

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
AUGUST 10, 2020**

Planning Application 2018-7006

SPECIAL DEVELOPMENT PERMIT to demolish existing structures and construct 24 condominium dwelling units within two, four-story buildings. Project utilizes State Density Bonus Law waivers to deviate from side-yard setbacks and useable open space requirements.

TENTATIVE MAP to merge two lots and create 24 condominiums.

The project includes the following State Density Bonus Waivers from Development Standards:

- Minimum sideyard setback [SMC 19.34.030, 080]
- Minimum distance between buildings [SMC 19.48.030]
- Minimum Private Useable Open Space [SMC 19.37.100 (e)]

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. ENTITLEMENTS – EXERCISE AND EXPIRATION:

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

GC-3. ENTITLEMENTS – DISCONTINUANCE AND EXPIRATION:

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

GC-4. INDEMNITY:

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

GC-5. NOTICE OF FEES PROTEST:

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

GC-6. STORMWATER MANAGEMENT PLAN:

Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

GC-7. PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

The developer is required to complete the installation 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-8. 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. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during the plan check process.

See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=24002>

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23625> [SDR] [PUBLIC WORKS]

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GC-9. 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-10. FINAL MAP RECORDATION:

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

the final map process prior to any grading or building permit. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. [COA] [PUBLIC WORKS]

GC-11. 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 2.5 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. The Director shall require the onsite TDM Coordinator to send to the City annual confirmation that bicycle facilities, wayfinding station, TDM coordination and communication, transit passes, bicycle and car share are provided to residents. [SDR] [PLANNING]

GC-12. BUILDING CODES AND PERMIT FEES:

Building permit fees and applicable building codes will be based on the fee resolution and building codes effective at the time of building permit submittal. [SDR] [BUILDING]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address the following, and are subject to review and approval by the Director of Community Development prior to submittal of a building permit:

- a) Add at least six secure bicycle parking spaces at convenient location(s).
- b) Improve the rear elevations by incorporating stone veneer or other materials/colors. [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 CONDITIONS SHALL BE ADDRESSED AND MITIGATION MEASURES NOTED FOR LAND USE AND TRANSPORTATION (LUTE) ELEMENT EIR – MMRP AS RELEVANT TO THIS PROJECT.

- MM-1. LAND USE AND TRANSPORTATION (LUTE) ELEMENT – MITIGATION, MONITORING & REPORTING PROGRAM (MMRP):
Project is subject to the relevant/applicable LUTE MMRP requirements included in Attachment 6 (CEQA Checklist). [COA]
[PLANNING]

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

- BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA]
[PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA]
[PLANNING]
- BP-3. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report

- from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]
- BP-4. BLUEPRINT FOR A CLEAN BAY:
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. SOLID WASTE AND RECYCLING ENCLOSURE:
The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City’s latest guidelines. The required enclosures shall:
- a) Match the design, materials and color of the main building;
 - b) Be of masonry construction;
 - c) Be screened from view;
 - d) All gates, lids and doors shall be closed at all times;
 - e) Shall not conflict with delivery/receiving areas;
 - f) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
 - g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-6. 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-7. 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 residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-8. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$44,953.00, prior to issuance of a Building Permit. Final fee is calculated at time of building permit submittal (SMC Chapter 3.50). [SDR] [PLANNING]

- b) PARK IN-LIEU – Payment of a park in-lieu fee, estimated at \$1,172,199.60, payable at the rate in effect at the filing of the Vesting Map in accordance with the provisions of SMC Chapter 18.10.060, 070. [SDR] [PLANNING]
- BP-9. 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-10. 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-11. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways or structures shall be landscaped.
 - b) Provide trees at minimum 30 feet intervals along rear property lines, except where mature trees are located immediately adjoining on neighboring property.
 - d) A minimum of ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree per the City’s Tree Replacement Standards.
 - f) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - g) Backflow device and other appurtenances are to include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located in the front yard landscape areas. Covers should be black, metal mesh with rounded top covers (e.g. “mailbox style”).
 - h) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.

- i) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk.
 - j) Include planting of vine(s) to cover the rear fence directly behind the central driveway. [COA] [PLANNING]
- BP-12. LANDSCAPE MAINTENANCE PLAN:
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. Any landscaping within the driveway vision triangles shall be properly maintained to ensure vision triangle clearance per Sunnyvale Municipal Code requirements. [COA] [PLANNING]
- BP-13. CITY STREET TREES:
The landscape plan shall include street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]
- BP-14. 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-15. STORM WATER 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-16. BEST MANAGEMENT PRACTICES - STORMWATER:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:
- c) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
 - d) 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.

- e) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- f) Covered trash, food waste, and compactor enclosures.
- g) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-17. MECHANICAL EQUIPMENT NOISE:

Prior to issuance of a building permit, the impacts of mechanical equipment noise on nearby noise-sensitive uses shall be assessed by a qualified acoustical consultant and determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Design planning shall take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical screening. The acoustical report and associated noise mitigation measures shall be subject to the review and approval by the Director of Community Development. [COA] [PLANNING]

BP-18. 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.

- g) Up-lighting and spotlights are prohibited for bird-safe purposes.
[COA] [PLANNING]
- BP-19. 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-20. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):
A final 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 and subject to review and approval by the Director of Community Development.
 - b) The property manager may specify that 25% to 75% of unassigned spaces be reserved for guest use.
 - c) Clearly indicate that the property manager cannot offer tenants exclusive use of unassigned or guest spaces in return for payment of additional rent or other compensation. This does not prohibit nominal fees charged to all tenants for parking management.
 - 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 the number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]
- BP-21. 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-22. BICYCLE SPACES:
Provide a minimum of six Class I secured bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]
- BP-23. ON-SITE PRIVATE WATER METER(S):
The developer shall install individual private water meters as required by State Law for all individual residences & buildings on-site. [COA] [BUILDING]
- BP-24. GREEN BUILDING:
The plans submitted for building permits shall demonstrate the project achieves a minimum of 110 Big 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 Build It Green certification verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-25. 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) 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.
- d) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- e) 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.
- f) 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:
 - i. Installing intake and exhaust mufflers on pile-driving equipment;
 - ii. Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
 - iii. 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;
 - iv. 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

- v. 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.
- g) Queuing of construction vehicles is not allowed on the public streets. The Director of Public Works, at his discretion, may allow queuing on public streets with an approved traffic control plan which adequately provides safety measures.
- h) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- i) 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.
- j) 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.
- k) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- l) 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.
- m) 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-26. 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, per City's "waste & recycling reporting form" (electronic copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report to the Department of Environmental Services, Solid Waste Division both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- BP-27. CONSTRUCTION MATERIAL AND STAGING:
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [COA] [PUBLIC WORKS]
- BP-28. UNDERGROUND UTILITIES:
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- BP-29. ON-SITE PRIVATE WATER METER(S)
The developer shall install individual private water meters for each residence, and for each ancillary building on-site. [COA] [BUILDING]
- BP-30. NESTING BIRDS:
To mitigate impacts to nesting bird habitat, the following shall apply:
- a) Avoidance: Demolition and construction activities should be scheduled between September 1 and January 31 to avoid the nesting bird season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided.
 - b) Preconstruction/Pre-disturbance Surveys: If it is not possible to schedule demolition and construction activities between September 1 and January 31 then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, grasslands, buildings) in and immediately adjacent to the impact areas for nests.
 - c) Buffers: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and

California Fish and Game Code will be disturbed during project implementation.

- d) Inhibition of Nesting: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates. [COA] [PLANNING]

BP-31. HISTORIC AND CULTURAL RESOURCES:

Final construction drawings shall incorporate conditions related to historic and cultural resources as set forth in the approved environmental document and as noted below. [COA] [PLANNING]

- a) If archaeological resources are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials and workers shall not alter the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
- b) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

BP-32. HAZARDS AND HAZARDOUS MATERIALS:

Final construction drawings shall incorporate conditions related to hazards and hazardous materials as set forth in the approved environmental document and as noted below. [COA] [PLANNING]

- a) 210 Ahwanee Ave - An environmental professional should be present at the time the asphalt is removed from the parking lot and any stained areas or areas with high hits on the PID. If the area exceeds five cubic yard or greater than two feet deep, then a regulatory agency should be notified in accordance with Porter Cologne Act guidelines. It also recommends that the fluorescent lamp ballasts should be disposed as though they have PCBs in the dielectric fluid, even though this has not been confirmed; the water well at the site should be destroyed and properly closed during

grading operations and provides additional guidelines noted in the report

- b) 214 Ahwanee – Remove surface solid to a depth of 18 inches.

BP-33. NOISE AND ACOUSTIAL STANDARDS:

- a) Doors and windows to provide sound insulation to reduce transportation noise to the DNL 45 dB criterion as follows (update this rating prior to construction):
 - i. 2nd Floor – Units 1 and 2 STC 34, elsewhere STC 29
 - ii. 3rd Floor – Units 9 and 10 STC 39, elsewhere STC 31-34.
 - iii. 4th Floor – Units 17 and 18 STC 44 with an upgraded exterior wall, elsewhere STC 33-36.
- b) Upgraded windows would be required for Units 1-8, 11-16, and 19-24 to address aircraft noise (approx. 5-10 events/day) as follows:
 - i. Bedrooms windows to be STC 36-39
 - ii. Other habitable rooms to be STC 33-36.

BP-34. AIR QUALITY AND GREENHOUSE EMISSIONS:

- a) Install air filtration that serves all residential dwelling units that have increased cancer risk (>10.0 chances per million [see Figure 3 in Acoustic and Air Quality Report] or annual PM2.5 concentration above 0.3 ugm.m3 [see Figure 4 in Acoustic an Air Quality Report]) from traffic on Freeway 101; these units occur along front half of the site. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, the ventilation system shall meet the following standards:
 - i. A MERV 13 or higher rating
 - ii. Requirements of Title 24 Building Standards
- b) As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk exposures are predicted. Subsequent studies should be conducted by air quality expert approved by the City to identify the ongoing need for the filtered ventilation system as future information becomes available.
- c) Ensure that the lease agreement and other property document (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurances that new owners and tenants are provided information on the ventilation system; and (3) include provision that fees associated with owning and leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring and replacement of the filters as needed.

- d) Prior to final design or occupancy, an authorized air pollutant consultant verifies that all necessary measures to reduce TAC exposures.
- e) During construction activity, the contractor shall implement the following best management practices (as recommended by BAAQMD) that are required for all projects:
 - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - ii. All haul trucks transporting soil, sand, or other loose materials off-site shall be covered;
 - iii. All visible mud or dirt tract-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;
 - iv. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour;
 - v. All roadway, 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;
 - vi. Idling times shall 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]). Clear signage shall be provided for construction workers at all access points.
 - vii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - viii. Post a publicly visible sign 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- f) Selection of equipment during construction to minimize emissions including – All diesel-powered off-road equipment operating on the site for more than 2 days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards of Tier 4 engines or equivalent. The construction contractor could use other measures to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. The use of equipment

that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.

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

- EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:
A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, striping plans, erosion control 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. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://sunnyvale.ca.gov/civicaX/filebank/blobdload.aspx?BlobID=24002>
<https://sunnyvale.ca.gov/civicaX/filebank/blobdload.aspx?BlobID=23625> [COA] [PUBLIC WORKS]
- EP-2. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-3. BENCHMARKS:
The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website <https://sunnyvale.ca.gov/civicaX/filebank/blobdload.aspx?BlobID=23803> Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]
- EP-4. UTILITY CONNECTION:
This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]

- EP-5. UTILITY CONNECTION TO THE MAIN:
All sanitary sewer laterals connecting to the existing main line shall be with a new wye connection. 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 sewer manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]
- EP-6. POTHOLING OF EXISTING UTILITIES:
Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]
- EP-7. EXISTING UTILITY ABANDONMENT/RELOCATION:
Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes and procedures, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-8. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:
Developer is required to pay for all changes or modifications to existing City utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]
- EP-9. DRY UTILITIES:
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to 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.

Existing joint pole/guy pole is to be removed from project frontage. Per coordination with PG&E, pole is to be relocated along the south side of Weddell Drive at developer's expense. [SDR] [PUBLIC WORKS]

EP-10. WET UTILITIES:

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

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

The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by the Department of Public Works. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-12. PUBLIC FIRE HYDRANTS:

Remove, replace, and/or relocate the existing fire hydrant barrel east of development with current City standard Clow-Rich 75. New fire hydrant locations shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-13. WATER METER:

Install new master radio-read domestic water meter(s) and RPBFP(s) at each point of connection to the water main. For water meter size two (2) inch or larger, provide meter sizing calculations to the Department of Public Works for approve of meter size. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-14 IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service line (separate from the domestic/fire water service line) with a water meter and backflow prevention device.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City's

- Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS]
- EP-15. SEWER MANHOLE:
Install new sewer manhole 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-16. 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-17. 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.
- EP-18. 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-19. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach. 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-20. STREET LIGHTS:
The developer shall remove the existing streetlight pole and foundation along the project frontage and install a new marbelite pole behind the back of curb with new LED fixtures. All LED fixtures shall be manufactured by Phillips or approved equal and meet the current City of Sunnyvale LED roadway lighting specifications. Developer shall replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.

Additional pull box may be installed on both end limits of the project frontage to connect with the existing circuit.

As part of the off-site improvement plan set, developer shall show project limits with roadway names, Right-of-Way lines, existing poles, streetlights, pull boxes, conduits, service pedestals and appurtenances. Developer shall obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department.

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

EP-21. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and 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-22. STREETSCAPE IMPROVEMENTS:

Along project frontage on Ahwanee Avenue, remove existing concrete curb, gutter and sidewalk and install new concrete curb and 2' gutter per current City standards. Install a detached 6' wide sidewalk with 4' wide park-strip (not including 6-inch curb). The perpetual maintenance of sidewalk improvements along the project frontages shall be the sole responsibility of the property owner. [SDR] [PUBLIC WORKS]

EP-23. ROOT BARRIER:

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

EP-24. 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-25. **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. This project shall install no parking signs along the project frontage. [COA] [PUBLIC WORKS]
- EP-26. **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-27. **SLURRY SEAL:**
Developer shall be responsible to install Type II slurry seal on Ahwanee Avenue from lip of gutter to lip of gutter along project frontage. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-28. **CITY STREET TREES:**
The developer shall install required street trees in proposed park-strip within the public right-of-way along the project frontage. Tree species along Ahwanee Avenue shall be *Quercus kelloggii* - California Black Oak. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15 gallon size spaced approximately 35 feet apart. No street trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-29. **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-30. **DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:**
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works

Department. All existing streetlight conduits, streetlight wires, streetlight pull boxes, shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-31. APPROVAL FROM OTHER AGENCIES:

This project requires approval letter from PG&E, Caltrans (and Santa Clara County, if necessary) for the removal of guy wire and pole and the installation of new poles along south side of Weddell Drive. [COA] [PUBLIC WORKS]

EP-32. 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))

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP: The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. Sheet C1.0 thru C6.0 of Preliminary Grading and Utility Plan dated 07/22/2020 are subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the final 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]

TM-3. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), sidewalk easement 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]

- TM-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]
- TM-5. PUBLIC UTILITY EASEMENT:
This project requires a public utility easement dedication on and over private roadways and behind city right-of-way as determined by Department of Public Works. [COA] [PUBLIC WORKS]
- TM-6. STREET DEDICATION:
A 5' wide street dedication (in form of an easement) shall be dedicated along the Ahwanee Avenue frontage. [COA] [PUBLIC WORKS]
- TM-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]
- TM-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]
- TM-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]
- TM-10. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):
Any proposed deeds, covenants, conditions, restrictions and by-laws relating to the subdivision are subject to review and approval by the City. The CC&R's shall include the following provisions:
- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
 - b) The Homeowners Association shall maintain the sidewalk, park strip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)

- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Improvement Agreement)
- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. (SMC 12.60.200)
[COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-11. HOA CREATION:

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

TM-12. HOA TRANSFER:

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

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. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property (including common useable space (furniture, plantings, HVAC filters, driveway, unassigned parking (10 spaces), perimeter fences, landscaping, trash rooms and all landscaping), building exterior, sidewalk and planting strip along the frontage of the property. The chairperson, secretary or principal officer

- of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]
- PF-2. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-3. COMPACT SPACES:
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- PF-4. 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-5. NOISE REDUCTION VERIFICATION:
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
- PF-5. 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]

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

- DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. 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-3. 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. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]

- AT-3. 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-4. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises. [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:
On-Site parking management shall conform with the approved parking management plan. The project is required to maintain the approved parking spaces (90 total number) for automobile parking purposes only, and is prohibited from being converted to any other use. [COA] [PLANNING]
- AT-7. PARKING AND BICYCLE PARKING LOT MAINTENANCE:
The parking lot shall be maintained as follows:
a) Garage and unassigned guest spaces shall be maintained at all times so as to allow for parking of vehicles.
b) Clearly mark all assigned, guest spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
c) Maintain all parking lot striping and marking.
d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons.
e) Secured bicycle parking shall be maintained at all times. [COA] [PLANNING]
- AT-8. 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-9. **BMP MAINTENANCE:**
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-10. **BMP RIGHT OF ENTRY:**
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]
- AT-11. **TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES:**
The multi-family residential use shall participate in the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). [SDR] [PLANNING]
- AT-12. **SOLID WASTE RECYCLING MANAGEMENT:**
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]
- AT-13. **SIGNS:**
All signage shall be approved through a separate Planning review and Building Permit process. [SDR] [PLANNING]
- AT-14. **PARKING SPACES**
The project is required to maintain the approved parking spaces (58 total number) for automobile parking purposes only-
- AT-15. **HOA REVIEW AND APPROVAL:**
In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in

the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-16. HOA RESPONSIBILITIES:

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

END OF CONDITIONS