via a closed pipe lateral. Storm drain extension from San Zeno Way as shown on sheet C.B.5.00 dated 08/15/23 is subject to change as determined by the City during plan check process. [COA] [PUBLIC WORKS]

**EP-22. CATCH BASIN TRASH CAPTURE DEVICES:**

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/PUBLIC WORKS]

**EP-23. 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-24. STREET LIGHTS:**

There is one existing marbelite streetlight pole located along the project frontage. The existing marbelite streetlight pole shall remain and will be removed in the future when a new LSAP decorative streetlight pole is installed on the north side of Sonora Court by others.

The developer shall install two new pedestrian-scale lighting along the meandering sidewalks in accordance with LSAP and the Lawrence Station Sense of Place Plan along the project frontage of Sonora Court and connect to new streetlight conduits. The pedestrian-scale lighting shall be installed 75.5 ft west and 85 feet east of the existing streetlight located along the project frontage facing the south sidewalk.

Developer shall install new pull box, conduits and conductor connecting to the existing marbelite streetlight pole along the project frontage. Developer shall replace or upgrade conduits, wires, pull boxes, and conductors at the entire project frontage (to

current City standards) and install new pull boxes at the west and east limits to connect to the existing circuit, unless otherwise directed by the City. Existing lateral streetlight conduit and conductors for the streetlights located on the north side shall remain and connect to the new conductors, conduits and pull boxes on the south side of Sonora Court.

All LED fixtures shall be of the same make and model (current approved manufacturer is Philips Lumec). The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-Approved™ Products list. All LED fixtures shall have a 10 year warranty.

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 City 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-25. DRIVEWAY APPROACHES:**

Remove the existing driveway approaches and install one new driveway approach along the project frontage per City Standard Detail 6C-2 to comply with Americans with Disabilities Act (ADA) requirements and City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

**EP-26. STREETSCAPE IMPROVEMENTS:**

Along project frontage on Sonora Court, remove existing concrete curb and gutter and install new concrete curb and 1' gutter per current City standards. Install a detached, meandering 6' wide sidewalk. At the east and west ends of the project limits, sidewalk

shall be installed near face of curb to provide a conform point for future sidewalks on the neighboring properties.

The perpetual maintenance of sidewalk improvements along the project frontages shall be the sole responsibility of the property owner [SDR] [PUBLIC WORKS]

EP-27. ROOT BARRIER:

Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]

EP-28. DECORATIVE PAVEMENT:

Any and all proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [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. Per LSAP, the current on-street parking on the southern side of Sonora Court will be converted into Class II bicycle lanes. Developer shall install No Parking signs along the project frontage. [COA] [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. SLURRY SEAL:

Developer shall be responsible to install Type II slurry seal on Sonora Court from lip of gutter to lip of gutter along project frontage. Sheets CC.B.4.00 and C.B.5.00 of Preliminary Grading and Utility Plan dated 08/15/23 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-32. 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-33. 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, and streetlight pull boxes, 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-34. APPROVAL FROM OTHER AGENCIES:**

This project requires approval in the form of a letter or permit from Caltrain for the new public access connection through the property from Sonora Court to the Caltrain station and any associated improvements required by Caltrain. [COA] [PUBLIC WORKS]

**EP-35. EMAINTENANCE AGREEMENT:**

Prior to encroachment permit issuance, developer shall execute a Maintenance Agreement for perpetual maintenance of the proposed dry stack stones or equivalent non-City standard materials located in public right-of-way. The subject Maintenance Agreement shall be recorded prior to first building occupancy. Alternatively, Maintenance Agreement will not be necessary if during plan check it is determined that the dry stack stones or equivalent non-City standard materials will not be installed. [COA] [PUBLIC WORKS]

**EP-36. 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] (SMC 13.08.160(a))

**PM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.****PM-1. PARCEL MAP COMPLIANCE WITH VESTING TENTATIVE PARCEL MAP:**

The Parcel map shall be substantially the same as the Vesting Tentative Parcel Map. Any alteration of the Vesting Tentative Parcel Map after the Vesting Tentative Parcel Map is approved is subject to additional approval by the City and may require a public hearing. Sheets C1.00 to C7.00 of Vesting Tentative Parcel Map submittal

dated 06/19/23 are subject to change during plan check process. [COA]  
[PLANNING/PUBLIC WORKS]

PM-2. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the Parcel map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [COA]  
[PUBLIC WORKS]

PM-3. 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 shall be delineated on the map or recorded concurrently with the map with a separate instrument. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements) 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. [COA] [PUBLIC WORKS]

PM-4. EMERGENCY VEHICLE ACCESS EASEMENT:

This project requires a minimum 26'-wide dedication of an emergency vehicle ingress and egress easement on and over private roadways. [COA]  
[PUBLIC SAFETY/PUBLIC WORKS]

PM-5. PUBLIC ACCESS EASEMENT:

This project requires a minimum 6' wide public access easement dedication for the proposed 6' sidewalk as it meanders onto private property as shown on sheets C.B.1.00 to C.B.6.00 dated 08/15/23. Plan sheets are subject to change during the plan check process.

This project also requires a public access easement dedication for the proposed public access pathway along the eastern property line, connecting Sonora Court to the Caltrain Station as shown on sheets C.B.1.00 to C.B.6.00 dated 08/15/23. Plan sheets are subject to change during the plan check process.

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 SAFETY/PUBLIC WORKS]

PM-6. STREET LIGHT EASEMENT:

This project requires a street light easement dedication for the proposed pedestrian scale streetlights for the right to

construct, install, use, repair, and replace street light facilities including foundations, conduits, wires, pull boxes, etc. The street light easement shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easement. [COA] [PUBLIC SAFETY/PUBLIC WORKS]

PM-7. UTILITY COMPANY APPROVAL:

Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA] [PUBLIC WORKS]

PM-8. PUBLIC WORKS DEVELOPMENT FEES:

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and 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]

PM-9. SUBDIVISION IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:

The developer shall execute a subdivision improvement agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first. Provide an itemized engineer's estimate for all off-site public improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]

PM-10. 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 construction phases (in accordance with City approved phasing plan). [COA] [PUBLIC WORKS]

PM-11. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW-PRIOR TO RECORDATION OF CONDOMINIUM MAP):

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:



- a. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b. 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.
- c. 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 condominium spaces, whichever comes first.
- d. The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit # 2022-7270, 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 Stormwater Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f. The CC&Rs shall contain the following provisions: i. Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- g. 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.

- II. 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.
- III. 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.
- IV. 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.
- V. 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.
- VI. 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]

**PM-12. OWNERS ASSOCIATION CREATION:**

Any Owner's Association formed by developer/owner shall comport 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 recordation of Condominium Map or alternative as defined in the approved DA. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

**PM-13. OWNERS ASSOCIATION TRANSFER:**

At the time the owners 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]

**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. LSAP DEVELOPMENT INCENTIVES:**

The project achieves the approved density through participation in the LSAP Development Incentives Program with seven density incentive points identified. The following shall be completed per the program prior to final occupancy to the satisfaction of the Director of Community Development:

- a. **Parking below grade (7 points).** At least 85% of the project's auto parking supply is provided below-grade.
- b. **Bicycle Repair Station (2 points)**
- c. **Street Furniture for Public Use (2 points)** [COA] [PLANNING].

**PF-2. COMPACT SPACES:**

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

**PF-3. 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-4. 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-5. AFFORDABLE RENTAL UNITS DEVELOPER AGREEMENT:

Housing staff shall verify that the Developer has complied with **GC-6** (Affordable Rental Housing Developer Agreement) and that the required affordable rental units have been marketed and made available for rent upon project completion in compliance with the recorded Developer Agreement. [COA] [HOUSING]

PF-6. 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-7. VERIFICATION OF GREEN BUILDING MEASURES:

Prior to any residential building occupancy, the applicant shall provide documentation from the project's Green Point Rater confirming the project has been built to achieve the required points.

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-8. LANDSCAPING, IRRIGATION, AND COMMUNITY ROOMS:

All landscaping, irrigation, and required community rooms/clubhouses as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-9. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

<b>DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.</b>
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**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. 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-2. RECYCLING AND SOLID WASTE:

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

AT-3. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-4. 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-5. 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-6. PARKING MANAGEMENT

On-site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

AT-7. 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-8. 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-10. 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-11. STORMWATER 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-12. STORMWATER 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]

## AT-13. TENANT LEASE AGREEMENTS:

Any new lease agreements shall include the following provisions:

- a) Office tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
- b) Office tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standard (with efforts to achieve LEED Platinum standards) and maintain facilities consistent with LEED Gold standards (or LEED Platinum if feasible) and USGBC certification. [COA] [PLANNING]

## AT-14. RECYCLED WATER:

LSAP prohibits the use of recycled water irrigation under the dripline of Redwood and Cedar trees. [COA] [PLANNING]

**END OF CONDITIONS. MMRP CONTINUES ON NEXT PAGE**



Exhibit 1 – The Lawrence Station Area Plan (LSAP) Update/Intuitive Surgical Corporate Campus Project Mitigation Monitoring and Reporting Program follows on the next page.

**Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus  
Project  
Final Subsequent Environmental Impact Report  
Mitigation Monitoring and Reporting Program**

### **1. Statutory Requirement**

When a lead agency makes findings on significant environmental effects identified in an environmental impact report (EIR), the agency must also adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment” (Public Resources Code Section 21081.6(a) and California Environmental Quality Act Guidelines Section 15091(d) and Section 15097). The Mitigation Monitoring and Reporting Program (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Therefore, the MMRP must include all changes in the proposed project either adopted by the project proponent or made conditions of approval by the lead agency or a responsible agency.

**2. Administration of the Mitigation Monitoring and Reporting Program** The City of Sunnyvale (City) is the lead agency responsible for the adoption of the MMRP. The City is responsible for implementing, verifying, and documenting compliance with the MMRP, in coordination with other identified agencies. According to CEQA Guidelines Section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the measures occurs in accordance with the program.

### **3. Mitigation Measures and Reporting Program**

Table A-1 is structured to enable quick reference to mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures correlates with numbering of measures found in the impact analysis sections of the Draft EIR.

**TABLE A-1  
1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
Air Quality				

**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
<b>MM 3.5.3a</b>	<p>Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the BAAQMD's 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. These basic construction mitigation measures include the following:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. 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.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>5. 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.</li> <li>6. All construction equipment shall be maintained and properly tuned in</li> </ol>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to issuance of grading or building permits</li> <li>• During construction</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check)</li> <li>• Project applicant (during construction)</li> </ul>



**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>7. 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.</p>			
<b>Cultural and Tribal Cultural Resources</b>				
<b>MM 3.10.2</b>	<p>All subsequent projects within the LSAP plan area shall be 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 archaeologist 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</p>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Information to be included on construction and improvement plans.</li> <li>• During construction</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check)</li> <li>• Project applicant (if resources found)</li> </ul>

**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information about the discovered resource shall be confidential.			
<b>Biological Resources</b>				
<b>MM 3.9.2</b>	<p>Prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified biologist no more than 3 days prior to the start of construction activities. If bat roosts are identified, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed. If maternity roosts are identified during the maternity roosting season (typically May to September), they must remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If roosting is found to occur on-site, replacement roost habitat (e.g., bat boxes) shall be provided to offset roosting sites removed. If no bat roosts are detected, no further action is required if the trees and buildings are removed prior to the next breeding season.</p> <ul style="list-style-type: none"> <li>If a female or maternity colony of bats is found on the project site, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large oak tree not planned for removal), a qualified biologist shall</li> </ul>	<ul style="list-style-type: none"> <li>Preconstruction surveys</li> </ul>	<ul style="list-style-type: none"> <li>No more than 3 days prior to building demolition and/or tree removal</li> </ul>	<ul style="list-style-type: none"> <li>Project applicant (survey and protection measures)</li> <li>City of Sunnyvale (document compliance)</li> </ul>

**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>determine what buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).</p> <ul style="list-style-type: none"> <li>• If an active nursery roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted under the direction of a bat specialist.</li> </ul>			
<b>MM 3.9.3</b>	<p>All construction and clearing activities shall be conducted outside of the avian nesting season (January 15–August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to 3 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the</p>	<ul style="list-style-type: none"> <li>• Preconstruction surveys for work done between January 15 and August 31</li> </ul>	<ul style="list-style-type: none"> <li>• No more than 3 days prior to tree removal and/or site preparation involving removal of vegetation</li> </ul>	<ul style="list-style-type: none"> <li>• Project applicant (survey and protection measures)</li> <li>• City of Sunnyvale (document compliance)</li> </ul>

**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Migration Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	potential to disturb or otherwise harm nesting birds. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as necessary. The City shall be notified if altered exclusion zones widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged.			
<b>Geology and Soils</b>				
<b>MM 3.7.4</b>	All subsequent projects within the LSAP plan area shall be 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 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 project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.	<ul style="list-style-type: none"> <li>Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issuance of grading permit</li> <li>During construction</li> </ul>	<ul style="list-style-type: none"> <li>City of Sunnyvale (plan check)</li> <li>Project applicant (if fossils discovered)</li> </ul>

**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
<b>Hazards and Hazardous Materials</b>				
<b>3.8-1</b>	<p>The City shall require that a Phase I ESA is prepared and submitted with any application for new development or redevelopment within the adopted LSAP boundary. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project).</p> <p>If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA.</p> <p>The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed, consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) before initiation of construction activities. Deed restrictions, if appropriate, shall be recorded. If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the San Francisco Bay RWQCB has</p>	<ul style="list-style-type: none"> <li>Review of Phase I and/or Phase II ESA</li> <li>Site inspection</li> </ul>	<ul style="list-style-type: none"> <li>Phase I and II (if identified as necessary by the Phase I) at the time development application is submitted</li> <li>Responsible agency approval of applicant's site management controls prior to grading and building permit issuance</li> <li>Site inspection during construction</li> </ul>	<ul style="list-style-type: none"> <li>Project applicant (Phase I/Phase II)</li> <li>City of Sunnyvale (document compliance)</li> </ul>

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Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>approved the discharge to the sewer. Discharge of any groundwater removed from a construction site within the adopted LSAP and to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be subject to Water Pollution Control Permit requirements.</p> <p>If the Phase I ESA determines there are no RECs, no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activity, all work shall stop immediately until a qualified professional has determined an appropriate course of action.</p>			
<b>MM 3.3.5</b>	<p>Before issuance of a permit for a specific development project or before approving a City-initiated roadway improvement identified in the LSAP, the City shall determine whether project construction activities have the potential to affect traffic conditions on roadways as a result of construction of the development project or roadway improvement(s). If there is the potential the activities could impair or inhibit emergency response or evacuation, a Construction Traffic Control Plan shall be prepared for City review and approval. The plan shall include, but not be limited to, schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including</p>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to building permit issuance</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check and inspection)</li> <li>• Project applicant (prepare plan)</li> </ul>



**TABLE A-1**  
**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	maintaining an open lane for vehicle travel at all times. All traffic control measures shall conform to City of Sunnyvale, Santa Clara County, and/or Caltrans standards, as applicable. The City shall ensure final approved plans for private development projects specify the requirement, as appropriate, to implement the construction traffic control plan.			
<b>Noise</b>				
<b>MM 3.6.4</b>	<p>Subsequent projects in the LSAP shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Sunnyvale Building Services Division. 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., jack hammers, 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</li> </ul>	<ul style="list-style-type: none"> <li>Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>Prior to issuance of grading and/or building permits</li> </ul>	<ul style="list-style-type: none"> <li>City of Sunnyvale (plan check and inspection)</li> <li>Project applicant (during construction)</li> </ul>

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**1170 SONORA COURT- MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dB. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dB. Quieter procedures, such as use of drills rather than impact tools, shall be used; and</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Noise reducing pile-driving techniques shall be employed during Project construction. These techniques shall include: <ul style="list-style-type: none"> <li>○ Installing intake and exhaust mufflers on pile-driving equipment;</li> <li>○ Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;</li> <li>○ Implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible,</li> </ul> </li> </ul>			

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	<p>in consideration of geotechnical and structural requirements and conditions;</p> <ul style="list-style-type: none"><li>○ Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and</li><li>○ At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within 600 feet of the Project area of the dates, hours, and expected duration of such activities.</li></ul>			