
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
NOVEMBER 10, 2025**

**Planning Application
PLNG 2025-0072 and PLNG 2025-0137**

333-385 Moffett Park Drive

Construct a new 293,996 square foot, three (3) level office/R&D building over a three (3)-level above-grade podium with podium-level private roof deck. The project will result in 135% FAR subject to a Development Agreement with the City for access to the Development Reserve.

The following Conditions of Approval [COAs] and Standard Development Requirements [SDRs] 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. DEVELOPMENT AGREEMENT:

The proposed project is subject to the terms and conditions of the Development Agreement (DA) as contained in the separate adopting ordinance and DA (Planning Application 2025-0137).

[COA][PLANNING/CITY ATTORNEY/CITY MANAGER]

GC-3. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. However, to the extent a Development Agreement (DA) provides for a longer duration for the approved entitlements, the duration set forth in the DA shall control during the term of the DA. [SDR] (PLANNING)

GC-4. INDEMNITY:

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

GC-5. NOTICE OF FEES PROTEST:

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

GC-6. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by 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 signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan with sheet C1.0 to C9.0 dated 07/28/25 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 of the first building, or to the satisfaction of the Public Works Department. [COA] [PUBLIC WORKS]

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. Sheets C1.0 to C9.0 dated 07/28/25 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-8. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, 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]

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

PS-1. EXTERIOR MATERIALS REVIEW:

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

PS-2 BIRD SAFE DESIGN:

The final building permit plans shall include glazing information to demonstrate that the project complies with the MPSP design standards. [COA] [PLANNING]

PS-3. 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:

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- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
 - b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow data may be required as needed. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [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-5. 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-6. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

To mitigate the impacts of large projects on local waste disposal, recycling levels and the migration of PCBs, demolition waste weights/volumes including hazardous waste manifests for applicable structures with PCB concentrations greater than 50 ppm, construction weights/volumes, and recycling weights/volumes are to be reported to the City using Sunnyvale.wastetracking.com hosted by Green Halo. As part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]

BP-7. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:

- a) Match the design, materials and color of the main building.
- b) Be of masonry construction. [COA] [PLANNING]

BP-8. RECYCLING AND SOLID WASTE CONTAINER:

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

BP-9. SOLID WASTE AND RECYCLING DISPOSAL PLAN:

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

BP-10. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-11. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of the first building permit for the project. (The estimates below are based on the FY 2025/2026 rates and are subject to annual escalation; the

amount to be paid shall be based on the rates in effect at the time of payment.)

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$2,016,656.93, prior to issuance of final occupancy. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$4,707,408.00 million, prior to issuance of final occupancy. (SMC 19.22). [SDR] [PLANNING]
- c) MOFFETT PARK TRANSPORTATION IMPACT FEE – Pay Moffett Transportation Impact Fee estimated at \$1,628,736.10. [COA] [PLANNING]
- d) MOFFETT PARK INFRASTRUCTURE FEES - Pay Moffett Park Infrastructure Fees for water (estimated at \$396,894.60) and sewer (estimated at \$396,894.60) totaling \$793,789.20. [COA] [PLANNING]
- e) MOFFETT PARK PLAN MAINTENANCE FEE – Pay Moffett Park Plan Maintenance Fee which is calculated at 0.17% of total construction valuation. [COA] [PLANNING]
- f) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 2% of the construction valuation of the entire project is required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including, but not limited to, related landscaping, lighting, base work and commemorative plaque as specified by the Arts Commission. This requirement does not apply if the alternative in-lieu fee is paid prior to building permit issuance in accordance with SMC 19.52.030. [PLANNING] [SDR]

BP-12. DEVELOPMENT AGREEMENT: CONSTRUCTION SALES TAX REGISTRAION:

Provide documentation that the landowner has designated the city of Sunnyvale as the point of sale for California sales and use tax purposes during project construction. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA]

BP-13. COMMUNITY BENEFIT FUND CONTRIBUTION:

The landowner shall contribute \$3,100.0,000 towards the City's community benefit fund prior to issuance of building permit. this is required in the development agreement, based on the proposed square feet of bonus office square footage as defined in the development agreement. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA]

BP-14. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to

review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors/neighboring properties and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architectural or landscaping features. [PLANNING] [COA]

BP-15. ART IN PRIVATE DEVELOPMENT REVIEW:

The project is subject to SMC 19.52.030 which requires publicly-visible art onsite that is equal in value to 2% of the project construction valuation. An Art in Private Development application shall be submitted to the Director of Community Development prior to issuance of a Building Permit, and is subject to review and approval by the Arts Commission. The application shall provide public visible artworks along Moffett Park Drive, or as determined by the Arts Commission.

As an alternative to provision of art, and in coordination with the Public Art Coordinator, the permittee may choose to make a contribution to the public arts fund in-lieu of placing art on the project site. The permittee shall allocate an in-lieu amount equal to 1.1% of the building valuation. The in-lieu fee shall be paid prior to issuance of building permit. [COA] [PLANNING]

BP-16. DEAD-END SIDEWALK:

The project proposes new sidewalk along Moffett Park Drive; however, no sidewalk exists on the adjacent property to the east. As it would be unusual to have a partial sidewalk, the developer shall landscape the area as an interim measure until such time that a sidewalk is proposed for the adjacent property. The developer shall submit an interim design as part of the plans submitted for building permit. [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. LANDSCAPE BUFFER:

Install and maintain an 8-foot solid (wood fence/decorative masonry wall), along the rear property lines, measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

BP-19. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan

from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-20. STORMWATER MANAGEMENT C.3 DATA FORM:

Submit the completed City of Sunnyvale and Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Data Form to the Planning Division prior to issuance of a Building Permit. [COA] [PLANNING]

BP-21. STORMWATER MANAGEMENT PLAN:

Submit the Stormwater Management Plan subject to review and approval by Director of Community Development and third-party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-22. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

BP-23. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.230. Best management practices shall be identified on the building permit set of

plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Services Department, which may be reached by calling (408) 730-7717.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i. Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii. Dumpster drips from covered trash and food compactor enclosures.
 - iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv. Swimming pool water, spa/hot tub, water feature and fountain discharges if discharged to onsite vegetated areas is not a feasible option.
 - v. Fire sprinkler test water, if discharged to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-24. CITY STREET TREES:

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

BP-25. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

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) The terms to share 218 public parking spaces.
- b) Specify the location and term of short-term parking.
- c) Specify the location of the required carpool/car share spaces.
- d) Allow the use of valet parking when appropriate on sites with limited parking.
- e) Employees shall be required to park on the site.

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- f) Provide adequate signage to direct traffic and pedestrians [COA]
[PLANNING]
- BP-26. **PARKING LOT STRIPING:**
Parking spaces should be marked in the following manner to encourage careful parking and increase usability of spaces.
- a) Double lines, one foot apart (as measured from the center) and four inches wide should mark the sides of each space.
 - b) Lines should be 16 feet long, with a rounded radius end. [COA]
[PLANNING]
- BP-27. **GREEN BUILDING:**
The project shall meet the following green building requirements: Green building standards. All new nonresidential projects developments shall meet City's green building Program requirements and achieve LEED BD+C Platinum. New development shall conduct a whole-building life-cycle assessment per the Building LifeCycle Impact Reduction Credit. [COA] [PLANNING] [BUILDING]
- BP-28. **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 and Director of Public Works with a separate Miscellaneous Plan Permit (MPP) 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] [PUBLIC WORKS]

BP-29. CONSTRUCTION AIR QUALITY MITIGATION MEASURES:

Prior to the issuance of grading or building permits, the Bay Area Air Quality Management District’s (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) shall be noted on the construction documents, including the following:

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) All construction equipment shall be maintained and properly tuned in accordance with manufacturers’ specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48

hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. [COA] [PLANNING]

BP-30. CONSTRUCTION POLLUTANT MITIGATION PLAN:

Since the project's construction span is greater than five acres and/or is scheduled to last more than two years, the project applicant shall prepare a site-specific construction pollutant mitigation plan in consultation with Bay Area Air Quality Management District (BAAQMD) staff prior to issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to the BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e. probability of contracting cancer is greater than 10 in one million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. Documentation shall be provided to the Director of Community Development confirming that construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include but not be limited to:

- a) Limiting the amount of acreage to be graded in a single day.
- b) Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal school hours.

Notifying affected sensitive receptors one week prior to commencing onsite construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment. [COA] [PLANNING]

BP-31. CONSTRUCTION NOISE MITIGATION MEASURES:

The project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a noise control plan that shall be submitted for review and approval by the Director of Community Development. Measures specified in the noise control plan and implemented during construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- d) Pile-driving is prohibited unless authorized by the Director of Community Development. If authorized, noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
 - Installing intake and exhaust mufflers on pile-driving equipment;
 - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible as determined by the Director of Community Development;
 - Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
 - Using cushion blocks to dampen impact noise, if feasible based on soil conditions as determined by the Director of Community Development. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
 - At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities. [COA][PLANNING]

BP-32. NESTING BIRDS:

All construction and clearing activities shall be conducted outside of the avian nesting season (January 15-August 31), when feasible. If clearing and/or construction activities occur during the nesting

season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to three days before initiation of construction activities, including tree removal and/or site preparation involving removal of vegetation.

The qualified biologist shall survey the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and USFWS, as necessary. The City shall be notified if altered exclusion zone widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to initiation of construction activities, including tree removal and/or site preparation involving removal of vegetation. [COA] [PLANNING]

BP- 33. ARCHAEOLOGICAL RESOURCES:

Prior to the issuance of grading or building permits, the project applicant is required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e. prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential. [COA] [PLANNING]

BP-34. CULTURAL RESOURCES:

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the Coroner shall notify the Native American Heritage Commission who shall attempt

to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

All measures shall be printed on all construction documents, contracts, and project plans, and reviewed by the Community Development Director prior to issuance of grading and building permits. During construction, the project applicant and contractor shall be responsible for, implementing these measures. [COA] [PLANNING]

- BP-35. **PALEONTOLOGICAL RESOURCES:**
Prior to the issuance of grading or building permits, the project is required to include information on the improvement plans that if, during the course of grading or construction, fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of a project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow. [COA] [PLANNING]
- BP-36. **EMERGENCY VEHICLE ACCESS EASEMENT:**
Developer shall dedicate a minimum 20'-wide emergency vehicle ingress-egress easement along the drive aisle and over the surface parking areas, excepting areas for parking stalls for fire apparatus access. City will accept the dedication upon completion and acceptance of subject on-site improvements with recordation of Easement Deed(s) prior to building occupancy, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- BP-37. **CONSTRUCTION MATERIAL AND STAGING:**
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [COA] [PUBLIC WORKS]
- BP-38. **LANDSCAPING AND PHASED SIDEWALK CONNECTION:**
The final plans submitted for Building Permit shall show the extension of the landscape area at the south-eastern corner of the project site to the east of the Moffett Park Dr driveway. The extensions shall encompass the triangular section of the sidewalk area because construction of the sidewalk would result in dead-

ending at the adjacent property which does not have a sidewalk.
[COA] [PLANNING, PUBLIC WORKS]

- BP-39. LANEWAY PHASED IMPLEMENTATION:
Moffett Park Specific Plan requires redesign of the Laneway, which is a shared driveway and access easement, located along the western side of the project site. However, the western portion of the Laneway is owned by the adjacent property owner at 217 - 277 Moffett Park Dr (APN 110-34-006). The final plans submitted for Building Permit shall include Phase I implementation of Laneway improvements as generally illustrated in the Laneway exhibit in the Development Agreement and shown in the plans for PLNG-2025-0072 and PLNG-2025-0137. Phase II implementation of the Laneway shall be triggered with the development of the adjacent property at 217 - 277 Moffett Park Dr. [COA] [PLANNING] [PUBLIC WORKS] [TRANSPORTATION]

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

- EP-1. 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 MPSP or as amended and approved by the City. [COA] [PUBLIC WORKS]
- EP-2 COMPLETE OFF-SITE IMPROVEMENT PLAN SET:
A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/striping plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineer and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheet C4.0 and C5.0 of Preliminary Improvement Plan – Grading and Utility Plan dated 07/28/25 is subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/637820856582800000>
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>
[COA] [PUBLIC WORKS]
- EP-3. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

- As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-4. BENCHMARKS:
The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000. Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]
- EP-5. EASEMENT DEEDS:
This project requires a public access easement for the new shared use path along Moffett Park Drive and public access easement for the laneway. Sheet C3.0 of Preliminary Site Plan dated 07/28/25 is subject to change during plan check process. Developer shall provide additional public access easements as needed. 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-6. EASEMENT ABANDONMENT:
The existing 15-ft slope easement, 7-ft public utility easement, and the 14-ft communications easement shall be abandoned prior to encroachment permit sign off. [COA] [PUBLIC WORKS]
- EP-7. UTILITY COMPANY APPROVAL:
Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA] [PUBLIC WORKS]
- EP-8. 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-9. 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-10. POTHOLING OF EXISTING UTILITIES:
Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflicts between existing utilities and proposed new dry utilities, sewer and storm drain laterals, and water laterals 4” and larger. Potholing shall be performed during design after proposed locations of new laterals are not likely to change. Accurate elevations and locations of existing crossings shall be shown in profiles along gravity or pressure laterals 4” and larger. It is strongly recommended that both the top and bottom elevations of fiber and electrical duct banks are potholed. [COA] [PUBLIC WORKS]
- EP-11. 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-12. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:
Developer is required to pay for all changes or modifications to existing City utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]
- EP-13. DRY UTILITIES:
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-14. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. The fire and domestic water

systems shall be privately owned and maintained beyond the meter.
[COA] [PUBLIC WORKS]

EP-15. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service laterals is not allowed. Existing sewer laterals must be abandoned or replaced unless the City allows them to be re-used. To propose re-use, the applicant shall submit CCTV video of the lateral to the City. The beginning of the video must show the front of the property to confirm its location before insertion into the pipe. Video must extend from the cleanout to the main. Camera may not be submerged at any time, and must include a footage counter. If the City feels that the lateral is in acceptable condition, and has no significant sags, damage, or root intrusion, the City may allow it to be re-used. The City may also require CCTV for proposed re-use of an existing storm drain lateral, on a case by case basis. Sheet C4.0 and C5.0 of Preliminary Grading and Utility Plan dated 07/28/25 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-16. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:

Provide separate fire and domestic service lines to each building. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install reduced pressure backflow prevention devices (RPBP) behind the street right-of-way for the domestic service line and a reduced pressure detector assembly (RPDA) and 5/8" water meter behind the street right-of-way for the fire service line. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-17. FIRE PROTECTION SYSTEM DESIGN:

Private fire hydrants shall not be located downstream of any fire department connection (FDC). This requirement shall supersede the fire water line and FDC shown on Sheet C5.0 of Preliminary Utility Plan dated 07/28/2025. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-18. PUBLIC FIRE HYDRANTS AND FIRE HYDRANT LATERALS:

Remove and replace existing fire hydrant (FH) barrels and existing fire hydrant lateral(s) along the entire project frontage with Clow 865 for mains 10" and larger. New fire hydrant laterals and barrels must be located outside of existing and proposed tree driplines, or as determined by Department of Public Works. Hydrants shall be located per City standard detail 2B and 2B-2. Public fire hydrants shall be maintained a minimum of 3 horizontal feet from trees, vines, shrubs, bushes, and other obstacles. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-19. WATER METER:

Each 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. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) for each point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-20. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

This project requires connection to city's existing reclaimed water system for irrigation purpose. 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 owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices.

Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code. [SDR] [PUBLIC WORKS]

EP-21. SANITARY SEWER AND STORMDRAIN MANHOLES:

Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. Existing sewer and storm drain manholes to be reused shall be updated per current City Standard Details. [SDR] [PUBLIC WORKS]

EP-22. NEW SEWER LATERAL CCTV VIDEO:

The contractor shall provide a CCTV video of new sewer laterals. Video must clearly show the front of the property before camera is inserted into the pipe. [COA] [PUBLIC WORKS]

EP-23. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:

This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Department of Public Works

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- 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-24. **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' below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter. [COA] [PUBLIC WORKS]
- EP-25. **PUBLIC RIGHT-OF-WAY STORMWATER TREATMENT:**
Per the Municipal Regional Stormwater Permit 3.0 Provision C.3, all impervious area created or replaced in the public right-of-way must be treated. Treatment measures for public stormwater must be located on-site, on private property. Treatment measures shall be identified and included in the Stormwater Management Plan, required per BP COAs above. All stormwater treatment and infrastructure constructed for conveyance of stormwater to the stormwater treatment shall be privately maintained. [SDR] [PUBLIC WORKS]
- EP-26. **CATCH BASIN TRASH CAPTURE DEVICES AND STENCILING:**
Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection system. The developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- EP-27. **UTILITY METER/VAULT:**
No existing or new utility meters or vaults shall be located within the driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-28. **DRIVEWAY APPROACHES:**
Remove existing driveway approaches and install a total of five (5) new City Standard Detail 6C-2 driveway approaches along the project frontage; two (2) on Moffett Park Drive and three (3) on the Laneway to comply with ADA requirements and per City standard details and specifications. [COA] [PUBLIC WORKS]
- EP-29. **DRIVEWAY VISION TRIANGLE:**
Comply with the driveway extended vision triangle requirements at all driveway approaches on Moffett Park Drive and on the Laneway per

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- SMC 19.34.060. Show location of sidewalk relative to the driveway vision triangle. [COA] [PUBLIC WORKS]
- EP-30. ADA LOADING RAMP:
Install new ramp at the passenger loading zone, or as deemed necessary by the Department of Public Works. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. [COA] [PUBLIC WORKS]
- EP-31. STREETSCAPE IMPROVEMENTS:
Remove existing concrete curb and gutter and install new concrete curb, 2-foot gutter, and 12-foot-wide shared use path along the Moffett Park Drive frontage, or as approved by the Director of Public Works. The perpetual maintenance of sidewalk and shared use path improvements along the project frontages shall be the sole responsibility of the property owner [COA] [PUBLIC WORKS]
- EP-32. STREET PAVEMENT:
Apply Type III slurry seal, from lip of gutter to lip of gutter, fronting 333 Moffett Park Drive frontage, or as directed by the Department of Public Works. [SDR] [PUBLIC WORKS]
- EP-33. LANEWAY CONFIGURATION:
The driveway aisle that borders the western portion of the project frontage shall follow a modified version of the Moffett Park Specific Plan (MPSP) Figure 59. The cross section shall chicane twice along the Laneway that includes 20 feet shared street, 10 feet flex zone (no loading allowed) with grasscrete, 10.5 feet landscape strip, and 8 feet sidewalks. This interim condition will remain until the neighboring property redevelops their site. When the neighboring property redevelops, the curb on the neighboring property shall be shifted 2' inward towards the centerline, reducing the shared street to 18 feet; at which point, the 333 Moffett Park Drive site shall shift the curb on their side of the Laneway 2' inward towards the centerline, reducing the flex space to 8 feet, thus, complying with Figure 59 per MPSP and as shown in Exhibit _B-2 to the Development Agreement. This condition shall apply until the neighboring site is redeveloped, including after the expiration of the DA. [COA] [PUBLIC WORKS]
- EP-34. PASSENGER LOADING ZONE:
Loading zone on Moffett Park Drive shall be 24/7 for passengers only and comply with Americans with Disabilities Act (ADA) requirements. Show design of striping and signage in the off-site plans. [COA] [PUBLIC WORKS]
- EP-35. CLASS I SHARED-USE PATH:
Remove existing Class II bike lane along the project frontage on Moffett Park Drive and provide a Class I shared-use path to conform with City

of Sunnyvale Active Transportation Plan and MPSP. The path shall be asphalt paving, a minimum of 12 feet wide, and be ADA compliant. Provide bike ramps to transition bicyclists onto/off of the shared-use path from the existing bike lanes going westbound. The shared-use path shall be correctly labelled as a shared-use path for pedestrians and bicyclists to use on the plans submitted for Building Permit. [COA] [PLANNING][PUBLIC WORKS][TRAFFIC]

EP-36. STREETLIGHTS:

The developer shall remove 5 existing streetlights on Moffett Park Drive and install 3 new Moffett Park Specific Plan Type 1,2, and/or 3 streetlights to illuminate the roadway and the shared-use path with a 135-foot spacing along the project frontage only on the north side of Moffett Park Drive in accordance with the MPSP. All LED fixtures and streetlight pole types shall be of the same make and model (current approved manufacturer is Philips Lumec).

The developer shall remove 1 existing streetlight on project frontage side of the Laneway, and install 2 new Moffett Park Specific Plan Type 1 streetlights to illuminate the roadway and the sidewalk with 160-foot staggered spacing on project frontage side of the Laneway. All LED fixtures and streetlight pole types shall be of the same make and model (current approved manufacturer is Philips Lumec).

The developer shall provide a separate streetlight plan identifying existing streetlights to be removed and new streetlights to be installed along the entire project frontage based on the streetlight spacing provided by the City. The streetlight plans shall include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code. The streetlight plans shall be submitted concurrently with the off-site improvement plan review.

The developer shall be responsible to replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards. The developer may be required to connect the new streetlight to the existing unmetered service pedestal or have them install a new one. All LED fixtures shall have a 10-year warranty.

Developer shall comply with City streetlight 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.

- Upon Completion of the streetlight improvements, developer shall provide as-built streetlight plan in pdf and .dwg formats.
[COA] [PUBLIC WORKS]
- EP-37. 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-38. TRAFFIC CONTROL PLAN:
Submit a traffic control plan with the off-site improvement plans for review and approval. Per the City's Temporary Traffic Control Checklist, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]
- EP-39. CITY STREET TREES:
The developer shall install required street trees along the project frontage as follows: Moffett Park Drive - Platanus Racemosa, California Sycamore. 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 the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. [SDR] [PUBLIC WORKS]
- EP-40. 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-41. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, and streetlight pull boxes shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, and streetlight pull boxes shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

- EP-42. MAINTENANCE AGREEMENT:
Prior to encroachment permit issuance, developer shall execute a Maintenance Agreement for perpetual maintenance of the passenger loading area concrete located in any public right-of-way or within an easement for public use purpose as referenced herein. The subject Maintenance Agreement shall be recorded prior to first building occupancy. [COA] [PUBLIC WORKS]
- EP-43. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]
- EP-44. RECORD DRAWINGS:
Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In addition, streetlight record drawings shall be in AutoCAD format & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]
- EP-45. 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-46. 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-47. 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, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

PF-3. VERIFICATION OF GREEN BUILDING MEASURES:

Prior to any nonresidential building occupancy, the applicant shall provide documentation from the project's LEED AP confirming the project has been built to achieve the minimum points required and that the project should be eligible to be certified by the U.S. Green Building Council (USGBC) at the approved LEED level. [COA] [PLANNING] [BUILDING]

PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

PF-2. RECLAIMED WATER:

The use of reclaimed water requires a Recycled Water Permit from the City. Contact Environmental Services Department/Water Operations at 408-730-7561 for further information. [SDR] [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. TREE PROTECTION:

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

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

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

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

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

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

DC-4. DUST CONTROL:

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

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

AT-1. RECYCLING AND SOLID WASTE:

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

AT-2 EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning

units shall be screened with architecture or landscaping features. [COA]
[PLANNING]

AT-3 SIDEWALK CONNECTION TO ADJACENT PROPERTY:

The project proposes new sidewalk along Moffett Park Drive; however, no sidewalk exists on the adjacent property located to the east at 1213 Innsbruck Drive. As it would be unusual to have a partial sidewalk, the property owner shall landscape the area as an interim measure until such time that a sidewalk is proposed for the adjacent property. At such time, the property owner shall work with the adjacent property owner to ensure sidewalk connection between the two properties is designed and constructed to meet applicable requirements and ensure public safety. [COA] [PLANNING]

AT-4 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-5. PARKING LOT MAINTENANCE:

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

- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
- e) Clearly mark all compact spaces as per approved plans. [COA]
[PLANNING]

AT-6 . TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):

The property owner shall create and implement a TDM Plan to include an interim, initial and long-term Trip Reduction Program. The goal of the TDM program is for the project to meet the trip reduction goals set for in GC-6 and the TDM plan shall:

- a) Be approved by the Director or Community Development and Director of Public Works, or their designees.
- b) Include statements of the number of allowable average daily and peak hour trips for the appropriate scenario (i.e. interim, initial or long-term);

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- c) Include a completed TDM Form for each of the scenarios (i.e. interim, initial and long-term).
 - d) Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner;
 - e) Include a penalty for non-compliance with the targeted reductions. Said penalty shall comply with SMC. 10.60.030, Administrative Penalties, the City's TDM Program Guidelines, and based on the latest adopted Master Fee Schedule.
 - f) Revise the TDM Plan to include additional or modified TDM measures, subject to the same approvals, if targeted reductions are not met.
 - g) The developer shall explore the use of a private shuttle service for the project or participate in a similar program as administered by the Transportation Management Association (TMA). [COA]
[PLANNING/TRANSPORTATION]

AT-7. TRANSPORTATION DEMAND MANAGEMENT (TDM) ANNUAL MONITORING

The project shall be subject to requirements set per SMC 10.60 Transportation Demand Management, and the City's TDM Program Guidelines. The property owner shall notify the City when the site has reached 75% occupancy, at that point, the City will start the monitoring process. If the project does not meet the trip reduction goals, the project shall be pay a non-compliance penalty per SMC 10.60.030 Administrative Penalties, the City's TDM Program Guidelines, and based on the latest adopted Master Fee Schedule.

The project is expected to generate 3,187 daily trips, 447 AM and 423 PM peak hour trips based on the estimated Institute of Transportation Engineers (ITE) Trip Generation Handbook [11th] Edition, Land Use Code 710 General Office Building. The interim Trip Reduction Program shall result in a reduction of at least: 25% total average daily trips and 30% for both AM and PM peak hour trips. Following the formation of the Transportation Management Association (TMA), the initial Trip Reduction Program shall result in a reduction of at least 50% peak hour trips and the long-term Trip Reduction Program shall result in a reduction of at least 65% peak hour trips as required in the 2023 Moffett Park Specific Plan.

This project shall not generate more than 2,390 daily trips, 313 AM and 296 PM peak hour trips during the interim trip reduction period; 224 AM and 212 PM peak hour trips during the initial trip reduction period; 157 AM and 149 PM peak hour trips during the long-term trip reduction period. These trips are calculated from the estimated total trips based on the ITE Trip Generation Handbook (not including trip reduction credits or credits for previous uses).

AT-8. TENANT LEASE AGREEMENTS:

Any new lease agreements shall include the following provisions:

- a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
- b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standard (with efforts to achieve LEED Platinum standards) and maintain facilities consistent with LEED Gold standards (or LEED Platinum if feasible) and USGBC certification. [COA] [PLANNING]