
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 23, 2014**

Planning Application 2013-7860

479 N. Pastoria Avenue

Use Permit to allow a new 52,394 square foot, four-story office/R&D building and a two-level parking structure resulting in approximately 55% Floor Area Ratio.

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, and may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform to 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. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not

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- exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]
- GC-3. 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-4. 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-5. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):
The applicant shall submit a TDM Plan to include a Trip Reduction Program that results in a reduction of at least: 20% total average daily trips and 25% peak hour trips. The TDM plan shall:
- a) Be approved by the Director of Community Development and Director of Public Works, or designees.
 - b) Include statements of the number of allowable average daily and peak hour trips;
 - c) Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner;
 - d) Include a penalty for non-compliance with the targeted reductions. Said penalty shall be based on a documented calculation of the value per reduced trip of TDM measures proposed in the TDM Plan.

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- e) Be adjusted, subject to the same approvals, if targeted reductions are not met;
 - f) All future tenants must become members of a transportation association, if one is created for the Peery Park District. [COA] [PLANNING/TRANSPORTATION]

GC-6. TDM COMPLIANCE:

If annual review indicates that the actual average daily trips counts exceed the allowable number of trips identified in the approved plan, the property owner shall cause additional TDM measures to be put into place to reduce project trips. After six months of being notified by the City that annual trips exceeded allowable trips, a recount will be taken per item GC-1 c) above.

- a) If the recount exceeds trips above the allowable trips, then a penalty for non-compliance will be collected.
- b) If the recount exceeds trips for which Traffic Impact Fees were collected, the property owner shall be required to pay the City's then current Traffic Impact Fee for all trips that exceed the number of trips used for the basis of the original Traffic Impact Fee paid for the project. This additional traffic impact fee shall only be collected one time; and the TDM requirement continues to apply. [COA] [PLANNING/TRANSPORTATION]

GC-7. 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 final certified Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

GC-8. GREEN BUILDING:

The project shall meet the following green building requirements:

- a) Final plans shall incorporate a completed LEED green building checklist demonstrating the new building achieves a minimum LEED Gold level for Core and Shell, with efforts to achieve Platinum level, as verified by a qualified LEED consultant and shall be submitted to USGBC for formal certification.
- b) Subsequent building permit plans for interior tenant improvements for the new buildings shall incorporate a completed LEED green building checklist demonstrating the project design achieves a minimum LEED Gold level for Commercial Interiors, with efforts to achieve Platinum level, as verified by a qualified LEED consultant and shall be submitted for USGBC for formal certification. [COA] [PLANNING]

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- GC-9. BICYCLE PARKING:
Based on the 170 parking spaces shown, a total minimum of 9 bicycle parking spaces (7 Class I secured spaces and 2 Class II racks) shall be provided for the entire site. Secured bicycle spaces may include bicycle lockers per VTA Bicycle Technical Guidelines. As part of the building permit submittal, a site/floor plan shall be reviewed and approved by the Director of Community Development demonstrating compliance with this requirement. [COA] [PLANNING]
- GC-10. OFF-SITE IMPROVEMENT PLANS:
Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. [SDR] [PUBLIC WORKS]
- GC-11. 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-12. PUBLIC IMPROVEMENTS:
Developer shall install public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, 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 all public improvements and other improvements as deemed necessary by the Director of Public Works, prior to occupancy or to the satisfaction of the Director 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. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from the Administrative Hearing Officer, Planning Commission or City Council including the following through a separate staff-level permit:

- a) Submit a revised parking lot striping plan demonstrating conformance to Sunnyvale Municipal Code Chapter 19.46 and Design Guidelines.
- b) Submit a revised landscaping and irrigation plan demonstrating conformance to Sunnyvale Municipal Code Chapter 19.37.
- c) Submit a contour photometric plan demonstrating adequate on-site lighting and design.
- d) The applicant must modify the design of the parking structure to better relate to the office/R&D building. This can be accomplished by applying other materials and colors as an architectural accent to the building and by using landscape screening.
- e) The project shall comply with the Bird-Safe Design Guidelines.
[COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

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

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

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

A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]

EP-2. PEERY PARK SPECIFIC PLAN STREETScape IMPROVEMENTS:

The applicant shall work with staff to ensure that the final streetscape design (including sidewalk, planting strip, etc.) is consistent with the streetscape concepts for the Peery Park Specific Plan and Valley

Transportation Authority (VTA) Pedestrian Technical Guidelines.
[COA][PUBLIC WORKS][PLANNING]

EP-3. 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-4. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole, except where the point of the connection is within close vicinity of an existing down-stream manhole where a “Y” connection is permitted as determined by the Director of Public Works. All storm drain lateral connecting to the main shall be with a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36” or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. [SDR] [PUBLIC WORKS]

EP-5. EXISTING UTILITY ABANDONMENT:

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

EP-6. 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-7. DRY UTILITIES:

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

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- EP-8. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]
- EP-9. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:
The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]
- EP-10. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:
Provide a separate fire and domestic service line to the proposed building. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install double check detector assembly (DCDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-11. PUBLIC FIRE HYDRANTS:
Remove and replace the existing public fire hydrant located along the project frontage with current City standard Clow-Rich 75. New fire hydrant location shall be per current City standard detail 2B-2. Public fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-12. DOMESTIC WATER METER:
Install a new radio-read domestic water meter. For water meter size 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. 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-13. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTERS:
Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device. Install new backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-14. SANITARY SEWER ANALYSIS:

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- Submit a focused sanitary sewer analysis 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.
[COA] [PUBLIC WORKS]
- EP-15. SEWER CLEANOUT:
Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-16. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-17. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-18. STREETLIGHTS:
Provide a photometric analysis to confirm if the street lighting along the project frontage is in accordance with the City's Roadway Lighting Design Criteria. The analysis should include the existing streetlights in the whole block (at property frontage as well as across the street). The analysis should be done for the Illuminance Method and the minimum average illuminance shall be approximately 0.9 fc or higher and the uniformity ratio shall be approximately 4.0 or below.

Remove existing HPS street light fixture and replace with new Cree Type II LED fixture.

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- Replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage 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 Developer per latest City standard details and specifications and National Electrical Code. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]
- EP-19. DRIVEWAY APPROACHES:
Remove existing driveway approach and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]
- EP-20. STREETScape IMPROVEMENTS:
Remove existing concrete rolled curb and gutter and install new vertical concrete curb with 2' gutter per current City standard detail 15C and provide transition as needed to conform to existing improvements along adjacent properties. Install an 11' wide sidewalk per current City standards and future Peery Park Specific Plan along the entire project frontage. [COA] [PUBLIC WORKS]
- EP-21. STREET PAVEMENT SLURRY SEAL:
Slurry seal with Type II slurry from lip of gutter to lip of gutter along the entire Pastoria project frontage. [SDR] [PUBLIC WORKS]
- EP-22. TRAFFIC CONTROL PLAN:
Submit a traffic control plan with the off-site improvement plans for review and approval. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]
- EP-23. CITY STREET TREES:
The developer shall install required street trees along the project frontage as follows: North Pastoria Avenue: *Pinus canariensis* – Canary Island Pine. 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

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- box size or 15 gallon size. The city tree spacing should be approximately 30 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. [SDR] [PUBLIC WORKS]
- EP-24. 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-25. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction to City's satisfaction by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-25. RECORD DRAWINGS:
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-26. PUBLIC UTILITY EASEMENT:
Developer shall dedicate a 5'-wide public utility easement to the City on the south property line adjacent to the existing 15' PUE. The legal description and plot map associated with the subject PUE shall be submitted for City's review and approval concurrently with the off-site improvement plan review. The subject PUE shall be recorded at the time of the encroachment permit issuance. [COA] [PUBLIC WORKS]
- EP-27. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. Applicant shall pay a sanitary sewer connection fee of \$99,697.40, a water connection fee of \$10,805.75, storm drainage fee of \$18,384.24, and a technology surcharge of \$17.50. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]

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

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

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

BP-4. TRANSPORTATION DEMAND MANAGEMENT:

A draft Transportation Demand Management (TDM) Program shall be submitted for review and preliminary approval by the Director of Community Development and the Director of Public Works Prior to issuance of a building permit for any structure within the approved project. [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. 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-7. 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-8. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-9. 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-10. ART IN PRIVATE DEVELOPMENT:

- a) Publicly visible artworks shall be provided on-site. The artwork shall be integrated into the building architecture or landscape and be designed specifically for this site to ensure a strong association with the site and context.
- b) An Art in Private Development application shall be submitted to the Director of Community Development prior to issuance of a building permit. The application is subject to review and approval by the Arts Commission.
- c) An Art In-lieu fee may be paid as an alternative. [COA] [PLANNING]

BP-11. 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 \$109,031.91, prior to issuance of a Building Permit (fee will be based on the fee in place at the time of payment). (SMC 3.50). [SDR] [PLANNING]
- b) **HOUSING MITIGATION FEE** - Pay Housing Mitigation fee estimated at \$183,251.90, prior to issuance of a Building Permit (fee will be

based on the fee in place at the time of payment). (SMC 19.22).
[SDR] [PLANNING]

- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the new building will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork (or payment in-lieu) requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]
- BP-12. MECHANICAL EQUIPMENT (EXTERIOR):
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units, including transformers, 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 units shall be placed underground, or be located beyond the face of the building with proper screening. [PLANNING] [COA]
- BP-13. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways or structures shall be landscaped.
 - b) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
 - c) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - d) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
 - e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - f) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
 - g) Compliance with water efficient landscaping provisions.

BP-14. 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-15. 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 within the project area 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 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.
- e) Any protected tree that is substantially damaged or destroyed as a result of construction activities shall be replaced with a minimum of 36-inch boxed specimen trees. [COA] [PLANNING/CITY ARBORIST]

BP-16. STORMWATER MANAGEMENT CALCULATIONS:

Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

BP-17. STORMWATER MANAGEMENT PLAN:

Submit two copies of a 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]

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- BP-18. **STORMWATER 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-19. **STORMWATER - BEST MANAGEMENT PRACTICES:**
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-20. MITIGATION MEASURE – CULTURAL RESOURCES:

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

WHAT:

- 1) A qualified archeologist must be retained to monitor the initial site clearing of the parcel to identify any potentially intact archeological deposits. If archeological soils are encountered on the surface, the project archeologist should halt any additional site clearing inside the identified “sensitivity zone” until a program of evaluative testing of the soil has been completed to demonstrate that intact (historically undisturbed) soils exist on the property and that they qualify for inclusion on the California Register of Historic Resources (CRHR). Evaluative testing normally takes the form of limited hand excavation to retrieve and record significant archeological materials and information. If it is found that construction will affect a CRHR eligible resource, a plan for mitigation of impacts to the resources must be submitted to the City of Sunnyvale for approval before additional earthmoving is allowed inside the archeologically sensitive zone.
- 2) In the event that subsurface cultural resources are encountered prior to or during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell 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. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:
 - Planning construction to avoid the archaeological site;

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- Incorporating the site within a park, green space, or other open space element;
 - Covering the site with a layer of chemically stable soil; or
 - Deeding the site into a permanent conservation easement.
- 3) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].
- 4) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

WHEN: These mitigation measures shall be converted to conditions of approval for this Use Permit prior to final approval by the City Council. The conditions will become valid when the Use Permit is approved. Conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

WHO: The property owner will 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-21. MITIGATION MEASURE – BIOLOGICAL RESOURCES:

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

WHAT: If construction and/or ground-disturbing activities are to commence within the primary nesting season (between February 15 and August 31), a qualified biologist must conduct a pre-construction bird nesting survey to be submitted to the City of

Sunnyvale. If nests or either migratory birds or birds of prey are detected on or adjacent to the site, a no-disturbance buffer (generally 50 feet for passerines and 300 feet for raptors) in which no new site disturbance is permitted shall be observed until the nest has been abandoned. The size of the no-disturbance buffer shall be determined by the qualified biologist, and shall take into account local site features and existing source of potential disturbance. If more than 15 days elapses between the survey and the start of the construction, the survey shall be repeated.

WHEN: These mitigations shall be converted to conditions of approval for this Use Permit prior to final approval by the City Council. The conditions will become valid when the Use Permit is approved. These conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

WHO: The property owner will 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. [COA] [PLANNING]

BP-22. UNDERGROUND UTILITIES:

All utilities shall be placed underground, including boundary lines and service drops, in compliance with SMC requirements. The applicant shall provide a copy of an agreement with affected utility companies for undergrounding of any existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a building permit. [SDR] [PLANNING]

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. After landscaping and irrigation has been installed, an Irrigation Audit Report prepared by a certified professional, Landscaping Maintenance Schedule, and Certificate of Completion shall be submitted to the Planning Division. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:

All parking lot striping shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

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- PF-3. MITIGATION MEASURES:
Documentation indicating that all environmental mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. [COA] [PLANNING]
- PF-4. PUBLIC ART:
The applicant shall install the required public art as per the approved art application. A bond for the art work may satisfy this condition as long as the applicant submits a letter indicating the projected completion date, which will be subject to review by the Director of Community Development.[COA] [PLANNING]
- PF-5. 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]

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. BAAQMD BASIC CONTROL MEASURES:
Implement the Bay Area Air Quality Management District's (BAAQMD) Basic Control Measures to reduce criteria pollutants and greenhouse gas emissions during the construction of the project:
- a) All exposed surfaces (e.g., parking staging 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 public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

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- d) All vehicle speeds on unpaved roads shall be limited to 15 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 turned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - h) Post a publicly visible sign with the telephone number and person to contact at the City of Sunnyvale 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. [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. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-3. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:
 - a) Clearly mark all parking 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.

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- d) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]
- AT-4. STORMWATER 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-5. STORMWATER 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-6. 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 [COA] [PLANNING]
- AT-7. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) ANNUAL REVIEW:
The applicant shall comply with the Annual Review requirements set forth in the approved TDM program including applicable fees for the review. [COA] [PLANNING/TRANSPORTATION]
- AT-8. TRANSPORTATION DEMAND MANAGEMENT REPORTING:
An annual monitoring report shall be submitted to the Director of Community Development in January of each year. The report shall demonstrate compliance with the approved TDM Program including measures implemented and data on trip reductions achieved. If the TDM goals are not met in a given year, the property owners and/or tenant shall submit to the Director of Community Development proposed program modifications intended to achieve the required goals in future years. [COA] [PLANNING]
- AT-9. 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.

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- b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standards (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]