

Memorandum

To: Zoning Administrator
From: Shila Bagley, Senior Planner
Date: October 16, 2024
Re: Revision to Recommended Conditions of Approval and Standard Development Requirements, PLNG-2024-0001, 363 and 365 East Iowa Avenue

The following exhibit presents the revised Recommended Conditions of Approval and Standard Development Requirements in accordance with the Sunnyvale Municipal Code, Chapter 19.70, which governs the conversion of rental housing to community housing projects. This chapter aims to regulate the transition of rental properties into community housing projects, such as condominiums, while balancing the interests of developers, tenants, and the wider community. It establishes requirements to ensure housing remains accessible to diverse economic segments, mitigates adverse effects on the rental market, and safeguards tenant protections during the conversion process. Furthermore, it specifies the necessary permits, findings, and conditions that developers must fulfill to ensure safety, habitability, and compliance with both local and state housing laws. All newly added and modified conditions are highlighted in red font in the following exhibit.

Exhibit 1: Revised Recommended Conditions of Approval and Standard Development Requirements

**(Revised) RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
OCTOBER 16, 2024**

Planning Application PLNG-2024-0001
363 and 365 E Iowa Avenue
Use Permit and Tentative Parcel Map to convert an existing duplex into two condominium units with a common lot.

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not

exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:

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

GC-4. INDEMNITY:

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

GC-5. NOTICE OF FEES PROTEST:

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

GC-6. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan with sheet TM1 to TM3 dated 07/18/24 is subject to change during the plan check process.

GC-7. 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. TM1 TO TM3 dated 07/18/24 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-8. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way or easement area, 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-9. RECORDATION OF PARCEL MAP:

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

GC-10. TENANT PROTECTION:

The Developer shall adhere to the following requirements:

- i. The developer shall provide each existing tenant with an irrevocable, nontransferable, preemptive right to purchase the lot or unit they currently occupy, or a right of exclusive occupancy for the same, at a price not exceeding the price offered to the general public for such lot or unit. This right shall remain irrevocable for a period of ninety days following the commencement of sales or the issuance of the final public report by the Real Estate Commissioner, unless declined in writing by the tenant.
- ii. The developer shall extend the tenancy of all existing lease or rental agreements for a minimum period of ninety days following the commencement of sales or the issuance of the final public report by the Real Estate Commissioner.
- iii. The developer shall allow any tenant to terminate their lease or rental agreement without penalty after the filing of an application for conversion to community housing, provided that the tenant notifies the developer in writing at least thirty days prior to termination.

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- iv. The developer shall fully assume expenses for temporary relocation, including all moving costs and the securing and payment for comparable replacement housing within the community, for any tenant who has not entered into a contract to purchase their unit or lot and who is displaced temporarily for necessary repairs to a unit in connection with the conversion.
 - v. The rent of existing tenants shall not be increased during their remaining period of residency from the date of application for conversion, beyond the housing segment of the annual cost of living increase published for the San Francisco Bay Area Consumer Price Index. [COA] [PLANNING]

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

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. CONSTRUCTION MATERIAL AND STAGING:

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

BP-4. PARCEL MAP:

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

BP-5. 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-6. 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-7. BUILDING PERMIT CONDITIONS:

A building permit is required for any modifications to the existing structure. The building permit application must comply with all applicable sections of the California Building Code and local ordinances in effect at the time of application. At the time of the building permit application, confirmation of the required fire separation between dwelling units must be provided, including all necessary construction details. [COA] [BUILDING]

BP-8. COMPLIANCE WITH ENERGY CONSERVATION STANDARDS:

Developer shall demonstrate that residential buildings conform to energy conservation standards promulgated in Title 24, Part 6, Article 1, California Code of Regulations, or its successor. [COA] [PLANNING]

BP-9. 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:

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- b. Storm drain stenciling. The stencil is available from the City's Environmental Services Department, which may be reached by calling (408) 730-773-7717.
 - c. 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.
 - d. Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
 - e. Covered trash, food waste, and compactor enclosures.
 - f. 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.

BP-10. PROPERTY CONDITION AND LIFE EXPECTANCY ASSESSMENT:

The applicant shall submit a property report prepared by a registered engineer or licensed qualified contractor. This report must detail the physical condition and estimated remaining useful life of various elements of the project proposed for conversion, including building foundations, roofs, walls, sound insulation, mechanical, electrical, and plumbing systems, onsite utilities, heating and air conditioning systems, and fire protection systems. The report should also include recommendations to ensure the continued useful life of these elements for a minimum of five years. [COA] [PLANNING]

BP-11. STRUCTURAL PEST CONTROL REPORT REQUIREMENT:

The applicant shall submit a structural pest control report prepared within sixty days of the application date by a licensed structural pest control operator, in accordance with Sections 8516, et seq. of the California Business and Professions Code, or its successor section. [COA] [PLANNING]

BP-12. BUILDING HISTORY REPORT REQUIREMENT:

The applicant shall provide a building history report that includes the date of construction for all elements of the project, as well as a

statement regarding the current ownership of all improvements and the underlying land. [COA] [PLANNING]

BP-13. Utility Distribution Systems and Appliance Standards:

- a. Utility Distribution Requirements:
 - i. Gas and electric services shall be separately metered and billed for each individual lot or unit.
 - ii. In community housing projects where units are not vertically separated by floor/ceiling assemblies, water service shall also be separately metered and billed for each individual lot or unit, as well as for all common facilities, with the latter billed to the association.
- b. Utility Safety Devices:
 - i. Water shutoff valves shall be installed in accessible locations for all outlets.
 - ii. Electric panels controlling the entire service to each unit shall be installed in accessible locations.
- c. Vibration and Noise Mitigation: Domestic appliances identified by the Director of Community Development as sources or potential sources of vibration or noise shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner approved by the Director to reduce vibration or noise transmission.
- d. Appliance Warranty: All major appliances provided to individual lots or units shall be guaranteed to operate properly for a period of one year. [COA] [PLANNING]

BP-14. Undergrounding of Utilities:

All existing and proposed on-site utilities, including communication service and distribution facilities, and electricity service drops, shall be placed underground, in a manner as prescribed under Chapter 19.38 of this code. [COA] [PLANNING]

<p>EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.</p>
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EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

a complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/stripping plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the

Department of Public Works. Sheet TM-3 of Preliminary Grading, Drainage, & Utility Plan dated 07/18/24 is subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

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

<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000> [COA] [PUBLIC WORKS]

EP-2. 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-3. UPGRADE OF EXISTING 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, shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]

EP-4. UTILITY CONNECTION:

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

EP-5. 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-6. EXISTING Utility ABANDONMENT:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed 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-7. 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-8. DRY UTILITIES:

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

EP-9. WET UTILITIES:

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

EP-10. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service laterals is not allowed. Existing sewer laterals must be abandoned or replaced unless the City allows them to be re-used. To propose re-use, the applicant shall submit CCTV video of the lateral to the City. The beginning of the video must show the front of the property to confirm its location before insertion into the pipe. Video must extend from the cleanout to the main. Camera may not be submerged at any time, and must include a footage counter. If the City feels that the lateral is in acceptable condition, and has no significant sags, damage, or root intrusion, the City may allow it to be re-used. The City may also require CCTV for proposed re-use of an existing storm drain lateral, on a case by case basis. Sheet TM-3

of Preliminary Grading, Drainage, & Utility Plan dated 07/18/24 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-11. WATER METER:

Each unit shall have its own domestic water service connection to the water main with domestic radio-read water meter. Install new radio-read water meter(s) for each point of connection to the water main. [SDR] [PUBLIC WORKS]

EP-12. SANITARY SEWER CLEANOUT:

For all sanitary 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-13. 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-14. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:

This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Department of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]

EP-15. CATCH BASIN AND BADGE/STENCILING:

All storm drain inlet facilities located in the public right-of-way shall be stenciled that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

EP-16. 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-17. DRIVEWAY APPROACHES:

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- Remove existing driveway approach and install new driveway approach along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. [COA] [PUBLIC WORKS]
- EP-18. STREETSCAPE IMPROVEMENTS:
- Remove existing concrete curb, gutter, and sidewalk and install new concrete curb and 2' gutter, 4-foot landscape strip and 6-foot detached sidewalk along the East Iowa Avenue frontage. Remove existing concrete curb, gutter, and sidewalk and install new concrete curb and 2' gutter, 2-foot landscape strip and 4-foot detached sidewalk along the Flora Vista Avenue frontage. Provide sidewalk transition to conform to existing sidewalk at both the project limits. The perpetual maintenance of sidewalk improvements along the project frontages shall be the sole responsibility of the property owner [COA] [PUBLIC WORKS]
- EP-19. STREET PAVEMENT:
- Along East Iowa Avenue and Flora Vista Avenue, apply Type II slurry seal, from lip of gutter to the lip of gutter, fronting 365 East Iowa Avenue frontage, or as directed by the Department of Public Works. [SDR] [PUBLIC WORKS]
- EP-20. 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-21. CITY STREET TREES:
- The developer shall install required street trees along the project frontage as follows: East Iowa Avenue: Lagerstroemia x Natchez – Natchez Hybrid Crape Myrtle. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15-gallon size. A continuous root barrier shall be installed along the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. [SDR] [PUBLIC WORKS]
- EP-22. 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-23. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

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

EP-24. 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]

<p>PM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.</p>

PM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b. The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit # **PLNG-2024-0001**, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements

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

- c. Any future modifications to site plans, architectural elevations, exterior materials, colors, or organizational documents must receive prior approval from the City of Sunnyvale.
- d. Individual hookups shall be provided in each unit to accommodate washing machines and dryers.
- e. The CC&Rs shall contain the following provisions:
 - i. The owners shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
 - ii. Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
 - iii. The owners shall designate a project manager, either residing within the project or maintaining an office onsite, to represent the association. The project manager shall have full authority to enforce all provisions of the governing documents and ensure compliance with the rules and regulations of the development.
 - iv. unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but not including attached camper bodies and motor homes not exceeding eighteen feet in length, unless approved storage areas are provided is prohibited.
- f. The CC&Rs shall contain the following language:
 - i. The project shall not impose any restrictions that limit the sale of units to families or individuals with children. Under no circumstances shall any discrimination against prospective buyers with children be allowed, unless it is demonstrated that the project, as designed and built, is not suitable for accommodating children.
 - ii. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Owners written notice of the failure to maintain the Common Area, they do

not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.

- iii. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- iv. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- v. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- vi. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- vii. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

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. [COA] [PUBLIC WORKS]

- PM-3. FLORA VISTA AVENUE STREET DEDICATION EASEMENT:
Flora Vista Avenue: This project requires a 20.5' wide street dedication, measured from street centerline, in the form of an easement. Future right-of-way line is dimensioned 6.5' from the face of curb along Flora Vista Avenue. [COA] [PUBLIC WORKS]
- PM-4. EAST IOWA AVENUE SIDEWALK DEDICATION EASEMENT:
East Iowa Avenue: This project requires a 2' wide sidewalk dedication in the form of an easement. Existing right-of-way line will not move and is dimensioned 9' from the face of curb along East Iowa Avenue. Additional sidewalk easement dedication may be required at the intersection to accommodate the existing curb ramp. [COA] [PUBLIC WORKS]
- PM-5. PARCEL MAP COMPLIANCE WITH TENTATIVE PARCEL MAP:
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. Sheets TM1 thru TM3 of Tentative Parcel Map submittal dated 07/18/24 are subject to charge during plan check process. [COA] [PUBLIC WORKS]
- PM-6. UTILITY COMPANY APPROVAL:
Obtain approval letters from various utility companies for the parcel map in regards to any existing or new easements associated with the project. [COA] [PUBLIC WORKS]
- PM-7. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- PM-8. SUBDIVISION IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute a Subdivision Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to parcel map recordation or

any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

PM-9. OFF-SITE IMPROVEMENT COST ESTIMATE:

Provide an itemized engineer's estimate for all off-site public improvements for the entire project with breakdowns corresponding to each construction phases (in accordance with City approved phasing plan). [COA] [PUBLIC WORKS]

PM-10. FINAL PUBLIC REPORT APPLICATION REQUIREMENT

The applicant shall provide a copy of the application submitted to the California Department of Real Estate for the issuance of a final public report for the proposed conversion, including all required attachments and exhibits as mandated by Section 11011 of the California Business and Professions Code, or its successor section. [COA] [PLANNING]

PM-11. TENANT RELOCATION PLAN:

Prior to the approval of the final map, the applicant shall provide a tenant relocation plan, subject to review and approval by the Director of Community Development, in conformance with chapter 19.70 of the Sunnyvale Municipal Code. [COA] [HOUSING] [PLANNING]

<p>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.</p>
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PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. COMPLIANCE WITH ZONING STANDARDS FOR PATIO COVER AND FENCE:

The applicant shall remove the existing patio cover and replace the over-height fence at 365 East Iowa Avenue with a compliant fence not exceeding 3.5 feet in height in the front and reducible front yard area, as these structures were installed without the required permits. [COA] [PLANNING]

PF-3. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs

or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:

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

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

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

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

DC-3. DUST CONTROL:

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

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

AT-1. 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-2. 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-3. 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-4. 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-5. BUYER PROTECTION:

The developer shall furnish each prospective purchaser of a lot or unit a true copy of each of the following documents:

- i. The use permit or special development permit as issued under the provisions of this chapter;
- ii. Property report;
- iii. Structural pest report;
- iv. Building history report;
- v. Statement of compliance issued by the Real Estate Department of the State of California, or its successor

document relating to operating and maintenance funds
during startup. [COA] [PLANNING]