

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
NOVEMBER 27, 2017**

Planning Application 2017-7633

1010 Sunnyvale Saratoga Road

Special Development Permit to allow construction of a 18,600-square foot commercial building for a child care facility of up to 240 children.

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. USE EXPIRATION:

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

- GC-3. PERMIT EXPIRATION:
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]
- GC-4. INDEMNITY:
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]
- GC-5. NOTICE OF FEE 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. STORMWATER MANAGEMENT:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR][BUILDING]
- GC-7. SIGNS:
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]
- GC-8. OFF-SITE IMPROVEMENT PLANS:
Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit Process. Sheets C0 to

C5 dated 11/01/17 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-9. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. (SMC 13.08.030, SMC 13.08.060 and SMC 13.08.070) [SDR] [PUBLIC WORKS]

GC-10. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the City, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, and traffic signal/signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design guidelines, 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 sheets C0 to C5 dated 11/01/17 is subject to change during the plan check process.

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, or to the satisfaction of the Public Works Department. [COA] [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. SOLID WASTE AND RECYCLING ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure that is consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City’s latest guidelines. The required enclosures shall:

- (a) Match the design, materials and color of the main building;
- (b) Be of masonry construction;
- (c) Be screened from view;
- (d) All gates, lids and doors shall be closed at all times;
- (e) Shall not conflict with delivery/receiving areas;
- (f) Shall be consistent with the approved Solid Waste and Recycling Management Plan; and
- (g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-6. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

- BP-7. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:
Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-8. ROOF EQUIPMENT:
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-9. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$127,865.40, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- BP-10. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways or structures shall be landscaped.
- b) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree:
- 12” to 18” diameter tree to be removed shall be replaced by one 24” box tree or three 15-gallon trees
 - 18” to 24” diameter tree to be removed shall be replaced by one 36” box tree or two 24” box trees
 - Over 24” diameter tree to be removed shall be replaced by one 48” box tree, or two 36” box trees, or four 24” box trees [COA] [PLANNING]

- BP-11. 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-12. OUTDOOR PLAY YARD:
An outdoor play area shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities in a secured area. The building permit plans and landscape plans shall include construction details for the play structures and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- BP-13. 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, pedestrian paths, and parking area lights shall include the following:
- (a) Sodium vapor (or illumination with an equivalent energy savings).
 - (b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
 - (c) Provide photocells for on/off control of all security and area lights.
 - (d) All exterior security lights shall be equipped with vandal resistant covers.
 - (e) Wall packs shall not extend above the roof of the building.
 - (f) Lights shall have shields to prevent glare on adjacent residential properties. [COA] [PLANNING]
- BP-14. 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-15. PARKING MANAGEMENT PLAN:
A Parking Management Plan shall be submitted for 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) Standard procedures/maps to drop-off and pick-up kids shall be included in the parent handbook.
 - (b) Crosswalk/walkway shall be striped clearly to enhance visibility.
 - (c) Show and clearly stripe stalls that are reserved for employee parking near the ingress/egress to the parking lot to avoid

congestion by parents pulling in/out of these parking spaces during peak hours.

BP-16. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-17. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

To mitigate the impact of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City, per City's "Waste & Recycling Reporting" form (electronic copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report to the Department of Environmental Services, Solid Waste Division both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]

- BP-18. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:
A detailed solid waste disposal and recycling design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [ENVIRONMENTAL SERVICES]
- BP-19. CONSTRUCTION MATERIAL AND STAGING:
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [COA] [PUBLIC WORKS]
- BP-20. BICYCLE SPACES:
Provide a minimum of 3 bicycle spaces. The plans will need to clearly indicate the location and type for the project. Select high-quality decorative designs for bicycle racks. [COA] [PUBLIC WORKS/PLANNING]
- BP-21. AIR QUALITY (MITIGATION MEASURES):
Final construction drawings shall incorporate all air quality mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING]

DUST CONTROL MEASURES

WHAT: The construction contractor shall reduce construction-related air pollutant emissions by implementing BAAQMD’s basic fugitive dust control measures, including:

- (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.
- (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) 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 Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

WHEN: These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

WHO: The project property owner/developer shall be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

BASIC EXHAUST EMISSIONS REDUCTION MEASURES

WHAT: The construction contractor shall implement the following measures during construction to reduce construction-related exhaust emissions:

- (1) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code Regulations). Clear signage shall be provided for construction workers at all access points, within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- (2) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

WHEN: The mitigation shall be incorporated into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Permit is approved and prior to the building permit issuance.

WHO: The developer is responsible for completing the mitigation measure.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans and to be enforced during construction.

BP-22. NOISE (MITIGATION MEASURE):

Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures" in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING]

WHAT:

- (1) Provide a temporary noise barrier along the project site boundaries adjacent to residential uses.
- (2) Project construction activities should be limited to daytime hours unless conditions warrant that certain construction activities occur during evening or early morning hours (i.e. extreme heat).
- (3) All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed “package” equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise-control features that are readily available for that type of equipment.
- (4) All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
- (5) Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
- (6) Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- (7) The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- (8) No project-related public address or music system shall be audible at any adjacent noise-sensitive receptor.

WHEN: These mitigations shall be incorporated into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the Planning Commission. The conditions will be valid when the SDP is approved and prior to building permit issuance.

WHO: The project property owner/developer shall be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

BP-23. CULTURAL RESOURCES (MITIGATION MEASURE):

Final construction drawings shall incorporate all cultural resources mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING]

WHAT:

- (1) Contact the local Native American tribes regarding traditional, cultural and religious heritage values.

- (2) A qualified archaeologist shall conduct further archival and filed study to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>
- (3) If archeological resources are encountered during construction, discovered, work shall be temporarily halted in the vicinity of the discovered materials and workers shall not alter the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
- (4) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

WHEN: These mitigations shall be incorporated into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Permit is approved and prior to the building permit issuance.

WHO: The developer is responsible for completing the mitigation measure.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

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

PS-1. WATER HYDRAULIC MODELING:

Hydraulic Modeling Report shall be finalized prior to first off-site improvement plan check submittal. Developer shall pay City a fee for Water System Hydraulic Modeling analysis to be conducted to ensure that water main servicing the proposed project would meet various City design guidelines and other statutory requirements for fire, domestic and irrigation flows in terms of pipe size, demands, pressure and velocity.

Upgrade of existing water main by the developer may be required as determined by the City and shall be incorporated into the first off-site improvement plan check submittal. Developer shall receive fair-share credit as determined by the City if upgrades of water main are required. Contact Environmental Services Department/Water Operations at 408-730-2744 for more information. [COA] [ENVIRONMENTAL SERVICES/PUBLIC WORKS]

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:

- b) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- c) Any incremental impact that will result from the new project in comparison to existing sewer capacity of the immediate downstream main line 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 data may be required as needed. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

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

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, including street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing and 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 engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. Sheets C0 to C5 Preliminary Grading and Utility Plan dated 11/01/17 are subject to change during plan check process. See Public Improvement Plans and Submittal Checklist link: <HTTPS://SUNNYVALE.CA.GOV/CIVICAX/FILEBANK/BLOBDLOAD.ASPX?BLOBID=23625>
<HTTPS://SUNNYVALE.CA.GOV/CIVICAX/FILEBANK/BLOBDLOAD.ASPX?BLOBID=24002> [COA] [PUBLIC WORKS]

- EP-2. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-3. EASEMENT DEEDS:
This project requires a minimum of 11' street right-of-way measured from the face of the curb along Sunnyvale Saratoga Road and East Remington Drive. Developer shall provide 3' street easement dedication along Sunnyvale Saratoga Road and 12' street easement dedication along East Remington Drive for widening and streetscape improvements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]
- EP-4. BENCHMARKS:
The off-site improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website: [HTTP://SUNNYVALE.CA.GOV/CIVICAX/FILEBANK/BLOBDLOAD.ASPX?BLOBID=23803](http://SUNNYVALE.CA.GOV/CIVICAX/FILEBANK/BLOBDLOAD.ASPX?BLOBID=23803). Plans based on NAVD29 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 DRY UTILITIES:
Prior to initial submittal of Improvement Plans, obtain an encroachment permit for potholing purposes to location of existing dry utilities. Use pot hole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint

- trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of your construction plans. [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. (SMC 18.20.250) [COA] [PUBLIC WORKS]
- EP-10. DRY UTILITIES:
Submit dry utilities 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-11. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. The fire, domestic, and irrigation water systems shall be privately owned and maintained beyond the meter. [SDR] [PUBLIC WORKS]
- EP-12. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:
The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. Sheets C0 to C5 of Preliminary Grading and Utility Plan dated 11/01/17 are subject to change during plan check process. [COA] [PUBLIC WORKS]

- EP-13. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:
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 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 PROTECTION]
- EP-15. PUBLIC FIRE HYDRANTS:
Remove the existing fire hydrant along East Remington Drive and install current City standard Clow-Rich 865. New fire hydrant location shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-16. WATER METER:
Building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. If the buildings water demands require a water meter 3 inches or larger, installation of dual meters and a cut-in tee are required per City standard detail 12B and 12B-1. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-17. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:
Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device. All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-18. SANITARY SEWER MANHOLES:
Install new sanitary sewer manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

- EP-19. SANITARY SEWER VIDEO:
The contractor shall make a video copy of the interior of the new sanitary sewer mainline installed prior to it put into service. [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 be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-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 project impact to the existing storm drain main shall retain 1 foot below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter.
- EP-22. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:
Pursuant to SMC 12.60.130, install full trash capture devices on each of 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 and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- EP-23. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-24. DRIVEWAY APPROACHES:
Remove existing driveway approaches and install new driveway approaches along the project frontages to comply with Americans with Disabilities Act (ADA) requirements and to conform with City standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. Demonstrate vision triangle exists for all driveway approaches.
- Driveway on East Remington Drive shall be right-in/right-out for operational safety reasons. Install an island object marker, signage and thermoplastic yellow and white edge line along the outside of the

- proposed 2” rolled curb pork chop island as approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-25. CURB RAMPS:
Remove and replace all existing curb ramps and install new curb ramps at street corners fronting project site, or as deemed necessary by the Department of Public Works. Additional re-grading of asphalt or storm drain devices may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. [COA] [PUBLIC WORKS]
- EP-26. STREETSCAPE IMPROVEMENTS:
East Remington Drive: Remove existing curb and gutter and install new 45’ face of curb radius, 6’ wide bike lane, 10.5’ wide right turn lane, 6” curb, 2’ gutter, and 10’ wide sidewalk with 4’x5’ tree wells per City detail 9C-2A. Sheets C0 to C5 of Preliminary Grading and Utility Plan dated 11/01/17 are subject to change during plan check process.

Sunnyvale-Saratoga Road: Remove existing curb and gutter and install new curb and 2’ gutter, 10-foot sidewalk with 4’x5’ tree wells per City detail 9C-2A. [COA] [PUBLIC WORKS]
- EP-27. RIGHT-HAND TURN AND SIGNALIZATION:
The installation of a right-turn lane at the northeast corner of East Remington Drive and Sunnyvale Saratoga Road is identified as an intersection improvement in the City of Sunnyvale Traffic Mitigation Program Study. Construction costs incurred by the developer for the work can be credited from the project Traffic Impact Fee (TIF).
(a) Developer shall be responsible for design, design costs, and construction of all improvement included but not limited to curb, 2’ gutter, sidewalk, tree wells, bike lane, and street easement dedication. Design shall be approved by the City.
(b) A credit to the TIF fee for construction of the right-hand turn may be applied. The developer shall comply with all laws, ordinances and regulations applicable to the right-hand turn construction (including but not limited to, all applicable requirements of the California Labor Code). The developer shall require the payment of prevailing wages for work associated with the right-hand turn construction and signalization. Developer has determined total construction cost to be \$558,027.72. The developer is responsible to pay the TIF fee imposed at this development. The estimated TIF fee is 127,865.40, the final TIF fee is to be determined at time of initial building submittal. The City of Sunnyvale shall reimburse a not to exceed amount of the difference between the total construction cost (\$558,027.72) and the final determined TIF fee. Applicant shall enter into a Reimbursement Agreement with the City of Sunnyvale prior to encroachment permit issuance. This reimbursement amount

includes construction costs only. The City of Sunnyvale will reimburse applicant upon construction completion and acceptance of improvements. [COA] [PUBLIC WORKS – TRANSPORTATION]

EP-28. TRAFFIC SIGNAL MODIFICATION:

The developer shall relocate the existing traffic signals and poles, as deemed necessary, at the northeast corner of the Sunnyvale Saratoga/Remington intersection to comply with Americans with Disabilities Act (ADA) clearance and City and Caltrans pole placement and foundation requirements. New conduits shall be installed. [COA] [PUBLIC WORKS – TRANSPORTATION]

EP-29. STREET PAVEMENT:

East Remington Drive: New asphalt extension due to proposed right turn lane is to conform to match existing pavement. Type II Slurry Seal shall be applied from lip to gutter to edge of center line along project frontage.

Sunnyvale Saratoga Road: Type III Slurry Seal shall be applied along project frontage from lip of gutter to 10' past VTA bus pad. [SDR] [PUBLIC WORKS]

EP-30. PHOTOMETRIC ANALYSIS:

The developer is required to provide a photometric analysis for Sunnyvale Saratoga Road and East Remington Drive on the project frontage so as to determine that the street lighting meets current City's Roadway Lighting Design Criteria. Roadway, Sidewalk, and Crosswalk illuminance calculations shall be calculated separate from each other. The roadway and sidewalk illuminance values required to be met for Sunnyvale Saratoga Road and Remington Drive are: Minimum Maintained Average Illuminance ≥ 1.0 fc, Uniformity Ratio (Avg/Min) ≤ 4.0 , Max/Min ratio ≤ 20 , marked crosswalks at street intersection should have a minimum average illuminance value ≥ 2.2 fc.

The limits of the photometric analysis shall be for the entire segment required with all streetlights being LED fixtures on both sides of the street (or on one side of the street based upon exiting pattern). The photometric analysis shall identify if existing streetlights would need to be relocated and/or new streetlights would need to be installed for the entire street block.

The developer shall upgrade all existing streetlight fixtures along the project frontage to LED fixtures. All LED fixtures shall be of the same make and model as determined from the photometric analysis (LED fixtures shall be manufactured by GE, Phillips, or approved equal and meet the current City of Sunnyvale LED roadway lighting specifications). Developer shall also relocate existing streetlights or

install new ones and upgrade conduit and conductor along the project frontage and side streets based upon City approved photometric analysis, unless otherwise directed by the City. If the photometric analysis shows the need to relocate or install new street lights, the conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.

For photometric analysis: LLF factor to be used in 0.95. The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-Approved™ Products list. Along with the photometric analysis the developer shall provide cut sheets for proposed fixture, files used to perform analysis, test results from certified independent lab, and electronic copy of the photometric analysis in AGi32 format. All LED fixtures shall have a 10-year warranty.

Install spare Schedule 40, 3" conduit and box along East Remington Drive for street light purposes. [COA] [PUBLIC WORKS]

EP-31. 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. The plans shall include green bike lane improvements on project frontage on East Remington Drive. [SDR] [PUBLIC WORKS]

EP-32. TRAFFIC CONTROL PLAN:

Submit a traffic control plan with the off-site improvement plans for review and approval. 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-33. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows:

East Remington Drive: Quercus Shumardii – Shumard Oaks

Sunnyvale Saratoga Road: Pinus Eldarcia – Afghan Pines

Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plans subject to review and approval by the Department of Public Works prior to issuance of encroachment permit.

New street trees shall be 24-inch box size or 15 gallon size. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along the parkstrip area. No trees are to be planted within 10 feet of a sanitary sewer lateral. [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 Director of Public Works. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]
- EP-35. VTA COORDINATION:
Developer shall notify VTA of the proposed plans to determine if any VTA improvements are necessary or if any VTA lines will be impacted during construction. Developer shall work with VTA directly on these improvements. VTA contact is Michael Catangay, 408-321-7072 or Paul Nguyen, 408-321-5973. [COA] [PUBLIC WORKS]
- EP-36. RECORD DRAWINGS:
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-37. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works 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. Exact fee amount shall be determined at the time of plan review and based upon fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- EP-38. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public and park improvements prior to any permit issuance. [COA] [PUBLIC WORKS]
- EP-39. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:
All parking lot striping and parking spaces shall be striped as per the approved building permit plans and Zoning standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]

PF-3. COMPLETION OF PUBLIC IMPROVEMENTS:
Developer shall complete all required public and park improvements in accordance with City approved plans, prior to building occupancy. [COA] [PUBLIC WORKS]

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

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

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

- a) 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.
- b) Construction equipment must be maintained per manufacturer's specifications.
- c) 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:
 - i. Substitute electrified or hybrid equipment for diesel- and gasolinepowered equipment where practical.
 - ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - iv. 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.

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

AT-1. MAXIMUM CAPACITY:

The use permitted by this application shall comply with the following capacity limits at all times:

- a) The maximum number of students permitted on-site at any time is 240;
- b) The maximum number of employees permitted on-site at any time is 49;
- c) Any proposed modification to the site's capacity shall be subject to review and approval by the City at a public hearing. [COA] [PLANNING]

AT-2. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The school hours are limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. Extended hours shall require separate approval by the City. Minor modifications may be approved by the Director of Community Development; major modifications may require approval at a public hearing. The Director of Community Development shall determine whether requested modifications are major or minor.
- b) Intermittent student events and performances are permitted during child care center hours. Event times shall be staggered so as not to exceed the parking capacity with the expected attendants to the event, other parents dropping off/picking up and staff onsite. [COA] [PLANNING]

AT-3. GOOD NEIGHBOR POLICIES

Observe policies outlined in the "Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhoods" prepared by City of Sunnyvale Youth, Family & Child Care Resources and periodically engage neighbors to address operational concerns and issues for improvement.

AT-4. DAY CARE CENTER PARKING AND CIRCULATION PLAN:

The Permittee shall provide a copy of the parking and circulation plan to all parents to provide disclosure of the approved drop-off and pick-up operations to ensure minimal impacts to neighbors.

AT-5. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

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- 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-6. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-7. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times except for emergency notification use. [COA] [PLANNING]
- AT-8. 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-9. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Maintain all parking lot striping and marking.
- b) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- c) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]
- AT-10. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-11. SOLID WASTE RECYCLING MANAGEMENT:
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] [PUBLIC WORKS]

END OF CONDITIONS