

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application 2017-7379**

311 South Mathilda Avenue (APN: 165-13-050)

**Special Development Permit** to redevelop a commercial site (Denny's) into a five-story mixed-use building consisting of approximately 4,860 square feet of restaurant floor area (Denny's) and 75 residential units (rental apartments) on an approximately 1 acre lot, utilizing the State Density Bonus and City of Sunnyvale's Green Building incentive for density bonus; and **Tentative Map** to create 75 residential condominium units and 1 commercial condominium unit.

The project includes the following State Density Bonus concessions and Sunnyvale Municipal Code (SMC) deviations:

- Maximum building height limit [SMC 19.28.100(e)]
- Maximum stories [SMC 19.28.100(e)]
- Minimum setback on Charles Street [SMC 19.28.100(e)]
- Minimum landscape requirement [SMC 19.28.110]
- Minimum distance to recycling and solid waste enclosures [SMC 19.38.030(e)(1)(k)]

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

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

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

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building

colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. ENTITLEMENTS – EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. ENTITLEMENTS – DISCONTINUANCE AND EXPIRATION:

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

GC-4. INDEMNITY:

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

GC-5. NOTICE OF FEES PROTEST:

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

- GC-6. **STORMWATER MANAGEMENT PLAN:**  
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. **BELOW MARKET RATE PROGRAM (BMR)/CONDOMINIUM CONVERSION:**  
A condominium map has been filed for this project. Any future conversion of this apartment project into 8 or more condominium units for sale to individual home buyers shall require compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]
- GC-8. **AFFORDABLE RENTAL HOUSING DEVELOPER AGREEMENT:**  
Developer's project description indicates Developer's intent to provide six (6) very low income rental units (Affordable Rental Units) in lieu of paying the applicable Rental Impact Fee pursuant to SMC 19.75.040. To fulfill this option, Developer/Owner shall sign and submit to the City for recording an Affordable Rental Housing Developer Agreement and Declaration of Restrictive Covenants in a form provided by the City to secure the affordability restrictions applicable to the project in order to waive the otherwise applicable impact fee. This agreement must be recorded before issuance of a building permit or recordation of a final map, whichever occurs first. [COA] [HOUSING]
- GC-9. **AFFORDABLE RENTAL HOUSING RESTRICTION:**  
Six (6) residential units within the development shall remain rental units affordable to and occupied by, or made available for occupancy by very low income households for a period of at least 55 years. Units shall be dispersed throughout the complex, with precise locations to be identified in the Affordable Rental Housing Agreement to be recorded prior to Building Permit issuance. [COA] [HOUSING]
- GC-10. **RECREATION FACILITIES:**  
The recreation facilities (clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-11. **TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:**  
The project is subject to the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). The project must achieve the 7.5

points as provided on the approved TDM program. Verification of compliance is subject to approval by the Director of Community Development prior to occupancy and shall be demonstrated (when applicable) on building permit plans. The Director may require the onsite TDM Coordinator to send to the City annual confirmation that bicycle facilities, wayfinding station, TDM coordination and communication, transit passes, bicycle and car share are provided to residents. [SDR] [PLANNING]

**GC-12. PUBLIC IMPROVEMENTS:**

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

The developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy of the first building, or to the satisfaction of the Department of Public Works. [COA] [PUBLIC WORKS]

**GC-13. 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 C3.0 & C4.0 of Preliminary Grading and Utility Plans dated 03/21/2018 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

**GC-14. ENCROACHMENT PERMIT:**

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

**GC-15. FINAL MAP RECORDATION**

This project is subject to, and contingent upon the approval of a vesting tentative map and recordation of a Final Map. The submittal, approval and recordation of the Final Map shall be in accordance with the

provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the vesting tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit. Sheet C0.0 of Vesting Tentative Map submittal dated 03/21/2018 is subject to change during plan check process. [COA] [PUBLIC WORKS]

GC-16. EASEMENT DEDICATION:

Per the Mathilda Avenue Plan Line, this project requires a 15-foot street dedication in the form of an easement along Mathilda Avenue. The new right-of-way line will be dimensioned 13-feet from the new face of curb along Mathilda Avenue. [COA] [PUBLIC WORKS]

GC-17. BUILDING CODES AND PERMIT FEES:

Building permit fees and applicable building codes will be based on the fee resolution and building codes effective at the time of building permit submittal. [SDR] [BUILDING]

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

PS-1. HYDRAULIC MODELING:

Hydraulic Modeling Report shall be finalized prior to first off-site improvement plan check submittal. Developer shall pay City a fee, in an amount determined by the City, for a Water System Hydraulic Modeling Report 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](tel:408-730-2744) for more information. [COA] [ENVIRONMENTAL SERVICES/PUBLIC WORKS]

PS-2. SANITARY SEWER ANALYSIS:

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

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
  - b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]
- PS-3. **REQUIRED REVISIONS TO PROJECT PLANS (*Added by Planning Commission*):**  
The plans shall be revised to address the following, and are subject to review and approval by the Director of Community Development prior to submittal of a building permit:
- a) No artificial turf shall be allowed in the proposed landscaping.

<p><b>MM: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS CEQA MITIGATION MEASURES REQUIRED FOR THIS PROJECT.</b></p>
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**MM CUL-1.1: HISTORIC AND CULTURAL RESOURCES**

Final construction drawings shall incorporate all mitigation measures related to historic and cultural resources as set forth under “Mitigation Measures” in the approved environmental document and as noted below. [COA] [PLANNING]

**WHAT:**

- a) Contact the local Native American tribes regarding traditional, cultural and religious heritage values.
- b) Prior to ground disturbance, a qualified archaeologist conduct further archival and field study to identify archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface.
- c) Since the proposed project area contains a building that meet the minimum age requirement of 45 years or older, prior to commencement of project activities, the building be assessed by a professional familiar with the architecture and history of Santa Clara County.
- d) If archaeological resources are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials and workers shall not alter the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. Native American

resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

- e) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

**WHEN:**

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

**WHO:**

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

**HOW:**

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

**MM NOI-1: NOISE**

Final construction plans shall incorporate the following noise measures to achieve compliance with the 45 dB DNL limit of the City of Sunnyvale Noise Element standards. [COA] [PLANNING]

**WHAT:**

Residences will need to incorporate sound-rated windows and exterior doors to meet the City and State interior noise goals.

- a) Preliminary estimates suggest that windows and exterior doors of residences with STC ratings up to STC 37 will be necessary.
- b) Windows will need to be closed to meet the interior noise goals. Residences should incorporate a ventilation or air-conditioning system that meets ventilation requirements with windows in the closed position. This should be discussed with the project mechanical engineer, and must not compromise sound insulation of the building shell.

**WHEN:**

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

**WHO:**

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

HOW:

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

MM AIR-1: AIR QUALITY

Final construction plans shall incorporate all mitigation measures related to air quality as set forth under “Mitigation Measures” in the approved environmental document and as noted below. [COA] [PLANNING]

WHAT:

During any construction period ground disturbance, the applicant shall ensure that the project Contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- 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) Idling times shall 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]). Clear signage shall be provided for construction workers at all access points.
- g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.



**WHEN:**

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

**WHO:**

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

**HOW:**

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

**MM AIR-2: AIR QUALITY**

Final construction plans shall incorporate all mitigation measures related to air quality as set forth under “Mitigation Measures” in the approved environmental document and as noted below. [COA] [PLANNING]

**WHAT:**

The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 92 percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

- a) All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
- b) Crane use shall be limited to an average of no more than four hours per workday.
- c) Welders shall be electrically powered.

Note that the construction contractor could use other measures to minimize construction period DPM emission to reduce the estimated cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) could meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.

**WHEN:**

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

**WHO:**

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

**HOW:**

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

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

**BP-1. CONDITIONS OF APPROVAL:**

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

**BP-2. RESPONSE TO CONDITIONS OF APPROVAL:**

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

**BP-3. NOTICE OF CONDITIONS OF APPROVAL:**

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

**BP-4. BLUEPRINT FOR A CLEAN BAY:**

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

- BP-5. **SOLID WASTE AND RECYCLING ROOM:**  
The building permit plans shall include details for the installation of recycling and solid waste room that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the building shall be designed with adequate size, space and clearance based upon City's latest guidelines. The required enclosures shall:
- a) Match the design, materials and color of the main building;
  - b) Be of masonry construction;
  - c) Be screened from view;
  - d) All gates, lids and doors shall be closed at all times;
  - e) Shall not conflict with delivery/receiving areas;
  - f) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
  - g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-6. **RECYCLING AND SOLID WASTE CONTAINER:**  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-7. **SOLID WASTE DISPOSAL AND RECYCLING DESIGN 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. In addition, the following shall be addressed:
- a) "Remote Trash Collection Room" design in lieu of another chute room on the north side of residential development shall be approved by the Director of Community Development
  - b) Cardboard staging and management shall be clearly identified for each trash room vestibule
  - c) Compactor bins for both residential and restaurant shall be maximum 3-cubic yard size
  - d) Bins shall be presented "pick-up" ready in the staging area and proper spacing must be provided as determined by the Environmental Services Department
  - e) Restaurant shall account for food scrap generation in disposal plan, as determined by the Environmental Services Department
  - f) Residential and restaurant collections shall occur on different days to keep services separate, as determined by Environmental Services Department.

The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines

for residential/multi-family and commercial projects at the following 2 links:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23591>

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23590> [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-8. 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 **\$149,463.13**, prior to issuance of a Building Permit. Final fee is calculated at time of building permit submittal (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU - Pay Park In-lieu fees estimated at **\$3,408,395.76**, prior to issuance of a Building Permit. Final fee is calculated at time of building permit submittal (SMC 19.74). [SDR] [PLANNING]
- c) RENTAL HOUSING IMPACT FEE – Pay Rental Housing Impact Fee at the rate in effect at the time payment is to be made (currently \$18.00) per net new habitable square foot within the project, prior to issuance of a Building Permit (SMC 19.75.040). This fee may be satisfied in full or part through the provision of Affordable Rental Units within the project pursuant to SMC 19.75.040(d)(1), if an Affordable Housing Developer Agreement has been recorded prior to issuance of Building Permits pursuant to SMC 19.75.040(d)(5). [SDR] [HOUSING]
- d) TRAFFIC CALMING AND PARKING STUDIES AND IMPROVEMENTS. The applicant/developer shall contribute up to \$50,000 to the City that shall be used to study neighborhood traffic calming and parking measures and implement any appropriate features. These funds shall be deposited with the City prior to issuance of building permits. Any unexpended or uncommitted funds remaining after two years from the date of project completion shall be refunded to the applicant/developer (**Added for City Council**).

BP-9. BMR DEVELOPMENT AGREEMENT: (**Revised for City Council**)

Due to the condominium map, this project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code Chapter 19.67 and the BMR Program Guidelines, both as may be amended. Developer shall enter into a BMR Developer Agreement in a form provided by the City, to be recorded against the property before issuance of building permits or recordation of a final map, whichever occurs first.

If and when the property owner files a condominium plan and intends to sell the residential units, the property shall provide nine (9) Below Market Rate dwelling units for sale and pay a fractional in-lieu fee of 0.375 units, in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines. Six (6) of the units shall be for Very Low Income units and three (3) units shall be for Moderate Income units. The nine (9) BMR units will not be required to be sold as BMR units unless and until the Developer files a condominium plan with the City and receives State approval (BRE) to begin the process of selling the units, as further set forth in the BMR Developer Agreement. [SDR] [HOUSING]

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. MECHANICAL EQUIPMENT (EXTERIOR):

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

BP-12. 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) Bird-safe measures in terms of placement of trees from the large glass façade facing the rear pool.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) A minimum of ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree per the City’s Tree Replacement Standards.
- f) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- g) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- h) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]

**BP-13. 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. Any landscaping within the driveway vision triangles shall be properly maintained to ensure vision triangle clearance per Sunnyvale Municipal Code requirements. [COA] [PLANNING]

**BP-14. 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-15. 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-16. **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 as updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-17. **STORM WATER 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-18. **BEST MANAGEMENT PRACTICES - STORMWATER:**  
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:
- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
  - b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
  - c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
  - d) Covered trash, food waste, and compactor enclosures.
  - e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
    - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
    - ii) Dumpster drips from covered trash and food compactor enclosures.
    - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.

- iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-19. MECHANICAL EQUIPMENT NOISE:**

Prior to issuance of a building permit, the impacts of mechanical equipment noise on nearby noise-sensitive uses shall be assessed by a qualified acoustical consultant and determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Design planning shall take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical screening. The acoustical report and associated noise mitigation measures shall be subject to the review and approval by the Director of Community Development. [COA] [PLANNING]

**BP-20. 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 to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties.
- g) Up-lighting and spotlights are prohibited for bird-safe purposes. [COA] [PLANNING]

**BP-21. 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-22. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):**



- A final Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) A clear definition of “guest” as proposed by the property manager and subject to review and approval by the Director of Community Development.
  - b) The property manager may specify that 25% to 75% of unassigned spaces be reserved for guest use.
  - c) Clearly indicate that the property manager shall not rent unassigned/guest spaces, except that a nominal fee may be charged for parking management.
  - d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
  - e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
  - f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]
- BP-23. COMPACT SPACES:  
Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]
- BP-24. BICYCLE SPACES:  
Provide a minimum of 22 (19 for residential and three (3) for commercial) Class I secured bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]
- BP-25. ON-SITE PRIVATE WATER METER(S):  
The developer shall install individual private water meters for each residence, and for each ancillary building on-site. [COA] [BUILDING]
- BP-26. ON-SITE PRIVATE PRESSURE REDUCING VALVE(S)  
The developer shall coordinate with the Building Division for installation of private pressure reducing valve. If hydrant flows are needed to determine necessity of valve, developer shall coordinate with Environmental Services Department, as needed. [COA] [BUILDING/ENVIRONMENTAL SERVICES]
- BP-27. GREEN BUILDING:  
The plans submitted for building permits shall demonstrate the project achieves a minimum of 110 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from

the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-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 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-29. **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-30. **CONSTRUCTION MATERIAL AND STAGING:**  
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-way or public easements. [COA] [PUBLIC WORKS]
- BP-31. **UNDERGROUND UTILITIES:**  
All existing overhead lines and utilities along north side of the property shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- BP-32. **BMR DEVELOPMENT AGREEMENT:**  
Before issuance of building permits or recordation of a final map for the project, whichever occurs first, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must be executed by both parties and recorded against the property, and will run with the land.

In the event that any Below Market Rate dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the BMR requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Administrative Guidelines]

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

- EP-1. DOWNTOWN SPECIFIC PLAN:  
This project is in the Downtown Specific Plan (DSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the DSP 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 off-site engineering cost estimate and the initial Engineering and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C3.0 & C4.0 of Preliminary Improvement Plan – Grading and Utility Plans dated 03/21/2018 is subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:  
<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=24002>  
<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23625> [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: <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23803> Plans based on NAVD29 will not be accepted. [COA] [PUBLIC WORKS]
- EP-5. UTILITY CONNECTION:

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

EP-6. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be at a new sanitary sewer manhole, or as directed by the Department of Public Works. 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, as directed by the Department of Public Works. Pursuant to City design standards, any new and retrofitted sewer manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]

EP-7. POTHOLING OF EXISTING DRY UTILITIES:

Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing dry utilities. Use pothole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]

EP-8. EXISTING UTILITY ABANDONMENT/RELOCATION:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes and procedures, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-9. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:

Developer is required to pay for all changes or modifications to existing City utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]

EP-10. DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to the issuance of any permits for utility work within any public right-of-way or public utility easements. Overhead utilities shall be undergrounded per Rule 20B Exhibit, dated 12/04/2017. Developer shall coordinate with 510 W. McKinley Avenue homeowner to relocate existing pole to the satisfaction of the affected homeowner or as determined by the Department of Public Works. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-11. WET UTILITIES:

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

EP-12. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by the Department of Public Works. Sheet C4.0 of Preliminary Utility Plan dated 03/21/2018 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-13. PUBLIC FIRE HYDRANTS:

Remove and replace the existing fire hydrant barrel(s) along the entire project frontage with current City standard Clow-Rich 75. New fire hydrant locations 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-14. DUAL CONNECTION WATER SERVICE SYSTEM:

Provide two service points of connections for the residential domestic water service (each on a separate water main), with two separate radio-read domestic master water meters and two separate reduced pressure backflow preventer (RPBP) in accordance with current City standards. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. Install a new isolation gate valve between the two service points of connection. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

EP-15. WATER METER:

Apartments (75 units): Install a new master radio-read domestic water meter(s) and RPBP(s) at each point of connection to the water main. For water meter size three (3) inch or larger, provide meter sizing calculations to the Department of Public Works for approval of meter size.

Retail/Restaurant (1 unit): Install new master radio-read domestic water meter(s) and RPBP(s) at point of connection to the water main. If the retail water demand requires a water meter 3" or larger, installation of dual meters and a cut-in tee are required per City standard detail 12B and 12B-1.

Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Sheet C4.0 of Preliminary Utility Plan dated 03/21/2018 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service line (separate from the domestic/fire water service line) with a water 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. [COA] [PUBLIC WORKS]

EP-17. 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. Sheet C4.0 of Preliminary Utility Plan dated 03/21/2018 is subject to change during plan check process.

Install new sewer cleanout 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-18. 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-19. **SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:**  
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and subject to approval by the Public Works Department as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-20. **CATCH BASIN TRASH CAPTURE DEVICES:**  
Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection system, the developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]
- EP-21. **UTILITY METER/VAULT:**  
No existing or new utility meters or vaults shall be located within the new driveway approach. 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-22. **PHOTOMETRIC ANALYSIS:**  
Developer is required to provide a photometric analysis based upon LED fixtures for Mathilda Avenue between McKinley Avenue and Iowa Avenue, McKinley Avenue between Charles Street and Mathilda Avenue, and Charles Street between McKinley Avenue and Iowa Avenue 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 S. Mathilda Avenue are:

1. Minimum Average Illuminance  $\geq 1.0$  fc
2. Uniformity Ratio (Avg/Min)  $\leq 4.0$
3. Max/Min ratio  $\leq 20$

Marked crosswalks at street intersection should have a minimum average illuminance value  $\geq 2.2$  fc.



The roadway and sidewalk illuminance values required to be met for McKinley Avenue and Charles Street are:

1. Minimum Average Illuminance  $\geq 0.7$  fc
2. Uniformity Ratio (Avg/Min)  $\leq 6.0$
3. Max/Min ratio  $\leq 20$

Marked crosswalks at street intersection should have a minimum average illuminance value  $\geq 2.2$  fc.

The photometric analysis shall include all existing streetlights on both sides of Mathilda Avenue, McKinley Avenue, and Charles Street along and adjacent to the project frontage, with streetlights being LED fixtures. Developer shall relocate existing streetlights or install new ones along the project frontage based upon City approved photometric analysis, unless otherwise directed by the City.

The developer shall upgrade all existing streetlight fixtures along Mathilda Avenue, McKinley Avenue, and Charles Street project frontage to LED fixtures. All LED fixtures shall be of the same make and model (current approved manufacturers are GE and Philips). Streetlight fixture pole types along Mathilda Avenue and McKinley Avenue shall be in accordance with Downtown Streetscape Standard Detail requirements.

Replace all existing streetlight conduits, wires and pull boxes with new ones along Mathilda Avenue, McKinley Avenue, and Charles Street frontage to the end of the system per City's current standards.

Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code.

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

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance. [COA] [PUBLIC WORKS]

**EP-23. DECORATIVE STREET LIGHTS:**

Remove all existing street lights along Mathilda Avenue (including median street lights) and McKinley Avenue and replace with Downtown decorative street lights. Placement of street lights will be based off

photometric analysis to be reviewed and approved by the City. [COA]  
[PUBLIC WORKS]

EP-24. 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 City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR]  
[PUBLIC WORKS]

EP-25. STREETSCAPE IMPROVEMENTS:

Remove existing concrete curb, gutter and sidewalk and install new concrete curb and 2' gutter per current City standards.

Mathilda Avenue: Install new 12' wide decorative sidewalk with 4'x5' tree wells (not including 6-inch curb), per Downtown Streetscape Standard Details.

McKinley Avenue: Install new 10' wide decorative sidewalk with 4'x5' tree wells. (not including 6-inch curb), per Downtown Streetscape Standard Details.

Charles Street: Install a detached 6' wide sidewalk with 4' wide park-strip (not including 6-inch curb).

Transition new sidewalk to existing sidewalk at project conforms. [SDR]  
[PUBLIC WORKS]

EP-26. ROOT BARRIER:

Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]

EP-27. SIGNING AND STRIPING PLAN:

Submit a signing and striping plan with new green bike lanes installation in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. [COA]  
[PUBLIC WORKS]

EP-28. TRAFFIC SIGNAL IMPROVEMENTS:

Traffic signal modifications at the southwest corner of the Mathilda Avenue and McKinley Avenue intersection shall be required, including, but not limited to, a new signal pole (including foundation, mast arm, signal heads), new service enclosure, new vehicle detection, and new pedestrian push buttons, in accordance with current City design

guidelines, Caltrans standards, City Traffic Signal Specification, and Downtown Streetscape Standard Details. Traffic signal improvements shall be designed to accommodate new ADA curb ramps and curb realignment affected by the Mathilda Avenue plan line widening. [COA] [PUBLIC WORKS]

EP-29. 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-30. CURB RAMP:

Remove the existing curb ramp and replace with a new directional curb ramp along the project frontage and at the following locations: northeast corner of McKinley Avenue and Charles Street and northwest corner of Mathilda Avenue and McKinley Avenue, in accordance to the latest City standard details, specifications and Americans with Disabilities Act (ADA) requirements. 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. DECORATIVE DOWNTOWN CROSSWALKS:

Remove the existing crosswalk pavement along the southbound and westbound directions of the Mathilda Avenue and McKinley Avenue intersection and replace with new decorative stamped and colored crosswalk pavement. Limits of decorative crosswalk replacement shall be as directed by the Department of Public Works. [COA] [PUBLIC WORKS]

EP-32. RED PAINT ZONES:

Developer shall paint red zone on the east side of Charles Street, from the edge of curb ramp to twenty feet past the curb return southerly (exclude curb ramp). The curb paint shall be per City requirements identified during the off-site improvements review. Sheet C2.0 of Preliminary Site Plan dated 03/21/2018 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-33. NO PARKING SIGNS:

Developer shall install "No Parking" signs on project frontage along Mathilda Avenue and McKinley Avenue. The "No Parking" signs shall be per City requirements identified during the off-site improvements

review. Sheet C2.0 of Preliminary Site Plan dated 03/21/2018 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-34. STREET PAVEMENT:

Mathilda Avenue: Developer shall be responsible to install Type III slurry seal on Mathilda Avenue from lip of gutter to median curb along project frontage, from south property line to center of the McKinley/Mathilda intersection.

McKinley Avenue and Charles Street:

Developer shall be responsible to install Type II slurry seal on McKinley Avenue and Charles Street from lip of gutter to lip of gutter along entire project frontage, to center of the McKinley/Charles intersection. Additional pavement rehabilitation may be necessary dependent upon damage to the street during construction. [COA] [PUBLIC WORKS]

EP-35. CITY STREET TREES:

The developer shall install required street trees in proposed tree wells and park strip within the public right-of-way along the project frontage as follows:

Mathilda Avenue: *Acer rubrum* – Red Maple,

McKinley Avenue: *Calocedrus decurrens* – Incense Cedar, and

Charles Street: *Quercus shumardii* – Shumard Oak.

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 spaced approximately 35 feet apart. No street trees are to be planted within 10' of a sanitary sewer lateral. Sheet L1.0 of Landscape Concept Plan dated 03/21/2018 is subject to change during plan check process. [SDR] [PUBLIC WORKS]

EP-36. 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-37. 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 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-38. VTA COORDINATION:

Developer shall notify the Valley Transportation Authority (VTA) of the proposed plans to determine if any VTA lines will be impacted during construction. Developer shall work with VTA directly on these improvements. VTA contact is Michael Cantangay, Service & Operations Planning (408) 321-7072. Developer shall provide City written evidence of this communication. [COA] [PUBLIC WORKS]

EP-39. 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. Developer shall pay the record drawing fee. [COA]  
[PUBLIC WORKS]

<p><b>TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.</b></p>
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TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:

The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. Sheet C0.0 of Vesting Tentative Map submittal dated 03/21/2018 is subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [COA] [PUBLIC WORKS]

TM-3. EASEMENT DEDICATION:

This project requires 15-foot street dedication in the form an easement as base upon the Mathilda Avenue Plan Line, adopted on 10/13/2015. [COA] [PUBLIC WORKS]

TM-4. UTILITY COMPANY APPROVAL:

Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA]  
[PUBLIC WORKS]

- TM-5. PUBLIC WORKS DEVELOPMENT FEES:  
The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- TM-6. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:  
The developer shall execute a subdivision agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first. Provide an itemized engineer's estimate for all off-site public improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]
- TM-7. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):  
Any proposed deeds, covenants, conditions, restrictions and by-laws relating to the subdivision are subject to review and approval by the City. The CC&R's shall include the following provisions:
- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
  - b) The Homeowners Association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
  - c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Agreement)
  - d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
  - e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. (SMC 12.60.200)
  - f) The Homeowners are prohibited from loading and unloading truck parking in Public Right-of-Ways. The Homeowners Association shall arrange appropriate on-site parking spaces for loading and unloading truck as needed.
- [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

**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. COMPACT SPACES:  
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- PF-3. 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-4. NOISE REDUCTION VERIFICATION:  
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
- PF-5. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):  
The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]
- PF-6. HOA ESTABLISHMENT:  
The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]
- PF-7. COMPLETION OF PUBLIC IMPROVEMENTS:

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

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

- DC-1. BLUEPRINT FOR A CLEAN BAY:  
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:  
OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.  
OR 2.2: Construction equipment must be maintained per manufacturer’s specifications.  
OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:  
a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.  
b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.  
c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.  
d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]
- DC-3. DUST CONTROL:  
At all times, the Bay Area Air Quality Management District’s CEQA Guidelines and “Basic Construction Mitigation Measures Recommended for All Proposed Projects”, shall be implemented. [COA] [PLANNING]



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

- AT-1. DELIVERY HOURS:  
Delivery hours for the approved use shall comply with SMC 19.42.030:  
a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.  
b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
- AT-2. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-3. 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-4. UNENCLOSED STORAGE (PROHIBITED):  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-5. 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-6. PARKING MANAGEMENT:  
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-7. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained as follows:  
a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.  
b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.  
c) Maintain all parking lot striping and marking.

d) 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-8. RECREATIONAL VEHICLE STORAGE PROHIBITED:

Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-9. BMP MAINTENANCE:

The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-10. BMP RIGHT OF ENTRY:

The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan. [SDR] [PLANNING]

AT-11. TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES:

The multi-family residential use shall participate in the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). [SDR] [PLANNING]

AT-12. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]

AT-13. HOA REVIEW AND APPROVAL:

In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the

- individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]
- AT-14. HOA RESPONSIBILITIES:  
The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]
- AT-15. SIGNS:  
All signage shall be approved through a separate Planning review and Building Permit process. [SDR] [PLANNING]
- AT-16. COMMERCIAL SPACE USE:  
Discontinuation of the restaurant use for more than one year or change of use in the commercial space shall require a separate Planning review and Building Permit process. [SDR] [PLANNING]
- AT-17. TRAFFIC CALMING AND PARKING STUDIES AND RELATED IMPROVEMENTS:  
a) The applicant/developer shall advise the City Transportation and Traffic Division when the project is 75% occupied (residential component). The traffic calming and parking studies will be initiated by the City 6-12 months after the project is completed using funds deposited prior to building permit issuance. **(Added for City Council)**