

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
OCTOBER 9, 2023**

Planning Application **2022-7168**
1150-1170 Kifer Road

Special Development Permit to demolish an existing surface parking lot at the rear of two existing office/R&D buildings and construct 225 apartment units at a density of 112.5 dwelling units per acre in an eight-story building inclusive of three levels of above-ground parking.

Tentative Parcel Map to relocate the existing lot line between the two office/R&D building lots, resulting in a 3.82-acre lot for the office/R&D buildings and a two-acre lot for the apartment development.

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. 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. ON-SITE AMENITIES:

Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-6. 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-7. 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-8. 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-9. STORMWATER MANAGEMENT PLAN:

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

GC-10. SB 330 PRELIMINARY APPLICATION:

In accordance with state law (SB 330, Housing Crisis Act of 2019), except as required to comply with the California Environmental Quality Act, the project shall be subject only to the ordinances, policies, and standards adopted and in effect when the project’s preliminary application was submitted (November 3, 2021).

Ordinances, policies, and standards includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of the City of Sunnyvale, as defined in Section 66000 of the Government Code, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions. In the case of a fee, charge, or other monetary exaction, the project is subject to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction. [COA] [PLANNING]

GC-11. FUTURE OFFICE/R&D SITE EXPANSION:

The relocated lot line associated with the approved Tentative Parcel Map results in an increased floor area ratio (FAR) for the existing office/R&D buildings on the northern lot. The FAR increases from 41 to 63% due to the smaller resulting lot size from 5.82 acres to 3.82 acres, even though the project does not include building area expansion. Any future expansion of net new office, R&D, and/or industrial area on the northern lot is subject to a development agreement per SMC 19.35 and the remaining net new office/R&D/industrial capacity available in the Lawrence Station Area Plan (LSAP). [COA] [PLANNING]

GC-12. LSAP DEVELOPMENT INCENTIVES:

- The approved project density is achieved through obtaining 30 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 shall be reviewed and approved by the Director of Community Development. [COA] [PLANNING]
- GC-13. LSAP RESIDENTIAL CAPACITY ALLOCATION:
The project shall receive an allocation of 225 units from the LSAP Development Capacity without requiring additional environmental review. In the event this entitlement expires, this square footage shall be returned to the Development Capacity for use in other LSAP projects. [COA] [PLANNING]
- GC-14. SIGNAGE:
Signage is not approved as part of this permit. Signage shall be reviewed with a separate sign permit. [COA] [PLANNING]
- GC-15. SANTA CLARA VALLEY WATER DISTRICT (VALLEY WATER) CONDITIONS:
Valley Water records indicate that there are no wells within the property boundaries. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage. For more information, call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.
- In accordance with Valley Water's Ordinance 90-1, permitting is required for any person digging, boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County. [COA] [PLANNING]
- GC-16. RESIDENTIAL 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. 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-17. 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, curb ramps, street pavements, utility connections, meters/vaults, landscaping, 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-18. 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 C4.0 and C5.0 of Preliminary Grading and Utility Plan dated 6/14/2023 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-19. 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-20. PARCEL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a Tentative Parcel Map and recordation of a Parcel Map for a lot line adjustment purposes. 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 Tentative Parcel Map are subject to City's technical review and approval during the Parcel Map process

prior to any grading or building permit. Sheet TM1.0 of Tentative Parcel Map submittal dated 6/14/2023 is subject to change during plan check process. [COA] [PUBLIC WORKS]

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

PS-1. EXTERIOR MATERIALS REVIEW:

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

PS-2. SANITARY SEWER ANALYSIS:

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

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow 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 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. 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 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 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 AND RECYCLING ENCLOSURES:

The building permit plans shall include details for the installation of the recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area (for the office/R&D buildings) or within building (for residential) 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 as shown in the approved plan set;
- 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-8. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Environmental Services prior to issuance of building permit.

Residential Staging Area

Solid waste management plan for the residential bin and cart staging area shall provide three-sided structure of 6-foot tall "Representative Screening" as shown on pg. 6/11 of ATM narrative dated September 6, 2023. Roofing is required to screen area from high-rise apartments and may be of same foliage/fencing materials. Ceiling height may be lower than 9'2" as bins are temporarily stored. Provide name of "climber" foliage intended for fencing used for screening. Gates are not required for the residential screening area.

Office/R&D Enclosure

Office/R&D stress pad shall extend 2'9" from edge of enclosure to currently shown stress pad edge. Stress pads are required to protect surface from excessive weight and movement of bins in/out of enclosure for service. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-9. LSAP DEVELOPMENT INCENTIVES:

The project achieves the approved density through participation in the LSAP Development Incentives Program with 30 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. **Landscaped area exceeding 35% of site area (5 points).** Identify the final location, dimensions, and square footages of landscaped areas on the project plans.
- b. **Bicycle parking, publicly-accessible, at least 20% more Class I spaces and 10 more Class II spaces beyond minimum (2 points).**
 - i. Provide final location and design details on the project plans.
 - ii. Record a covenant on the title of the affected property in a form approved by the City Attorney's Office, stating that the bicycle parking spaces are available for public use.
- c. **Gateway signage (5 points).** Include the final location, design, and dimensions of the one gateway sign near Kifer Road and San Zeno Way on the project plans.
- d. **Wayfinding signage (2 points).** Include the final locations, design, and dimensions of the wayfinding signs on the project plans.
- e. **Installation of Level 2 electric vehicle charging stations (4 points).**
 - i. Identify the final locations on the project plans.
 - ii. Provide final design, dimensions, and quantities of the charging stations on the project plans.
 - iii. Identify the final locations of any above-ground utility equipment and include details on screening in addition to building code requirements.
- f. **Bicycle repair station (2 points).**
 - i. Identify the final location and size on the project plans.
 - ii. Provide a description of the tools and supplies to be provided, a means of providing access to all residents, and a plan for maintaining these tools and supplies.
- g. **Secondary bicycle/pedestrian pathway (shared-use path) (10 points).**
 - i. Identify the final location and dimensions of the secondary pathways on the project plans.
 - ii. Provide the final cross section of the secondary pathways on the project plans.
 - iii. Record a public access easement (in a form approved by the City Attorney's Office) on the affected property stating that the secondary pathway is available for public bicycle and pedestrian ingress and egress; and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.
 - iv. Either on the final map, public access easement, or a separate legal instrument, include language to allow adjacent property owners to connect to the secondary pathway when they redevelop their properties to form one continuous and uninterrupted thoroughfare over time. [COA] [PLANNING].

The property owner shall record appropriate easements or covenants running with the land, subject to the review and approval of the Director of Community Development and City Attorney for the following:

- a) Easements/covenants associated with the LSAP development incentives listed in condition of approval BP-8.
- b) Shared parking easement for users of the office/R&D lot to park within the residential lot's parking structure.
- c) Reciprocal pedestrian, bicycle, and automobile access between the office/R&D lot and residential lot.
- d) Solid waste and recycling access and staging area for the residential use on the office/R&D lot. [COA] [PLANNING]

BP-11. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit. The mitigation fees are subject to Fiscal Year 2021-22 rates due to the SB 330 Preliminary Application (PLNG-2021-7828) submittal date of November 3, 2021.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee of **\$479,250** for the net new units resulting from the proposed project (\$2,130/unit), prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU - Pay Park In-lieu fees of **\$11,353,478.40**, prior to approval of the Final Parcel Map (\$160/sq. ft. in an acre). (SMC 18.10). The 44 units designated as affordable housing are exempt from the fee. [SDR] [PLANNING]
- c) LAWRENCE STATION AREA PLAN (LSAP) SENSE OF PLACE FEE - Prior to issuance of a building permit, pay the LSAP Sense of Place fee of **\$457,726.50** (\$2,034.34/unit). [SDR] [PLANNING]
- d) LSAP RESIDENTIAL WASTEWATER FEE - Prior to issuance of a building permit, pay the LSAP Residential Wastewater fee of **\$167,627.25** (\$745.01/unit). [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. Final 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) prior to issuance of building permits. 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 side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- d) 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.
- e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- f) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- g) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]

BP-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 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 Stormwater Management Data Form 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:
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. SHARED-USE PATH CONNECTION:
The new secondary shared-use path on the south side of the project site and its associated public access easement is required to connect to the path and public access easement at adjacent property at 1120-1130 Kifer Road (APNs 205-50-045 and 205-50-046) in order to form one continuous and uninterrupted bicycle/pedestrian path from Santa Vittoria Terrace to San Zeno Way. [COA] [PLANNING/PUBLIC WORKS]
- BP-23. IRREVOCABLE OFFER OF DEDICATION ALONG SAN ZENO WAY:
An Irrevocable Offer of Dedication is required along the San Zeno Way project frontage from the south property line running north towards the San Zeno and Kifer intersection, and part way around the corner to Kifer Road. Dedication will be for Santa Clara County's grade separation project for Lawrence Expressway. Dedication area is shown on sheets C2.1 and TM1.0 dated 6/14/2023, prepared by BKF Engineers.

The City does not intend to accept the offer dedication until such time that the dedication area is needed to accommodate Santa Clara County's Lawrence grade separation project and associated frontage improvements. City shall provide minimum 90 days notice to Property Owner upon its intent to accept the offer. Upon acceptance, and within the immediately following 90 days, City and Property Owner will work cooperatively to submit, obtain, and issue an encroachment permit to

cover removal and relocation of existing fences, signs, and if installed in the future, street furniture, sheds, and other similar Property-owned conflicting improvements in the dedication area. Property owner is not responsible for tree removal. Property Owner will work with the Planning Division to determine if parking in the dedication area needs to be relocated onsite to meet applicable land use regulations. Property Owner will be responsible for all costs of encroachment permit, Planning permit (if necessary) and associated construction activity for removal and relocation of existing fences, signs, and other Property-owned conflicting structures and/or property-owned utilities in the dedication area.

The Irrevocable Offer of Dedication shall be recorded prior to the issuance of building permit, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC SAFETY/PUBLIC WORKS]

BP-24. 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, walkway, and parking area lights shall include the following:

- a) Light-emitting diode (LED) bulbs and induction lighting of warm white color (with color temperatures ranging from 2700 to 3200 degrees Kelvin). Compact fluorescent and metal halide are acceptable alternatives if LED is not feasible. Other alternatives with an equivalent energy savings may also be considered.
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on private property.
- 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) Lighting metalwork shall consist of dark colors that match other light poles in the area. Include an ultraviolet-protectant clear coating to prevent color fading. [COA] [PLANNING]

BP-25. ONSITE 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-26. PARKING MANAGEMENT PLAN:

A Parking Management Plan addressing the residential and office/R&D land uses 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) Site and floor plans of all parking spaces, including all the different types of parking – e.g. shared, residential-only, accessible, electric vehicle, car-share, bicycle.
- b) Include counts of all automobile and bicycle parking.
- c) Shared parking information including:
 - i) Designated times for shared parking;
 - ii) Signage identifying shared spaces and where to access them;
 - iii) How users can access the shared parking spaces;
 - iv) Entity responsible for managing shared parking and contact information;
 - v) Measures to ensure office/R&D users do not park in the residential-only spaces.
 - vi) Measures to ensure residents vacate the shared spaces prior to 9 a.m.; and
 - vii) Enforcement measures for shared parking violations.
- d) Signage design and locations to direct traffic and pedestrians.
- e) Pedestrian circulation routes through parking areas to the intended land uses.
- f) Safety and security plan that addresses lighting and maintenance of the parking area.
- g) Unbundling information, if proposed. Every unit shall have the option to access at least one parking space.
- h) Car sharing information, if proposed.
- i) For the residential use, identify locations of guest/unassigned parking. Provide a clear definition of “guest” as proposed by the property manager and subject to review and approval by the Director of Community Development. Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- j) Method to notify potential residents of the number of parking spaces provided for each unit onsite as per the approved plans.
- k) Employees shall be required to park onsite.
- l) Allow the use of valet parking when appropriate on sites with limited parking. Valet parking is subject to the review of the Director of Community Development.
- m) Prohibit tenants from parking RVs, trailers, or boats in assigned spaces. [PLANNING] [COA]

BP-27. BICYCLE SPACES:

For the residential use, provide 357 Class I and 22 Class II bicycle parking spaces; and for the office/R&D use provide 15 Class I and 29 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. 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: 14 Class I; 4 Class II
 - Residential: 57 Class I; 15 Class II
- [COA] [PLANNING]

BP-28. CAR SHARE/CARPOOL PARKING:

A total of 16 car share spaces for the office/R&D use 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 car share/carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]

BP-29. 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-30. 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, the solid wall included on the fourth floor courtyard, south elevation shall remain for the project in order to meet General Plan levels for useable open space.** [COA] [PLANNING]

BP-31. 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-32. 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.

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- c) Electric vehicle (EV) infrastructure shall be installed. Due to the requested LSAP Development Incentive for EV parking, Level 2 EV charging stations (EVCS) must be installed for each of the required Level 2 EV-ready circuits (RC). 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 156 shared spaces in the parking structure. In order to obtain the density incentive, at least 35% EVCS (95 spaces) will need to be provided out of the 269 total spaces in the structure. The 70% RC requirement for the 269 total spaces must also be met. [COA] [PLANNING] [BUILDING]
- BP-33. BUILDING DIVISION CONDITIONS:
- Prior to building permit issuance, the following Building Division Prevention conditions shall be satisfied:
- a) Building Permits are required prior to start of any construction. Submit building plans structural calculations, Title 24 energy calculations, Storm Water Management Plan, Storm Water Pollution Prevention Plan, and soils report to the One-Stop Permit Center. This project will be submitted for a 21-day plan review. Contact One-Stop Permit Center for electronic submittal requirements.
 - b) School impact fees will be due to the school districts prior to issuance of a building permit.
 - c) Provide approval letter from the Department of Environmental Health for the swimming pool prior to issuance of a building permit.
 - d) Building Permit plans shall comply with the Sunnyvale Municipal Code and the version of the California Building, Residential, Electrical, Plumbing, Mechanical, Green Building, and Energy Codes in effect at the time of building permit submittal.
 - e) Provide complete structural, electrical, plumbing, and mechanical, architectural, and civil plans for all on-site work. Off-site improvement plans shall be submitted to the Public Works/Engineering division.
 - f) Note on plans whether the proposed multifamily development is private or public housing as defined in CBC Chapter 2. Public housing is subject to the requirements of both Chapter 11A and Chapter 11B.
 - g) Note on plans whether the proposed multifamily development receives tax credits from the California Tax Credit Allocation Committee. Projects that receive such tax credits shall be designed to meet Chapter 11B requirements as well as additional building code requirements by the program.

- h) Provide allowable area and height analysis to confirm size and height of the building comply with the California Building Code based on the construction type and use.
- i) Show compliance with Sections 602.1 and 705.8 of the CBC for protection of exterior wall and wall openings.
- j) Provide complete floor plans that show the size, use, and occupancy classification of each room/area.
- k) Provide an egress plan for the entire building showing egress from all rooms/spaces to the public right-of-way.
- l) Per City of Sunnyvale's policy, occupant load in exercise spaces without equipment shall be calculated using occupant load factor of 20.
- m) Occupant load for the outdoor terraces and decks shall be calculated using 15 occupant load factor. Provide adequate number of exits based on the calculated occupant load.
- n) Once occupants exit from an interior space to an outdoor terrace, occupants shall not be required to reenter the building for final exiting to the level of exit discharge.
- o) Cumulative occupant loads shall be used to determine number of required exits and exit width when path of egress includes intervening room per CBC 1004.2.
- p) Provide a complete accessibility plan for the site and building based on chapter 11B of the CBC. The site plan shall show all accessible paths of travel throughout the site, between buildings, and from the public way.
- q) In buildings where accessible floor is four or more stories above exit discharge level, at least one accessible egress elevator shall be provided and be served by standby power per CBC 1009.2.1.
- r) Provide accessible storage spaces on accessible path.
- s) Provide accessible mailboxes on accessible path.
- t) Provide accessible parking spaces per CBC Ch 11A and/or Ch 11B as applicable.
- u) Show the number of assigned parking spaces and the number of unassigned spaces. Provide adequate number of accessible parking spaces based on the assignment type. (assigned, unassigned, visitor and retail).
- v) The disabled accessible parking spaces, including in the parking structure, shall have a minimum of 8'-2" headroom clearance at the spaces as well as the access to and from the spaces. This should be clear of all beams, plumbing, mechanical equipment, etc.
- w) Provide detectable warnings at locations where a pedestrian path adjoins a vehicular way. The detectable warnings shall not be placed in the vehicular way. Visually impaired individuals shall be warned before entering a vehicular way. (Parking levels)
- x) Provide bollards spaced at no more than 5'-0" on center to protect exits from being blocked. (Parking levels)
- y) The Sunnyvale Municipal Code requires all appliances to be electric in new buildings. Gas lines are prohibited.

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- z) The Sunnyvale Municipal Code requires a minimum 5-kilowatt solar photovoltaic system be installed in new buildings greater than 10,000 sq. ft in size. (Exception: As an alternative to a solar PV system, the building type may provide a solar hot water system (solar thermal) with a minimum collector area of 40 sq. ft., additional to any other solar thermal equipment otherwise required for compliance with the California Energy Code.)
- aa) For parking spaces serving the residential units: The Sunnyvale Municipal Code requires 70% of the parking spaces to have an outlet installed for a Level 1 electric car charger and the remaining 30% to have an outlet installed for a Level 2 electric car charger.
- bb) For parking spaces serving the retail spaces: The Sunnyvale Municipal Code requires 35% of the parking spaces be conduit capable for an electric car charger, 35% of the parking spaces be equipped with a Level 2 electric car charger, and 1% of the parking spaces be equipped with a Level 3 electric car charger. (Also see <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?t=52162.54&BlobID=27522>)
- cc) If EV chargers are installed, locations and dimensions for EV spaces shall comply with CalGreen sections 4.106.4.2.1 and 4.106.4.2.2 and CBC 11A & 11B as applicable.
- dd) Provide a plumbing fixture count based on the California Plumbing Code chapter 4 and show the required number of plumbing fixtures.
- ee) To satisfy CalGreen waste diversion requirement, construction and recycling waste weights and/or volumes shall be reported to the City using Sunnyvale.WasteTracking.com hosted by Green Halo. Provide justification that the project has been registered with Green Halo for construction waste tracking.
- ff) Include the completed CALGreen , GreenPoint Rated and LEED checklists on the plans submitted for building permits. Add a note to the plan sheet where each item is referenced. Sample checklists are available on-line at: <https://sunnyvale.ca.gov/business/environmental/building.htm>

Ensure that the related plan sheets reflect all the requirements of the CALGreen, GreenPoint Rated and LEED as notes or are incorporated into the plans. Please be aware that a Green Point Rater and a LEED AP will be required to verify the Green Point Rated and LEED items are incorporated into the plans and also verify installation is complete prior to occupancy of any unit/building.

- gg) At the time of building permit submittal, provide Storm Water Management Plan and include an approval letter (stamped and signed) from the qualified third party agency stating that the Storm Water Management Plan complies with the requirements of the Sunnyvale Municipal Code section 12.60. The qualified third party agency shall also review plans that may affect the Storm Water Management Plan (e.g. grading, utility, and landscape plans) and

stamp the plans as "no conflict" with the Storm Water Management Plan.

The list of third party agencies qualified by the City of Sunnyvale is available on-line at:

<http://sunnyvale.ca.gov/Departments/CommunityDevelopment/Permits,PlanChecksandFees/StormWaterRequirements>.

- hh) Please note that pile driving is not allowed in Sunnyvale due to noise impact on the surrounding neighborhood unless it is determined that alternatives to pile driving are infeasible. If pile driving is absolutely necessary, reduced construction hours will be placed on this activity. Please contact the Building Division as early as possible prior to permit application for further discussion if pile driving is being considered for this project. [COA] [BUILDING]
- BP-34. FIRE PREVENTION CONDITIONS:
Prior to building permit issuance, the following Fire Prevention conditions shall be satisfied:
- a) Comply with all applicable requirements of the Sunnyvale Municipal Code (SMC), California Fire Code (CFC), Title 19 California Code of Regulations, and Sunnyvale Fire Prevention procedures/requirements.
 - b) An approved water supply capable of supplying the required fire flow (flow, pressure & duration) for fire protection and firefighting operations shall be provided to the premises via a separate fire service main per CFC Section 507. Based on construction Type IIIA of 195,516 sf over 161,010 Type IA a fire flow of 3,906 GPM for 4 hours required assuming 3 on-site and 2 off-site hydrants. A fire pump, if required to meet demand of the water based fire protection system design, shall be installed per CFC Section 913 and NFPA 20.
 - c) The entire building shall be protected throughout with an approved automatic fire sprinkler system designed and installed in accordance with NFPA 13.
 - d) An approved fire alarm system installed in accordance to NFPA 72 is required per CFC/SMC 16.52.907.
 - e) New buildings four or more stories in height above grade plane are required to be provided with an approved stairway to the roof per CFC 1011.12.
 - f) Provide details related to building services and systems, including but not limited to, commercial kitchen hoods, fuel-fired equipment (generators, fire pumps, etc), elevator recall, and stationary battery systems.
 - 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 16.52.510.1.1)

- 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 16.52.510.1.1)
- i) Designated public assembly areas shall comply with requirements for Group A occupancies.
- j) Provide automatic sprinkler protection for any storage areas within 5 feet (3048 mm) of the exterior building walls, roof overhangs, canopies or constitute an exposure to adjacent property per SMC 16.52.903.2 #8.
- k) Comply with CBC 1009.2.1 Elevators required.
- l) Provide two-way communication system per CBC 1009.8.
- m) Comply with gurney elevator requirements per CBC 3002.4.
- n) Knox boxes (key boxes) will be required in accordance with Sunnyvale DPS Requirements for Key Boxes.
- o) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- p) Required means of egress during construction per SMC 16.52.3311.1. 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.).
- q) Provide a written Fire Protection Construction Plan.
- r) Provide an approved electronic "Pre-Fire Survey" map prior to Public Safety Department final recommendation for Certificate of Occupancy.
- s) Provide the required number of approved fire extinguishers, smoke detectors, and carbon monoxide detectors per CFC Section 906 & CFC Section 907. [COA] [FIRE PREVENTION]

BP-35. BUILDING ADDRESSING:

The building permit plans shall include the following address information as specified by the Department of Public Safety:

- a) An address monument and complex map shall be erected which is illuminated during the hours of darkness and positioned so as to be readily readable from the street.
- b) Address numbers shall be easily readable from the street with a minimum of 12" height.

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- c) Each distinct unit within the building shall have its address displayed on or directly above both the front and rear doors. [SDR] [PUBLIC SAFETY]
- BP-36. UNDERGROUND UTILITIES:
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- BP-37. QUITCLAIM EASEMENTS PRIOR TO BUILDING PERMIT ISSUANCE:
The two (2) existing 12' x 284' ingress/egress easements running north-south for the benefit of Parcels A and B shall be quitclaimed prior to issuance of the Building Permit.
- The existing 10' Pacific Gas & Electric easement shall be quitclaimed prior to building permit issuance, unless otherwise approved by PG&E. [COA] [BUILDING/PUBLIC WORKS]
- BP-38. 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-way or public easements. [COA] [PUBLIC WORKS]
- BP-39. 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 through submittal of a Miscellaneous Plan Permit 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) **Provide a temporary parking management plan for the office/R&D building while existing parking is removed for the new residential building.**
- i) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- j) 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.
- k) 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-40. 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-41. 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-42. 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-45. 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-46. 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-47. 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-48. 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-49. 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-50. 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]

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. Sheets C4.0 and C5.0 of Preliminary Improvement Plan – Grading and Utility Plan dated 6/14/2023 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/63782085658280000>

<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 C4.0 and C5.0 of Preliminary Grading and Utility Plan dated 6/14/2023 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-13. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:

New building shall have separate and independent utility service lines tapped to the main. [COA] [PUBLIC WORKS]

EP-14. 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-15. 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-16. DOMESTIC WATER SERVICE LATERAL:

Install two (2) new radio-read domestic water meter(s) and two (2) reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at the domestic water lateral in accordance with current City standards or as determined by the City during off-site review. 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). Sheet C5.0 of Preliminary Utility Plan dated 6/14/2023 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-17. IRRIGATION WATER SERVICE LATERAL:
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-18. SEWER ACCESS STRUCTURE AT UPSTREAM END OF LATERAL:
For all sewer laterals 6" and larger, install a new manhole immediately inside private property and outside of any easement. For 4" laterals, install a cleanout at the same location. [SDR] [PUBLIC WORKS]
- EP-19. 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-20. 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-21. 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-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:

Replace all existing streetlight conduits, wires and pull boxes with new ones along the San Zeno Way frontage (3 total) at 160-165 foot spacing and the Kifer Road frontage (4 total) at 140 foot spacing to the end of the system per City's Lawrence Station Area Plan standards.

For the pedestrian path along the southern project boundary, developer shall install pedestrian scale lighting/bollards to meet the following photometric requirements: 0.4 fc AVG with 4.0 Uniformity Ratio.

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 existing driveway approaches and install new driveway approaches per City Standard detail 6C-1 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-26. **STREETSCAPE IMPROVEMENTS:**

Along project frontage on San Zeno Way, remove existing concrete curb, gutter and sidewalk and install new concrete curb and 1' gutter per current City standards. Install an attached 6' wide sidewalk (not including 6-inch curb). Preserve existing trees.

Along project frontage on Kifer Road, remove all existing concrete sidewalk. Existing curb and gutter may remain. Install an attached 6' wide sidewalk (not including 6-inch curb). Preserve existing trees.

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. [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. **CURB RAMP:**

Remove the existing curb ramp and replace with a new curb ramp at the southwest corner of Kifer Road and San Zeno in accordance to the latest City standard details, specifications and Americans with Disabilities Act (ADA) requirements. Add new truncated domes to the pork chop island at this same corner. The curb ramp to the east side of this crosswalk is in County of Santa Clara right-of-way. Remove and replace curb ramp per County standards. Additional re-grading of asphalt may be required to ensure there are no localized low points and

positive surface runoff occurs along the flow line. [COA] [PUBLIC WORKS]

EP-32. SLURRY SEAL:

Developer shall be responsible to install Type II slurry seal on San Zeno Way from lip of gutter to lip of gutter along project frontage, from south property line of lot 1 to edge of the through the edge of crosswalk at Kifer and San Zeno. Sheets C4.0 and C5.0 of Preliminary Grading and Utility Plan dated 06/14/23 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-33. PROTECTION OF EXISTING TREES:

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

EP-34. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

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

EP-35. SHARED-USE PATH/EVA ACCESS:

Developer shall provide a shared-use path/EVA access along the south project boundary similar to the property west of this project site. Developer shall install removable bollards on the path near San Zeno Way. The shared-use path, the EVA access and the driveway and the driveway shall comply with the latest City Standards. For the EVA access, construct mountable curb per City Standard 15C-3.

EP-36. VTA COORDINATION:

There are existing VTA bus stops fronting the site. Developer shall notify VTA of the proposed improvement plans to determine if any VTA routes will be impacted during construction. Developer shall work directly with VTA on these construction impacts by emailing bus.stop@vta.org or calling 408-321-5800 a minimum of 2 business days in advance to work at the bus stop area. For impacts that require removal of a shelter during construction, a minimum of 2 weeks' notice is required. For street closures, a week advance notification is required to reroute buses. For impacts to a concrete bus pad, a minimum of 2 weeks is required to obtain a VTA permit. [COA] [PUBLIC WORKS]

- EP-37. APPROVAL FROM OTHER AGENCIES:
This project requires approval, in the form of a letter or permit, from the County of Santa Clara for any and all improvements within County right-of-way. [COA] [PUBLIC WORKS]
- EP-38. 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. PARCEL MAP COMPLIANCE WITH TENTATIVE PARCEL MAP FOR LOT LINE ADJUSTMENT PURPOSES:
The Parcel Map shall be substantially the same as the Tentative Parcel map. Any alteration of the Tentative Parcel Map after the Tentative Parcel Map is approved is subject to additional approval by the City and may require a public hearing. Sheet TM1.0 of Tentative Parcel Map submittal dated 6/14/2023 is 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 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]
- TM-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]
- 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 ACCESS EASEMENT:
Developer shall dedicate a minimum 22-foot-wide public access easement along the south side of the parcel from San Zeno Way running west to the neighboring property at 1130 Kifer Road for future connection from San Zeno Way to Santa Vittoria Terrace as shown on sheet TM1.0 dated 6/14/2023. [COA] [PUBLIC WORKS]
- TM-6. 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-7. 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-8. 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]

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 30 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. **Landscaped area exceeding 35% of site area (5 points).** Completion of landscaped areas with inspection by the City.

- b. **Bicycle parking, publicly-accessible, at least 20% more Class I spaces and 10 more Class II spaces beyond minimum (2 points).** Install the bicycle parking spaces with inspection by the City.
- c. **Gateway signage (5 points).** Install the gateway sign with inspection by the City.
- d. **Wayfinding signage (2 points).** Install the wayfinding signs with inspection by the City.
- e. **Installation of Level 2 electric vehicle charging stations (4 points).** Installation of all charging stations and screening for any above-ground utility equipment, with inspection by the City.
- f. **Bicycle repair station (2 points).** Install the bicycle parking spaces with inspection by the City.
- g. **Secondary bicycle/pedestrian pathway (shared-use path) (10 points).** Completion of the secondary pathway and associated striping, landscaping, lighting, and amenities with inspection by the City. [COA] [PLANNING].

PF-2. 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]

PF-3. NEW EASEMENTS ONSITE:

Any new easements required shall be either shown on the recorded final map or on a separate recorded instrument deemed necessary by the Director of Community Development or Director of Public Works prior to any building occupancy. [COA] [PLANNING] [PUBLIC WORKS]

PF-4. 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-5. PARKING LOT STRIPING:

All parking lot striping, including car share and electric vehicle spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

PF-6. 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-7. AFFORDABLE RENTAL UNITS DEVELOPER AGREEMENT:

Housing staff shall verify that the Developer has complied with **GC-7** (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-8. 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-9. 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. [COA] [PLANNING]
[BUILDING]

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:

OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear

signage will be provided at all access points to remind construction workers of idling restrictions.

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

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

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

DC-4. DUST CONTROL:

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

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

AT-1. LSAP DEVELOPMENT INCENTIVES:

The approved LSAP development incentives listed below that obtain the approved residential density shall be retained and maintained for the life of the project.

- a) Landscaped area exceeding 35% of site area.
- b) Bicycle parking, publicly-accessible, at least 20% more Class I spaces and 10 more Class II spaces beyond minimum.
- c) Gateway signage.
- d) Wayfinding signage.
- e) Installation of Level 2 electric vehicle charging stations.
- f) Bicycle repair station.
- g) Secondary bicycle/pedestrian pathway (shared-use path).

AT-2. 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-3. RECYCLING AND SOLID WASTE CONTAINMENT:

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

AT-4. RECYCLING AND SOLID WASTE 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-5. LOUDSPEAKERS PROHIBITED:

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

AT-6. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-7. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-8. 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-9. PARKING:

On-site parking management shall conform with the approved parking management plan. The project is required to maintain the approved parking spaces (113 residential spaces and 301 spaces) for automobile parking purposes only and is prohibited from being converted to any other use. [COA] [PLANNING]

AT-10. PARKING LOT/STRUCTURE MAINTENANCE:

The parking lot and parking structure shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all residential, shared, accessible, car share, and electric vehicle spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) 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.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]

AT-11. UNENCLOSED USES:

Any modification or expansion of unenclosed uses are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

AT-12. UNENCLOSED STORAGE:

Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

AT-13. 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-14. 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-15. 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-16. 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]

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

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
Air Quality				
MM 3.5.3a	<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"> 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. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 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. 6. 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. 7. A publicly visible sign shall be posted with the telephone number and person to contact at 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of grading or building permits • During construction 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant (during construction)

TABLE A-1

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>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>			
MM 3.5.3b	<p>In the cases where construction projects are projected to exceed the BAAQMD air pollutant significance thresholds for NOX, PM10, and/or PM2.5, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least CARB Tier 3 Certified or better.</p>	<ul style="list-style-type: none"> • Plan approval • Site inspection 	<ul style="list-style-type: none"> • Requirements to be identified on construction/improvement plans • During construction 	<ul style="list-style-type: none"> • Project applicant (during construction) • City of Sunnyvale (plan check and during construction)
MM 3.2-1	<p>The applicant shall require its construction contractors to use high-performance renewable diesel (HPRD) fuel for diesel-powered construction equipment, to the extent available. Any HPRD product that is considered for use by the construction contractor shall comply with California's Low Carbon Fuel Standards. HPRD fuel must meet the following criteria:</p> <ul style="list-style-type: none"> • be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., nonpetroleum sources), such as animal fats and vegetables, • contain no fatty acids or functionalized fatty acid esters, and • have a chemical structure that is identical to petroleum-based diesel which ensures HPRD will be compatible with all existing diesel engines; it must comply with American Society for Testing and Materials D975 requirements for diesel fuels. 	<ul style="list-style-type: none"> • Plan approval (applicable to ISI project only) • Site inspection (applicable to ISI project only) 	<ul style="list-style-type: none"> • Requirements to be identified on construction/improvement plans. • During construction 	<ul style="list-style-type: none"> • Project applicant (during construction) • City of Sunnyvale (during construction)

TABLE A-1

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
<p>MM 3.5.5</p>	<p>In the case when a subsequent project’s construction is span greater than five acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the BAAQMD staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:</p> <ol style="list-style-type: none"> 1. Limiting the amount of acreage to be graded in a single day, 2. Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal preschool hours, 3. Notification of affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of grading permit 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant (during construction)

TABLE A-1

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.</p>			
<p>MM 3.5.6</p>	<p>The following measures shall be utilized in site planning and building designs to reduce TAC and PM2.5 exposure where new receptors are located within 1,000 feet of emission sources:</p> <ul style="list-style-type: none"> • Future development with the LSAP that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet from Caltrain and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual PM2.5 exposures greater than 0.8 µg/m³) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). 	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Incorporate during site planning and building design • Prior to Planning approval 	<ul style="list-style-type: none"> • City of Sunnyvale

TABLE A-1

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>If this is not possible, the sensitive receptors shall be relocated.</p> <ul style="list-style-type: none"> Future nonresidential developments projected to generate more than 100 heavy-duty trucks daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard Index greater than 1.0, or annual PM2.5 exposures greater than 0.3 µg/m³. 			
Archaeological, Historical, and Tribal Cultural Resources				
MM 3.10.2	<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 method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Information to be included on construction and improvement plans. During construction 	<ul style="list-style-type: none"> City of Sunnyvale (plan check) Project applicant (if resources found)
Biological Resources				

TABLE A-1

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
<p>MM 3.9.2</p>	<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"> • 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 	<ul style="list-style-type: none"> • Preconstruction surveys 	<ul style="list-style-type: none"> • No more than 3 days prior to building demolition and/or tree removal 	<ul style="list-style-type: none"> • Project applicant (survey and protection measures) • City of Sunnyvale (document compliance)

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LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted under the direction of a bat specialist.			
MM 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. 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 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.	<ul style="list-style-type: none"> • Preconstruction surveys for work done between January 15 and August 31 	<ul style="list-style-type: none"> • No more than 3 days prior to tree removal and/or site preparation involving removal of vegetation 	<ul style="list-style-type: none"> • Project applicant (survey and protection measures) • City of Sunnyvale (document compliance)
Geology and Soils				
MM 3.7.4	All subsequent projects within the LSAP plan area shall be required to include information on the	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of grading permit 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check)

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LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>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.</p>		<ul style="list-style-type: none"> • During construction 	<ul style="list-style-type: none"> • Project applicant (if fossils discovered)
Hydrology and Water Quality				
MM 3.8.3	<p>Prior to approving any subsequent projects in the LSAP at any location where fill is placed in the FEMA AO zone to elevate the ground surface above the base flood elevation, the project applicant shall submit a hydraulic analysis prepared by a California-registered professional engineer for City Engineer review and approval. The analysis shall, at a minimum, identify: (1) the specific locations where changes in water surface elevations due to fill encroachment could occur; and (2) drainage improvements that will be used to ensure placement of fill will not increase flood hazards in areas not previously subject to flooding during occurrence of the base flood discharge.</p>	<ul style="list-style-type: none"> • Plan approval (<i>only applicable to development within FEMA AO zone</i>) 	<ul style="list-style-type: none"> • Prior to issuance of grading permit 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant
Hazards and Hazardous Materials				
3.8-1	<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</p>	<ul style="list-style-type: none"> • Review of Phase I and/or Phase II ESA • Site inspection 	<ul style="list-style-type: none"> • Phase I and II (if identified as necessary by the Phase I) at the time development application is submitted • Responsible agency 	<ul style="list-style-type: none"> • Project applicant (Phase I/Phase II) • City of Sunnyvale (document compliance)

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LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>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 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</p>		<p>approval of applicant's site management controls prior to grading and building permit issuance</p> <ul style="list-style-type: none"> • Site inspection during construction 	

TABLE A-1

LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	immediately until a qualified professional has determined an appropriate course of action.			
MM 3.3.5	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 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.	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to building permit issuance 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check and inspection) • Project applicant (prepare plan)
Noise and Vibration				
MM 3.6.4	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	<ul style="list-style-type: none"> • Plan approval 	<ul style="list-style-type: none"> • Prior to issuance of grading and/or building permits 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check and inspection) • Project applicant (during construction)

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LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>implemented during construction shall include, at a minimum, the following noise control strategies:</p> <ul style="list-style-type: none"> • 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; • 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 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 • 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. • Noise reducing pile-driving techniques shall be employed during Project construction. These techniques shall include: <ul style="list-style-type: none"> ○ Installing intake and exhaust mufflers on pile-driving equipment; ○ Vibrating piles into place when feasible, and installing shrouds 			

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Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>around the pile-driving hammer where feasible;</p> <ul style="list-style-type: none"> ○ 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, in consideration of geotechnical and structural requirements and conditions; ○ 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 ○ 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. 			
Transportation and Traffic				
MM 3.14-7	<p>Before construction or issuance of building permits, the developer or the construction contractor for the ISI project shall prepare a temporary traffic control plan (TTC) to the satisfaction of the City of Sunnyvale Division of Transportation and Traffic and subject to review by all affected agencies. The TTC shall include all information required on the City of Sunnyvale TTC Checklist and conform to the TTC Guidelines of the City of Sunnyvale. At a</p>	<ul style="list-style-type: none"> • Plan approval (applicable to ISI project only) 	<ul style="list-style-type: none"> • Prior to construction of issuance of building permits 	<ul style="list-style-type: none"> • City of Sunnyvale (plan check) • Project applicant (prepare plan)

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LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>minimum, the plan shall include the following elements:</p> <ul style="list-style-type: none"> • provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow; • provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions; • description of proposed work zone; • description of detours and/or lane closures (pedestrians, bicyclists, vehicular); • description of no parking zone or parking restrictions; • provide appropriate tapers and lengths, signs, and spacing; • provide appropriate channelization devices and spacing; • description of buffers; • provide work hours/work days; • dimensions of above elements and requirements per latest CA—MUTCD Part 6 and City of Sunnyvale’s SOP for bike lane closures; • provide proposed speed limit changes if applicable; • description of bus stops, signalized and non-signalized intersection impacted by the work; • show plan to address pedestrians, bicycle and ADA requirement throughout the work zone per CA-MUTCD Part 6 and City of Sunnyvale’s SOP for Bike lane closures; • indicate if phasing or staging is requested and duration of each; • description of trucks, including number and size of trucks per day, expected arrival/departure times, truck circulation patterns; 			

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LSAP UPDATE/INTUITIVE SURGICAL CORPORATE CAMPUS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<ul style="list-style-type: none">• provide all staging areas on the project site; and• ensure that the contractor has obtained and read the City of Sunnyvale's TTC Guidelines and City of Sunnyvale's SOP for bike lane closures; and• ensure traffic impacts are localized and temporary.			

END OF MMRP