

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
NOVEMBER 23, 2015**

**Planning Application 2015-7459**

1235 Bordeaux Drive

**Major Moffett Park Special Development Permit** to demolish an existing 41,832 sq. ft. one-story industrial building and construct two new hotels on the same site - 8-story, 200-room AC Hotel and 8-story, 150-room Courtyard Marriott Hotel with a detached three-and-a-half level, above-grade parking structure.

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, material 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 use 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 an inapplicable 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 (OCA)]

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] [PLANNING]

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. [SDR] [PUBLIC WORKS]

GC-8. ENCROACHMENT PERMIT:

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

GC-9. 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, traffic signal/signs, 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 C1.0 to C7.0 dated 7/7/15 is subject to change during the plan check process. [COA] [PUBLIC WORKS]

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

PS-1. EXTERIOR MATERIALS REVIEW:

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

PS-2. WATER HYDRAULIC MODELING:

Prior to first off-site improvement plan check submittal, developer shall coordinate with the City for a Water System Hydraulic Modeling analysis 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 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-3. SANITARY SEWER ANALYSIS:**

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

- A) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
  - B) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Any mitigation improvements needed shall be incorporated in the first plan check submittal.
- [COA] [PUBLIC WORKS]

**PS-4. STREETLIGHTS:**

Prior to first off-site plan check submittal, the developer shall provide a photometric analysis based upon LED fixtures for W Java Dr as well as Bordeaux Dr along 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 separately from each other.

The roadway and sidewalk illuminance values required to be met for W Java Dr are:

- 1. Minimum Average Illuminance  $\geq 1.3$  fc
- 2. Uniformity Ratio (Avg/Min)  $\leq 3.0$
- 3. Max/Min ratio  $\leq 20$

The roadway and sidewalk illuminance values required to be met for Bordeaux Dr are:

- 1. Minimum Average Illuminance  $\geq 0.9$  fc
- 2. Uniformity Ratio (Avg/Min)  $\leq 4.0$
- 3. Max/Min ratio  $\leq 20$

Street intersection should have a minimum average illuminance value  $\geq 2.0$  fc and uniformity ration (Avg/Min)  $\leq 3.0$ .

The developer shall upgrade all existing streetlight fixtures along the Bordeaux Dr & Java Dr (as approved by VTA) project frontage to LED fixtures. All LED fixtures shall be of the same make and model

(current approved manufacturers are Cree BETA and Leotek). Developer shall also relocate existing streetlights or install new ones along the project frontage based upon City approved photometric analysis, unless otherwise directed by the City.

Replace all existing streetlight conduits, wires and pull boxes with new ones along the Bordeaux Dr frontage to the end of the system per City's current standards.

Developer shall comply with City street light design guidelines and plan check submittal requirements as provided by the City upon request.

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department.

PS-5. APPROVAL FROM UTILITY COMPANIES:

Prior to any plan check submittal, developer shall coordinate with utility companies for letter approval of partial vacation of existing public utility easements (PUEs), or to allow new private improvements in the existing PUE fronting W Java Dr and Bordeaux Dr. Developer shall record a Notice of Covenant for private improvements located in the PUE, or the existing PUE shall be abandoned in accordance with applicable CA Streets and Highways code prior to building permit issuance.

Alternative arrangement may be considered to the City's satisfaction with consent from the utility companies. [COA] [PLANNING/PUBLIC WORKS]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND 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. ADDRESSING:

An addressing monument shall be erected which is illuminated during the hours of darkness and positioned so as to be readily readable from the street. Numbers that are a minimum height of 12" are recommended. Each individual building and unit shall be clearly marked with the appropriate building number and address. [SDR] [PUBLIC SAFETY]

BP-6. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum LEED Gold level. The project plans shall be accompanied with a letter from the project's LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-7. EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following: a) Sodium vapor (or illumination with an equivalent energy savings). b) Pole heights shall be uniform and compatible with the area, and shall not exceed 8 feet. c) Provide photocells for on/off control of all security and area lights. d) All exterior security lights shall be equipped with vandal resistant covers. e) Wall packs shall not extend above the roof of the building. f) Lights

shall have shields to prevent glare onto adjacent residential properties.  
[COA] [PLANNING]

BP-8. 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-9. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

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

BP-10. RECYCLING AND SOLID WASTE ENCLOSURES:

The approved Special Development Permit permit plans include recycling and solid waste enclosures located entirely within the hotel buildings. Any proposed modifications shall be reviewed and approved by the Director of Community Development and Director of Environmental Services. [COA][ENVIRONMENTAL SERVICES/PLANNING]

BP-11. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illuminating compliance with this condition. [COA] [PLANNING]

BP-12. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-13. ROOF EQUIPMENT:

All rooftop equipment shall be screened from public view in all directions per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof or screening structure. [COA] [PLANNING]

**BP-14. 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 \$1,345,280.10, prior to issuance of a Building Permit. (SMC 3.50) [SDR] [PLANNING]
- b) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire shopping center development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

**BP-15. MECHANICAL EQUIPMENT:**

Detailed plans showing the locations of exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

**BP-16. 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 per the City’s standards.
- c) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- d) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas. Details shall be provided prior to issuance of building permits.
- e) Provide a minimum fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalks.
- f) Backflow device and other appurtenances are to include screening and covers as approved by the Director of Community

Development. This includes all devices (irrigation, DCDA, etc.) located in the front yard landscape areas. Covers should be black or green, metal mesh with rounded top covers (e.g. “mailbox style”). [COA] [PLANNING]

BP-17. 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-18. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

a) An inventory shall be taken of all existing trees on the plan, including on adjacent properties within 10 feet of the property lines, including the valuation of all 'protected trees' by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).

b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.

c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-19. 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-20. 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-21. 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 discharges to onsite vegetated areas is not feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-22. CITY STREET TREES:

The landscape plan shall including street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]

BP-23. 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) Employee parking locations shall be away from the building in parking spaces that are the least used.
- b) Specify the location and term of short-term parking.
- c) Allow the use of valet parking when appropriate on sites with limited parking.
- d) Employees shall be required to park on the site.
- e) Provide adequate signage to direct traffic and pedestrians. [COA]  
[PLANNING]

BP-24. BICYCLE SPACES:

Provide a minimum of 14 Class I and 14 Class II bicycle parking spaces as approved by the Director of Community Development. [COA]  
[PLANNING]

BP-25. CONSTRUCTION MANAGEMENT PLAN:

The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:

- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
- b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
- c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
- e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
- g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
- h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.

i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.

j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING]

**BP-26. INTERIOR NOISE REDUCTION:**

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]

**MITIGATION MEASURE:**

WHAT: In order to mitigate interior noise impacts to a less than significant level, the following sound reduction measures are required:

- a) The overall sound transmission class (STC) rating of the building façade (including both the exterior and doors/windows) must be a minimum of STC 25.
- b) Building exterior windows shall be specified as STC 25 rating minimum.

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.

**BP-27. CONSTRUCTION NOISE REDUCTION:**

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]

**MITIGATION MEASURE:**

WHAT: In order to mitigate construction noise impacts to a less than significant level, the following sound reduction measures are required:

- a) The developer and contractor must secure a temporary power service from the utility service in lieu of a generator.
- b) The majority of all buildings will be wrapped in plywood, which will reduce noise transmission as construction workers complete their work inside the building.
- c) The contractor must construct all applicable construction workers to keep compressors, etc. as close to the interior portions of the buildings as reasonably possible.
- d) Staging of concrete trucks must occur off-site so there will not be multiple concrete trucks onsite.
- e) Back-up beepers will be used only when required by law or as required to provide a safe work environment. Spotters or flaggers will be used in lieu of back-up beepers to direct backing operations when allowable.
- f) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g. improved mufflers, equipment redesigned, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- g) Construction-related traffic must be routed along major roadways and away from sensitive receptors where feasible.
- h) Construction equipment shall be well maintained and used judiciously to be as quiet as practical.
- i) The developer shall require all subcontractors to make efforts to mitigate sound transmission to the neighboring properties through the use of mufflers or other deadening methods.
- j) All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- k) Unnecessary idling of internal combustion engines will be prohibited when feasible.
- l) "Quiet" models of air compressors and other stationary noise sources shall be used where the technology exists.
- m) Hydraulically or electrically-powered equipment shall be used and pneumatically-powered equipment shall be avoided where feasible. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, wherever feasible.
- n) Stationary noise-generating equipment shall be located as far as possible from sensitive receptors when adjoining construction sites. Temporary noise barriers or partial enclosures will be constructed to acoustically shield such equipment wherever feasible.
- o) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the on-

site complaint and enforcement manager, and the City's noise enforcement officer, in the event of problems.

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.

BP-28. **BIOLOGICAL RESOURCES:**

Final construction drawings shall incorporate all cultural resource 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]

**MITIGATION MEASURE:**

WHAT: In order to reduce potential impact on biological resources, the following mitigation measures are required:

- a) If construction commences anytime during the nesting/breeding season of native bird species (typically February through August), a qualified biologist must conduct a preconstruction survey of the project vicinity for nesting/breeding birds at least 30 days prior to the start of construction activities. The intent of the survey is to determine if active raptor nests or other species protected by the Migratory Bird Treaty Act are present within the construction zone or within 250 feet of construction zone for raptors and 50 feet of the construction zone for other migratory birds. The survey area must include all trees and shrubs within zones that have the potential to support nesting birds.
- b) If active nests are found in the area that could be directly affected or are within 250 feet of construction for raptors and 50 feet for other migratory birds, a no-disturbance buffer zone must be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. Once the young have fledged, tree removal and other construction activities may commence.

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.

BP-29. CULTURAL RESOURCES:

Final construction drawings shall incorporate all cultural resource 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]

**MITIGATION MEASURE:**

WHAT:

1) If a significant archaeological resource is identified during grading or construction, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site.
- Incorporating the site within a green space; or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

2) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at

the California Historical Resource Information Center [CEQA Guidelines section 15126.4(b)].

Provide documentation that construction staff has been informed of the following requirement by a qualified archaeologist. In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be temporarily halted in the vicinity of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should 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 privies.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

WHEN: These mitigation measures shall be converted into conditions of approval prior to final approval by the Planning Commission. The conditions will become valid when the entitlement is approved. Conditions will be applicable during the grading and construction of this project.

WHO: The property owner is responsible for instructing construction teams for completing the mitigation measure.

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

BP-30. HAZARDOUS MATERIALS MITIGATION:

Final construction drawings shall incorporate all hazardous 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]

**MITIGATION MEASURE:**

*Hazardous Material Mitigation- Lead Based Paint and Asbestos*

WHAT: Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures. All loose and peeling lead-based paint and asbestos-containing material shall be

abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits.

WHEN: This mitigation measures shall be converted into conditions of approval prior to the final approval by the Planning Commission. The conditions will become valid when the entitlement is approved. Conditions will be applicable during the grading and construction of the project.

WHO: The property owner is responsible for completing the mitigation measure.

HOW: The conditions of approval require these mitigations measures to be incorporated into the grading and construction plans.

BP-31 BUILDING DIVISION PERMITTING REQUIREMENTS:

The following shall be addressed with the building and demolition permit submittal:

- A) The floor level of the top story is over 75 feet above the level of fire department access; therefore, this building is a high rise and shall comply with all high rise requirements of the building and fire codes.
- B) Building permits are required prior to start of any construction. Submit five complete sets of plan (two sets to be wet signed and stamped) along with two copies of structural calculations, two set of title 24 energy calculations, five copies of the storm water management plan, and three copies of the soils report to the one-stop permit center between the hours of 8:00 and 5:00 pm. This project will be submitted for a 21-day plan review. Each resubmittal review is scheduled for 14 calendar days.
- C) A demolition permit is will be issued separately from the building permit. The demolition permit will require 3 sets of plans include a site plan, tree protection plan, utility release from PG&E, and approval from the BAAQMD (j-number). The demolition permit can be reviewed and issued over the counter.
- D) School impact fees will be due to the school districts prior to issuance of a building permit.
- E) Approval from the Santa Clara County Environmental Health Department will be required prior to issuance of any permits for the pool or eating areas.

- F) Building permit plans shall comply with the 2013 versions of the California building, electrical, plumbing, mechanical, green building, and energy codes.
- G) Provide complete structural, electrical, plumbing, and mechanical, architectural, civil, landscaping, and grading plans.
- H) Provide allowable area calculations for the new building including setbacks to property lines and assumed property lines and any rated construction.
- I) Provide complete floor plans that show the size, use, and occupancy classification of each room/area.
- J) Provide an egress plan for both buildings showing egress from all rooms/spaces to the public right-of-way. Please also note that the garages require two exits for each level/space.
- K) The pool decks will require a minimum of two exits and possibly three. The occupant load calculations for the pool itself and the deck area may bring the total occupant load to over 500.
- L) Provide a complete accessibility plan for the site and the building based on Chapter 11b CBC. An accessible path of travel is required from the public right-of-way to the new buildings, between buildings, and throughout the site.
- M) Show the mix of room sizes, number of sleeping rooms of each types, and the number of accessible rooms of each type based on the 2013 CBC Chapter 11b.
- N) Include the completed Calgreen and LEED checklists on the plans submitted for building permits. Add a note to the plan sheet where each item is referenced. Sample checklists are available on-line at:  
<http://sunnyvale.ca.gov/departments/communitydevelopment/nonresidentialinformation/greenbuilding.aspx>
- O) Ensure that the related plan sheets reflect the all requirements of the Calgreen and LEED as notes or are incorporated into the plans. Please be aware that a LEED AP will be required to verify the LEED items are incorporated into the plans and also verify installation is complete prior to occupancy of any unit/building.
- P) Provide a plumbing fixture count based on the 2013 California plumbing code and show the required number of plumbing fixtures.

**BP-32. FIRE PREVENTION PERMITTING REQUIREMENTS:**

The following shall be addressed with the building and demolition permit submittal:

- a) Comply with CFC 907.2.8, 907.2.8.2, 907.2.11.1, 907.5.2.3907.5.2.3.3, Manual fire alarm system with smoke detection system, visual notification, audible notification and hearing impaired occupant notification system.
- b) New buildings four or more stories in height above grade plane are required to be provided with an approved stairway to the roof in

accordance with Section 1009.13 of the CFC. Exception: Buildings having a roof slope greater than 33.3 percent. (2010 CFC 504.3)

- c) The pool and deck shall require at least 2 exits.
- d) Provide details related to building services and systems, including but not limited to, commercial kitchen hoods, fuel-fired equipment (generators, fire pumps, etc), mechanical refrigeration (chiller rooms), elevator recall, and stationary battery systems.
- e) Provide required number of approved fire extinguishers, smoke detectors, and carbon monoxide detectors.
- f) Designated public assembly areas shall comply with requirements for Group A (assembly) occupancies.
- g) Commercial kitchen exhaust hoods shall comply with CFC Section 609.
- h) Liquid carbon dioxide systems (e.g. beverage dispensing), including piping, shall comply with Chapter 53 of the CFC and NFPA 55.
- i) Public garages consisting of two or more floors, including below grade levels, are required to be equipped throughout with approved emergency call boxes in accordance with the following:
  - i. A dedicated phone line is required for each call box.
  - ii. Call boxes shall be located at exit discharges - exterior of stairwells and approximately every 100 feet of travel distance (200' apart) for areas between exit discharges.
  - iii. Call boxes shall be accessible for all users.
- j) All buildings shall have approved radio coverage for emergency responders in accordance with Section 510 of the California Fire Code and local standards. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for additional details. (SMC 510.1)
- k) Wherever a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure is required to provide and install radio retransmission equipment necessary to restore communication capabilities. Such equipment shall be located in an approved space or area within the new structure. (SMC 510.1.1)
- l) Knox boxes (key boxes) will be required in accordance with Sunnyvale Fire Prevention guidelines.
- m) Provide a written Fire Protection Construction Plan.
- n) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- o) Required means of egress during construction. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls and windows are in place. Exception:

In new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purpose of stairway construction (i.e. installation of gypsum board, painting, flooring, etc.). [SMC 1411.1]

- p) Provide an approved electronic "Pre-Fire Survey" map prior to Public Safety Department final recommendation for Certificate of Occupancy.
- BP-33. 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-34. ART IN PRIVATE DEVELOPMENT REVIEW:  
An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks along the street frontages or as approved by the Art Commission. The applicant may post the required art bond while developing the art proposal. The project will not be finalized or occupancy released until the art has been installed or in-lieu fee paid. [COA] [PLANNING]
- BP-35. CORNER PLAZA PUBLIC PEDESTRIAN AND BICYCLE ACCESS EASEMENT:  
Prior to issuance of building permits, the property owner shall work with City staff to record a public pedestrian and bicycle access easement over the corner plaza area near the intersection of Java and Bordeaux Drives. [COA] [PLANNING/OCA/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. LANDSCAPING IRRIGATION AUDIT:  
Prior to final occupancy, a landscaping irrigation audit shall be conducted and an irrigation audit report shall be submitted. The landscaping irrigation audit shall be conducted and the report shall be prepared by a certified professional. The irrigation audit report shall include, but not be limited to: inspection, system tune-up, system test with distribution uniformity, correction of any overspray

- or runoff that causes overland flow, and preparation of an irrigation schedule. [COA] [PLANNING]
- PF-3. IRRIGATION METERS:  
To ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-4. ARTWORK:  
Artwork shall be installed as approved by Arts Commission. [SDR] [PLANNING]
- PF-5. PARKING LOT STRIPING:  
All parking lot striping shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING]
- PF-6. NOISE REDUCTION VERIFICATION:  
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met inside the hotel rooms. Such test results shall be furnished to the Director of Community Development prior to occupancy of the hotel. [COA] [PLANNING]
- PF-7. GREEN BUILDING VERIFICATION:  
Prior to final building inspection and occupancy, a qualified building professional shall provide evidence of adequate green building compliance or documentation to the Director of Community Development to satisfy the requirements of the standards for compliance for review and approval. This information shall include, but is not limited to:
- 1) Documentation that verifies incorporation of the design and construction related credits specified in the project approval;
  - 2) A letter from the qualified green building professional that certifies that the covered project has been constructed in accordance with the approved green building project checklist;
  - 3) Any additional documentation that would be required by the LEED™ reference guide for LEED certification (if required); and
  - 4) Any additional information that the applicant believes is relevant to determining that a good faith effort has been made to comply with this chapter. [COA] [PLANNING]
- PF-8. MASTER SIGN PROGRAM:  
A Master Sign Program per the City's Sign Code is required with a separate permit prior to building occupancy. [COA] [PLANNING]
- PF-9. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements in accordance with City approved plans, prior to building occupancy. [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, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, 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. [COA][PUBLIC WORKS]

EP-2. EASEMENT DEEDS:  
This project requires a minimum of 11’ street right-of-way measured from the face of the curb on W Java Dr. Developer shall provide additional street dedication in the form of an easement. 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-3. EASEMENT ABANDONMENT:  
Prior to encroachment permit issuance, abandon the existing storm drain easement and partially abandon the existing 7’ and 10’ PUEs and slope easement in accordance with the California Streets and Highways code. [COA] [PUBLIC WORKS]

EP-4. BENCHMARKS  
The off-site improvement plans shall be prepared by using City's latest benchmarks available on City's website [HTTP://SUNNYVALE.CA.GOV/DEPARTMENTS/PUBLICWORKS/BENCHMARKS,RECORDMAPSANDRECORDDRAWINGS.ASPX](http://SUNNYVALE.CA.GOV/DEPARTMENTS/PUBLICWORKS/BENCHMARKS,RECORDMAPSANDRECORDDRAWINGS.ASPX) [COA][PUBLIC WORKS]

EP-5. 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 preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA] [PUBLIC WORKS]

EP-6. MOFFETT PARK SPECIFIC PLAN:

- This project is in the Moffett Park Specific Plan (MPSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the Specific Plan or as amended and approved by the City. [COA] [PUBLIC WORKS]
- EP-7. 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] (SMC 18.08.030 and SMC 12.08.010)
- EP-8. UTILITY CONNECTION TO THE MAIN:  
All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole. All storm drain lateral connecting to the main shall be with 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. [SDR] [PUBLIC WORKS]
- EP-9. 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 to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-10. 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] (SMC 18.20.250)
- EP-11. WET UTILITIES:  
All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]
- EP-12. SANITARY SEWER SERVICE CONNECTION:  
Each building shall have its own sanitary sewer service lines connecting to the main on Bordeaux Drive. [COA] [PUBLIC WORKS]

EP-13. WATER SERVICE CONNECTION:

Each building shall have its own domestic water service connection with domestic radio-read water meters and RFBFP per current City standards. If the building water demand requires a water meter 3" or larger, installation of dual meters are required per City standard detail 12B-1.

Provide separate fire service taps with separate reduced pressure detector assembly (RPDA) in accordance with current City standards. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

EP-14. PUBLIC FIRE HYDRANTS:

Remove and replace the existing fire hydrant barrel(s) along entire project frontage with 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-15. WATER METER:

For water meter sizes two (2) 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. Install new reduced pressure backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service line (separate from the domestic water service line) with a meter and reduced pressure backflow prevention device. Install backflow preventer enclosure where applicable. Irrigation water service line shall be connected from the reclaimed water line.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the reclaimed water system metered to the property owner. [SDR] [PUBLIC WORKS]

EP-17. RECLAIMED WATER:

Reclaimed water service for greywater/building usage shall follow and comply with California Department of Environmental Health Title 22, Division 4 of the Administrative Code and current City standard and design guidelines. [SDR] [PUBLIC WORKS]

EP-18. STORM DRAIN MANHOLE:

- Install new storm drain manhole at the right-of-way lines for all proposed storm drain lines to be used for the project. [SDR] [PUBLIC WORKS]
- EP-19. SEWER MANHOLE:  
Install new sewer manhole at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-20. SANITARY SEWER VIDEO:  
The contractor shall make a video copy of the interior of the new sanitary sewer lateral installed prior to it is put into service. [COA] [PUBLIC WORKS]
- EP-21. 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-22. STORM DRAIN DESIGN  
Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full. The new storm drain service line shall be minimum 12 inches diameter in the public right-of-way. [COA] [PUBLIC WORKS]
- EP-23. CATCH BASIN TRASH CAPTURE DEVICE:  
Pursuant to SMC 12.60.130, install full trash capture device on the project site, prior to connecting to the City's storm drain collection system, the developer shall be responsible for perpetual maintenance of those trash capture devices. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]
- EP-24. 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-25. 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 public right-of-way or public utility easements. Separate

- encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-26. DRIVEWAY APPROACHES:  
Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]
- EP-27. CURB RAMPS:  
Remove and replace the two (2) existing curb ramps at the southwest corner of W Java Dr/Bordeaux Dr intersection per the latest City standards. Provide ADA compliant transition along W Java Dr (at the northwest end of the property) to the latest City standards. [COA] [PUBLIC WORKS]
- EP-28. STREETSCAPE IMPROVEMENTS:  
Remove the existing concrete curb, gutter and sidewalk and install new concrete curb and 2' gutter per current City standards along W Java Dr. Install a 10-foot wide sidewalk (excluding the 0.5' curb) with 4' x 5' tree wells.  
  
Remove the existing concrete curb & gutter and install new concrete curb, 2' gutter per current City standards along Bordeaux Dr. Install a 4' planter strip (excludes 0.5' curb) and 6' detached sidewalk. Meander new sidewalk as needed to protect existing City trees to remain along Bordeaux Dr. Provide ADA compliant sidewalk transition to conform to existing walkways on adjacent property. [COA] [PUBLIC WORKS]
- EP-29. STREET PAVEMENT:  
Apply Type II slurry seal along the project frontage for entire street width of Bordeaux Dr and W Java Dr, unless otherwise approved by the Director of Public Works with alternatives. [SDR] [PUBLIC WORKS]
- EP-30. DECORATIVE PAVEMENT:  
Any and all proposed decorative pavement and vertical curb pertaining to onsite development shall not be located within the City right-of-way. [SDR] [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. [SDR] [PUBLIC WORKS]

## EP-32. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: W Java Dr: Platanus Acerfolia – Yarwood Sycamore; Bordeaux Dr: Brachychiton Acerifolius – Flame Tree. 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. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along both sides of the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

## EP-33. PROTECTION OF EXISTING TREES:

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

## EP-34. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction to City's satisfaction by the 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. PUBLIC SIDEWALK EASEMENT:

Developer shall dedicate adequate public sidewalk easements to the City to accommodate the meandering sidewalk configuration as referenced herein. [COA] [PUBLIC WORKS]

## EP-36. APPROVAL FROM OTHER AGENCIES:

This project may require a VTA permit for work within VTA light rail tracks. [COA] [PUBLIC WORKS]

## EP-37. 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. Upon completion of the streetlight improvements, developer shall provide record drawings to the City in AutoCAD format. [COA] [PUBLIC WORKS]

## EP-38. BIKEWAY IMPROVEMENT FEES:

The developer shall provide the funding to install sharrows per CA MUTCD on Java Drive between Mathilda Ave and Crossman Ave per the City's Bike Plan. [COA] [PUBLIC WORKS]

EP-39. 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]

EP-40. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:

Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]

EP-41. OFF-SITE IMPROVEMENT COST ESTIMATE:

Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [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. DELIVERY HOURS:

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

- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (period from 10:00 p.m. to 7:00 a.m. daily) is prohibited.
- c) Delivery hours shall not conflict with the trash pickup schedule. [SDR] [PLANNING]

AT-2. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

AT-3. 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-4. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

- a) Parking garage shall be maintained at all times so as to allow for parking vehicles.
- b) Maintain all parking lot striping and marking.

- c) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]
- AT-5. WATER BMP MAINTENANCE:  
The project applicant, owner, or landlord must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [COA] [PLANNING]
- AT-6. STORMWATER BMP RIGHT OF ENTRY:  
The project applicant, owner, or landlord shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the stormwater treatment best management practices contained in the approved Stormwater management Plan. [SDR] [PLANNING]
- AT-7. EXTERIOR EQUIPMENT:  
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure areas. 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]

**END OF CONDITIONS**