



To: Cindy Hom and City of Sunnyvale Staff

Project: 1230-1290 Oakmead Renovation Project

Date: 6/22/2018

Re: **TDMP Penalties and Other Requirements**

Dear Cindy and City of Sunnyvale Staff,

Thank you for sending over the Staff's Recommended Findings ("Recommended Findings") and Conditions of Approval ("COA") for our proposed full-building renovation of 1230-1290 Oakmead Parkway ("Project"). After reviewing those documents there are a few requirements in the City's approach to a Transportation Demand Management Plan ("TDMP") that we find unfair and disproportionately burdensome – generally relating to the size of the trip reductions called for by the City, the inclusion of financial penalties that may be imposed on the building owner should the trip reduction targets not be met, and the requirement that tenants leasing space in the Project must affirmatively undertake to implement the TDMP.

We understand the desirability of reducing automobile traffic congestion and release of greenhouse gases in Sunnyvale, and fully support the City's efforts in this regard. Accordingly, we are committed to implementing a TDMP with energy and focus, and we stand ready to explore with the City additional measures that might yield good outcomes.

However, the actual results of our automobile trip reduction efforts depend on day-to-day, practical transportation choices made by entities and individuals over which we have no real control – the companies leasing space in our project and their employees. So, it is unrealistic to expect us to exert the degree of influence over building occupants that would guaranty achievement of a TDMP's trip reduction goals, and it would be unfair to penalize us if our property's occupants are simply unable to shift as many of their commuting trips away from private automobiles as required to meet those goals. We are asking that the trip reduction targets sought by the City be reasonably adjusted downward, and that in lieu of calling for financial penalties should trip reduction goals

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not be achieved, the City accept a TDMP without financial penalties but including our commitment to continue working with the City over time to find workable solutions to achieve meaningful trip count reductions. In addition, we request that the requirement in the COA requiring any tenants in the Project to formally undertake a series of trip reduction strategies be relaxed so that tenants may instead address the goals in a TDMP on an individualized basis in keeping with each tenant's particular circumstances. Here are the key factors that we feel should be taken into account as you consider our request:

1. The Project is not located near any Caltrain station or other rail service, and there is limited bus service nearby. This exacerbates the difficulty of encouraging use of public transit. Given this geographic handicap, our transportation consultant has advised us that it will be very challenging to meet the City's mandated trip reduction targets (25% overall daily trip reduction and 30% peak hour reduction).
2. We note in this regard that another Sunnyvale office project *with direct access to Caltrain* has struggled in its effort to meet prescribed trip reduction targets, which are *lower* than those proposed for our property (20% total daily reduction and 25% peak hour reduction).
3. Our Project involves an increase in floor area ratio ("FAR") of only 5% (going to 42% from 40%). The Staff's Recommended Findings acknowledge that the Project's modest increase in floor area "would not generate over 100 new Peak Hour Trips and will not result in traffic impact". Yet the trip reduction targets required by the City in the COA are scaled to the entire property as a whole, and call for very significant trip reductions. This imposes an unfair burden in relation to other similarly situated properties that are "grandfathered" in terms of their existing traffic impacts. It would be reasonable to prescribe trip reduction targets for our property – at least targets with punitive fines applied for falling short – that are scaled to the relative increase in potential traffic generation represented by the minor 5% increase in FAR.

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4. Given its floor plate size and linear design, our property has historically been home to small office tenants - 54 of them last year. The Project will not change our property's basic architecture and so we anticipate a future tenant base primarily consisting of small firms. The Staff's Recommended Findings applaud this, noting that the Project will serve the City's policy of promoting business opportunities and business retention in Sunnyvale by "providing leasing opportunities for different types businesses of varying sizes to pursue new business enterprises that would add to the economic vitality and diversity in Sunnyvale". Many smaller tenants are individual proprietorships, professional services firms, and new start-ups. These tenants have seen their space options shrink dramatically over the last few years in Sunnyvale and other communities as many multi-tenant buildings have been demolished to make way for new campus developments geared toward large companies. In contrast to typical small firms, large tenants are in a much better position to undertake company-sponsored traffic reduction efforts such as carpooling, van pooling, transit shuttles, dedicated company buses, etc. Smaller companies do not have the resources or scale to do this, and it is not fair to require them to do so or to impose on a property owner the obligation to create and pay for such programs in their place. Imposition of traffic control measures in a multi-tenant setting, enforced by penalties, will tend to erode the small tenant base of Sunnyvale by discouraging such tenants from locating where potentially expensive or disruptive trip reduction measures are legally required of them. It will also discourage development or renovation of buildings suitable for those smaller tenants. In addition, as a practical matter it is not feasible for a property owner to track trip generation tenant-by-tenant for a multitude of small tenants, and so strict enforcement of traffic mitigation measures may not be possible.
5. To the extent financial penalties could be assessed under the COA's TDMP requirements, the application of those charges under the City's rules unfairly subjects small buildings to the same maximum potential penalty as much larger buildings. Our Project, even after the modest FAR increase, will encompass approximately 150,000 square feet, yet it's potential annual penalty is the same as for a 500,000 square foot property. Imposition of the maximum penalty on

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the Project would represent a “head tax” of at least \$400 per year for each building occupant.

Imposing strict limitations on how tenants and their employees commute to work, with financial penalties imposed for failure to meet trip reduction goals that may not be realistic, would be a disservice to the universe of smaller companies in Sunnyvale, and would have a severe impact on our ability to attract tenants to the Project. For this and the other reasons mentioned above, we would appreciate any consideration the City and its agencies may give to our requests.

Assuming City approval is ultimately granted, we are very excited about the Oakmead renovation Project, and feel that our planned repositioning of the property will be a dramatic improvement over the existing situation - a success story for the City of Sunnyvale and, we hope, the Property owner. As you know, some of the benefits of the Project will be:

Artwork

New corner treatment art work. This will consist of three sculptures titled “Sun Spots” and individually named for the three cardinal times of the day. Light is a very important component of this art installation which casts ever changing shadows as the sun moves across the sky, illuminating the interior of each piece and reflecting on the surrounding landscape.

Landscaping

New contemporary landscaping throughout the property. This will bring a fresh new look while reducing the overall property water use by thousands of gallons of per year - incorporating drought tolerant, low water use plants and a state of the art irrigation system. The new landscape design will also include over 150 new trees which will increase shading and natural screening.

Link Lobbies

New contemporary “Link” Lobbies between the existing building segments with “Fin Wall” and glass tower elements. These lobbies will provide a dynamic visual rhythm and sense of place for pedestrians, break up the monolithic front façade of the Project, and make the building elements appear smaller in mass and bulk.

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TDMP

Owner-sponsored Transportation Demand Management Plan. The TDMP we propose is designed to reduce the overall daily vehicle daily trips to the property and surrounding areas. This plan includes a combination of services, incentives, facilities and actions designed to encourage reduction of single occupant vehicle trips to help relieve traffic congestion, parking demand, greenhouse gas emissions, and air pollution. Under the TDMP the property owner will:

- Set up and maintain an online kiosk with information about alternatives to driving alone to work.
- Provide trip planning assistance and/or ride-matching to tenants who are considering an alternative mode of commuting.
- Maintain state-of-the-art “bike spa” facilities, and promote bike-share program membership.
- Manage annual surveys and submit annual TDM monitoring reports to the City.
- Maintain a supply of up-to-date transit schedules and route maps for all public transportation options in the area.
- Encourage all tenants to support our trip reduction plan by offering their employees ride share and van pool subsidies and incentives, discounted tolls and transit passes, emergency ride home programs and modified work schedules.
- Should other measures fail to produce the desired reduction in automobile trips, the property owner will work with local transit shuttle operators to bring transit hub shuttle connectivity to the property, at a cost of up to \$30,000 per year.

Other Site Improvements

Sidewalks. Public sidewalks will be upgraded at all of the driveway locations, providing improved ADA access and ease of mobility for pedestrians along Oakmead and Lakeside.

Front Overhang Area

Enclose front area overhang space in new high efficiency glass. This will give the Project an improved modern look, increase energy efficiency, and rationalize how ground floor tenant spaces are reached.

New Accessible Bathrooms and Elevators

New centrally located, modern, ADA accessible restrooms and elevators. The restrooms will include Cal Green approved low flow faucets, urinals and water closets, and high efficiency energy saving heaters.

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Thank you for your consideration of our request and your ongoing help, support and guidance for this great project.

Sincerely,

Greg Carey
Project Director
Embarcadero Realty Services

RECOMMENDED CONDITIONS OF
APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 25, 2018

Planning Application 2017-7886

1230 -1290 Oakmead Parkway (APN 216-44-124)

DESIGN REVIEW AND USE PERMIT: To allow site and building modifications to an existing office building complex resulting in 7,449 net new square footage (42% FAR) on an 8.09-acre site developed with (4) three-story buildings and various site improvements and a request to utilize square footage from the city-wide development reserve.

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 / OCA]

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

The property owner (or designee) ~~has~~ shall submitted a TDM Plan ~~that~~ includes the City mandated-a trip reduction-program targets that results in a reduction of eliminating at least 25% total average daily trips and 30% peak hour trips. The TDM plan ~~shall~~:

a) ~~Is generally~~ Be per the City's Transportation Demand Management (TDM)

Program.

b) Includes s statements of the number of trips ~~targeted~~ that need to be reduced during daily and AM and PM peak hours.

c) Includes s statements of the number of ~~targeted~~ allowable average daily and AM

and PM peak hour trips.

- d) ~~Includes~~ an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner once the project site reaches 75% occupancy.
- e) ~~Does not include a financial penalty for non-compliance with the targeted reductions but does require ongoing cooperation with City agencies with the goal of meeting trip reduction targets with the said penalty to be determined by the Director of Public Works.~~
- f) ~~May be~~ approved by the Director of Community Development and the Director of Public Works, or designees.
- g) ~~May be~~ adjusted, subject to the same approvals, if targeted reductions are not met. [COA] [PLANNING/TRANSPORTATION]
- GC-7. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN ANNUAL REVIEW AND REPORTING:
The applicant shall comply with the Annual Review and Reporting requirements set forth in the approved TDM program per the Transportation Demand Management (TDM) Program, including applicable fees for the review. [COA] [PLANNING/TRANSPORTATION]
- GC-8. TRANSPORTATION DEMAND MANAGEMENT (TDM) COMPLIANCE:
In order to measure compliance, the City will administer annual driveway trip counts. All costs associated with the counts will be paid for by the property-owner (or designee such as tenant, agent, property management; the City will invoice the owner or designee prior to the completion of the counts. The counts will be conducted per the Transportation Demand Management (TDM) Program at the City's discretion.
- a) If the annual driveway trip counts result in more trips than allowable per this section, the property-owner ~~/tenant~~ may be given a six-month grace period to adjust their TDM program. At the end of the six-month grace period the City will administer new driveway trip counts at the cost of the property owner or designee. If the tenant continues to be non-compliant with the maximum allowable trips per this section, the property owner will cooperate with City agencies to come up with additional trip reduction measures which may include expenditure of up to \$30,000 per year for a shuttle service that would run from the site to local transit hubs during peak AM (7:00-9:00) and PM (4:00-6:00) time periods ~~/tenant shall pay non-compliance penalties per this section; no additional grace periods will be granted. Such penalties shall be applied every year that the development is not in compliance with the maximum allowable trips generated. If there is a pattern of non-compliance no grace periods will be offered.~~
- b) ~~All non-compliance trips are subject to penalties per the City's Transportation Demand Management (TDM) Program.~~
- be) Annual surveys of employees are not required to satisfy the

monitoring requirement; however the surveys may provide insight into which programs are effective and which are not, or potentially identify extenuating circumstances unique to the site. [COA] [PLANNING/TRANSPORTATION]

GC-9. 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-10. PREVIOUS USE SUPERSEDED:

Once the allowed used as approved for this planning application is exercised, the previously approved planning application Use Permit 3679, 4254 and 4267-A shall be null and void with no further action required by any reviewing authority. [COA] [PLANNING]

GC-11. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the City, including but not limited to, driveway approaches, 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 Public Works Department. [COA] [PUBLIC WORKS]

GC-12. ENCROACHMENT PERMIT:

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

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

PS-1. EXTERIOR MATERIALS REVIEW:

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

PS-2. PARKING AND CIRCULATION PLAN:

Submit a final parking and circulation plan subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

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.

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- 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. CONSTRUCTION MATERIAL AND STAGING:
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [COA] [PUBLIC WORKS]
- BP-6. 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-7. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:
A detailed solid waste disposal and recycling design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-8. RECYCLING AND SOLID WASTE ENCLOSURE:
The building permit plans shall include details for the retrofit of the existing recycling and solid waste enclosures. The required solid waste and recycling enclosure shall:
- a) Match the original trash enclosure design.
 - b) Be of wood and concrete construction.
 - c) Be screened from view;
 - d) All gates, lids and doors shall be closed at all times;

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- 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]
[COA] [PLANNING]
- BP-9. SOLID WASTE SERVICES:
Waste and recycling services shall be maintained under one account for each of the public domestic water meters that serve an occupied building held by the applicant, owner or landlord, unless otherwise approved by the City. The account holder is 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] [FINANCE/ENVIRONMENTAL SERVICES]
- BP-10. 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-11. 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-12. 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 \$34,563.36, prior to issuance of a Building Permit. (SMC 3.50).
[SDR] [PLANNING]
 - b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$59,592, prior to issuance of a Building Permit. (SMC 19.22).
[SDR] [PLANNING]
- BP-13. 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

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- 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-14. EXHAUST AND OPENINGS:
No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Planning Director. [COA] [PLANNING]
- BP-15. COMMUNITY BENEFITS:
The Permittee shall provide shall provide public visible artworks at the corner of Oakmead Parkway and Lakeside Drive or other suitable location on the building or site. The artwork shall be approved by the Community Development Director. The artwork shall be installed prior to final occupancy. A copy of the bill of sale for the artwork shall be provided at the time of building permit issuance. [COA] [PLANNING]
- BP-16. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways or structures shall be landscaped.
 - b) 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%) of the new trees 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 in accordance with the city’s Tree Replacement Policy.
 - e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

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- f) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
 - g) 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-17. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-18. TREE PROTECTION PLAN:

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

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

BP-19. STORMWATER MANAGEMENT CALCULATIONS:

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

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- BP-20. **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]
- BP-21. **STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:**
Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]
- BP-22. **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 compactors.
 - 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.

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- 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-23. 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. New 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. [COA] [PLANNING]

BP-24. 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-25. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) Employee parking locations shall be away from the building, in parking spaces that are the least used.
- b) Specify the location and term of short-term parking.
- c) Allow the use of valet parking when appropriate on sites with limited parking.
- d) Employees shall be required to park on the site.

e) Provide adequate signage to direct traffic and pedestrians [COA]
[PLANNING]

- BP-26. 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-27. BICYCLE SPACES:
Provide 21 Class I bicycle parking spaces and 7 Class II bicycle parking spaces per Citywide Design Guidelines and as approved by the Director of Community Development. Clearly indicate the location and the number of bicycle parking spaces on the Building Permit plans. [COA] [PLANNING]
- BP-28. BICYCLE SUPPORT FACILITIES:
The Permittee shall provide on-site indoor shower and locker facilities for men and women and individual lockers and shall be subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-29. CARPOOL PARKING:
A total of 28 preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]
- BP-30. GREEN BUILDING:
The plans submitted for building permits shall demonstrate the project achieves the minimum points for LEED EBOM silver 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.

To ensure LEED certification is obtained, the Permittee shall provide a deposit in form of a cashier check equal to the cost for LEED Certification including additional 10% to capture annual CPI increase for full cost recovery at Building Final/Certificate of Occupancy. If the Permittee fails to obtain LEED certification, the cash deposit will be retained as a noncompliance penalty fee.

The Permittee shall provide LEED certification within 24 months after Building Final/Certificate of Occupancy has been granted for the final linked lobby to be completed.

Subsequent building permit plans for interior tenant improvements for new tenants that propose 10,000 square feet of major alterations (nonresidential alterations where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed) shall incorporate a completed LEED green building checklist demonstrating the project design achieves the minimum Green Building requirements. [COA] [PLANNING] [BUILDING]

BP-31. CONSTRUCTION MANAGEMENT PLAN:

The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses and neighboring businesses 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.

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- 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-31. CONSTRUCTION RELATED NOISE

Final construction drawings shall incorporate the following measures related to minimize construction-related noise impacts:

- a) The Contractor will instruct all applicable trades to endeavor to keep compressors, etc. as close to the interior portions of the buildings as reasonably possible.
- b) Back-up beepers will be used only when required by law or as required to provide a safe work environment. Spotters or flaggers will be used in lieu of back-up beepers to direct backing operations when allowable.
- c) Equipment and trucks used for project construction must utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, whenever feasible).
- d) Construction-related traffic will be routed along major roadways and away from sensitive receptors where feasible.
- e) Construction equipment will be well maintained and used judiciously to be as quiet as practical.
- f) Developer shall require that subcontractors make efforts to mitigate sound transmission to be neighboring properties through the use of mufflers or other deadening methods.
- g) All internal combustion-driven equipment will be equipped with mufflers that are in good condition and appropriate for the equipment.

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- h) Unnecessary idling of internal combustion engines will be prohibited when feasible.
 - i) "Quiet" models of air compressors and other stationary noise sources will be used where the technology exists.
 - j) Hydraulically or electrically powered equipment will be used and pneumatically powered equipment will be avoided where feasible. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, wherever feasible.
 - k) Stationary noise-generating equipment will be located as far as possible from sensitive receptors when adjoining construction sites. Temporary noise barriers or partial enclosures will be constructed to acoustically shield such equipment where feasible.
 - l) Signs must be posted at the construction site that include permitted construction days and hours, a day and evening contact for the job site, and a day and evening contact number for the on-site complaint and enforcement manager, and the City's Building Safety Division, in the event of problems. [COA] [PLANNING]

BP-32. BIOLOGICAL RESOURCES

Final construction drawings shall incorporate all the following measures related to minimize potential impacts to nesting raptors.

- a) If construction commences anytime during the nesting/breeding season of native bird species (typically February through August), a qualified biologist must conduct a preconstruction survey of the project vicinity for nesting/breeding birds within 14 days prior to the start of construction activities. The intent of the survey is to determine if active raptor nests or other species protected by the Migratory Bird Treaty Act are present within the construction zone or within 250 feet of construction zone for raptors and 50 feet of the construction zone for other migratory birds. The survey area must include all trees and shrubs within zones that have the potential to support nesting birds.
- b) If active nests are found in the area that could be directly affected or are within 250 feet of construction for raptors and 50 feet for other migratory birds, a no-disturbance buffer zone must be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. Once the young have fledged, tree removal and other construction activities may commence. [COA] [PLANNING]

BP-33. HAZARDS AND HAZARDOUS MATERIALS.

Final construction drawings shall incorporate the following measures to minimize potential hazards and hazardous materials as set forth under “

- a) Soils must be screened at the time of slab demolition for indications of potential soil impacts.
- b) If soil is to be off-hauled prior to development, it must first be profiled (tested) to ensure the soil is properly reused or disposed.
- c) Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits. [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, which may include street improvement plans, streetlight plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineer and Inspection plan review fee. 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-2. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions, such as backflow preventers, sign posts, etc., shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]

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- EP-3. 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-4. 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-5. UTILITY CONNECTION TO THE MAIN:
All sanitary sewer laterals connecting to the existing main line shall be at a new sanitary sewer manhole. All storm drain laterals connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]
- EP-6. 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-7. 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-8. 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

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- any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-9. 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-10. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:
The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]
- EP-11. DRIVEWAY APPROACHES:
Remove all existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]
- EP-12. UPGRADE STREETLIGHT FIXTURE:
The developer shall upgrade all existing streetlight fixtures along the project frontage (both sides of the street and/or median, if present) to LED fixtures. All LED fixtures shall be manufactured by Phillips, or approved equal and meet the current City of Sunnyvale LED roadway lighting specifications.
It shall be noted that the City has a project to upgrade existing streetlight fixtures to LED. However, due to the scope and scheduling of the LED upgrade project, it is uncertain when all streetlights will be upgraded. If the streetlights in the project area are not upgraded to LED by the time the construction for the project begins, it will be the responsibility of the proposed project to upgrade the streetlights to LED. [COA] [PUBLIC WORKS]
- EP-13. 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

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- 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-14. 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-15. 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 Department of Public Works. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]
- EP-16. 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]
- EP-17. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- EP-18. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

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

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- 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. IRRIGATION METERS:
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]

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

- DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
- DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

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

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

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

DC-4. DUST CONTROL:

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

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

AT-1. RECYCLING AND SOLID WASTE:

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

AT-2. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [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]

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- AT-4. **LANDSCAPE MAINTENANCE:**
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-5. **PARKING MANAGEMENT:**
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-6. **PARKING LOT MAINTENANCE:**
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
 - b) Maintain all parking lot striping and marking.
 - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 - d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
 - e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-7. **UNENCLOSED STORAGE:**
Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-8. **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-9. **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-10. TENANT LEASE AGREEMENTS:

Any new lease agreements shall include the following provisions:

- a) Tenants shall be notified of the goals of the TDM plan ~~their responsibility~~ and shall agree to implement and manage those proportions of the approved Transportation Demand Management Program adopted from time to time by such tenants.
- b) Tenants that propose 10,000 square feet of major alterations (nonresidential alterations where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed) shall incorporate a completed LEED green building checklist demonstrating the project design achieves the minimum Green Building requirements ~~shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Silver standard and USGBC certification.~~ [COA] [PLANNING]