

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

**AUGUST 25, 2014**

**Planning Application 2013-7525  
LANDBANK CENTRAL & WOLFE CAMPUS**

222, 230, & 280 N. Wolfe Road, 230, 235, 263 & 280 Santa Ana Court,  
and 810 & 850 E. Arques Avenue

**Design Review for the development of 747,100 square feet of office space,  
30,000 square feet of support/amenity uses, and a Vesting Tentative Map**

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. **The requirements of the Development Agreement are not incorporated into these COAs and must be verified separately. In the event of any conflict between these COAs and the terms of the Development Agreement, the Development Agreement terms shall control.**

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. PERMIT EXPIRATION:**

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

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

The applicant shall submit a TDM Plan to include a Trip Reduction Program that results in total average daily trips and peak hour trips equivalent to a project with a Floor Area Ratio of 70% as calculated from the estimated total trip generation utilized in the Transportation Impact Analysis for the project (not including trip reduction credits or credits for previous uses). 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 commencing within one year of full project build-out 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; and
- e) Be adjusted, subject to the same approvals, if targeted reductions are not met.
- f) The developer or tenant shall explore the use of a private shuttle service for the project. [COA] [PLANNING/TRANSPORTATION]

**GC-7. TDM COMPLIANCE:**

If annual review indicates that the actual average daily trips count exceeds 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-6) 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-8. PUBLIC IMPROVEMENTS:**

The developer is required to install all public improvements, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc. as indicated on the project entitlement plans and as required by the Director of Public Works. 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. [COA] [PUBLIC WORKS]

**GC-9. 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-10. CULTURAL RESOURCES.**

In the event that subsurface cultural resources are encountered 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. 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. [COA] [PLANNING]

**GC-11. 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, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc. This includes removal of any existing City facilities in and along Santa Ana Court. 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 prior to occupancy of the first building, unless otherwise approved by the Director of Public Works.

**GC-12. RECORDATION OF PARCEL MAP:**

This project is subject to, and contingent upon recordation of a parcel map. The submittal, approval and recordation of the parcel map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Parcel map shall be recorded prior to any grading or building permit issuance of any building. [COA] [PUBLIC WORKS]

**GC-13. 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-14. 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]

GC-15. DEVELOPMENT AGREEMENT:  
A Development Agreement has also been approved as part of this Project. There are additional developer requirements relating to the payment of additional contributions toward landscape and traffic improvements, as well as toward housing mitigation fees. The timing and amount of these items are described in the Development Agreement. [COA] [PLANNING/TRANSPORTATION]

GC-16. BIRD SAFE GUIDELINES  
The Project shall comply with the requirements contained in the Bird Safe Guidelines adopted by the City Council on January 28, 2014. [SDR] [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. FEE AND CODE APPLICABILITY:  
Building permit fees and applicable building codes will be based on the fee resolution and building codes effective at the time of building permit submittal. [COA] [BUILDING]

BP-2. CONDITIONS OF APPROVAL:  
Final plans, dated August 18, 2014, shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-3. 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-4. NOTICE OF CONDITIONS OF APPROVAL:**

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

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

**BP-5. FINAL MAP:**

This project is subject to, and contingent upon, the approval and recordation of a final map prior to any grading or building permit issuance. The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements. [COA] [PUBLIC WORKS]

**BP-6. ART IN PRIVATE DEVELOPMENT REVIEW:**

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks along Central Expressway, North Wolfe Road and/or East Arques Avenue or in other appropriate locations approved by the Director of Community Development and in conformance with Chapter 19.52 of the Sunnyvale Municipal Code. [COA] [PLANNING]

**BP-7. LIGHT AND GLARE MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential impact to a less than significant level.

**WHAT:** Prior to issuance of Project building permits, the developer shall complete and submit to the City of Sunnyvale Community Development Department documents showing that the potential for the proposed new buildings to cause a new source of reflected light and glare has been examined, and that any necessary design alterations

have been made to avoid an impact of this kind. Design alterations may include, but are not limited to, selection of exterior building materials that are less reflective; use of exterior building elements that break up reflective surfaces; and re-design of the shape or orientation of the buildings. These documents and any necessary design alterations shall be to the satisfaction of the Community Development Director.

**WHEN:** All of the specific actions and measures shown on the approved construction plans shall be completed prior to occupancy.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** These measures shall be clearly marked and demonstrated in the plans submitted for building permits. [COA] [PLANNING] [EIR MITIGATION MEASURE AES-4]

**BP-8. TRAFFIC SAFETY MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** The Project developer shall contribute a fair share payment, determined by the Director of Public Works to be 2.4% of the total cost, to the Santa Clara County Roads Department's Central Expressway Project that would add auxiliary lanes in both directions between North Wolfe Road and Lawrence Expressway.

**WHEN:** Prior to issuance of Project demolition permits.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** The developer shall pay \$148,461 in 2014 dollars to the City Department of Public Works. This amount shall increase 3% each year until the amount is paid. [COA] [PLANNING] [EIR MITIGATION MEASURE TR-4]

**BP-9. TRAFFIC IMPACT – VEHICULAR ACCESS MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** There are Project design changes necessary to improve vehicular access. The changes to the Project plans include:

- a) Widen the eastern driveway onto East Arques Avenue (Driveway #4) to accommodate three lanes: one inbound and two outbound (one for left turns and one for right turns). This three-lane cross section shall be 36 feet wide to accommodate three 12-foot lanes

and be extended for the entire 488-foot length shown in the site plan to accommodate maximum queues. The widened section can be achieved by increasing the pavement width in the direction of the easternmost property line shown in the site plan.

- b) The same 36-foot cross section shall be provided at the western driveway onto East Arques Avenue (Driveway #3) between the Project's auto court and East Arques Avenue to accommodate maximum queues that may result from up to 25 outbound left turns and 50 outbound right turns during the p.m. peak hour. This 36-foot width shall also meet City fire access standards. *(Modified by Planning Commission, August 25, 2014)*

WHEN: Prior to issuance of a Project building permit.

WHO: The developer is responsible for completing the mitigation measure.

HOW: Demonstrate compliance by incorporating these changes on the Project plans. [COA] [PUBLIC WORKS] [EIR MITIGATION MEASURE TR-8a]

BP-10. PEDESTRIAN SAFETY MITIGATION:

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

WHAT: Design Changes to Improve Pedestrian Access. The Project developer shall provide a new sidewalk to close the remaining gap between the east edge of the Project site and the East Arques Avenue /Commercial Street intersection. The resulting continuous sidewalk is expected to increase transit use to the Project site, as well as enhance existing Project pedestrian and bicycle access, thereby helping the Project meet City peak hour vehicle trip reduction goals.

WHEN: Prior to issuance of public improvement plan the required improvements shall be shown on the approved plans.

WHO: The developer is responsible for completing the mitigation measure.

HOW: Construct the pedestrian safety improvements in compliance with the approved public improvement plans. [COA] [PUBLIC WORKS] [EIR MITIGATION MEASURE TR-8b]

BP-11. BICYCLE SAFETY MITIGATION:

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.



**WHAT:** Design Changes to Improve Bicycle Access. To meet the City's Bicycle CIP requirement, the Project applicant shall dedicate an easement East Arques Avenue Project frontage to accommodate widening for a Class II bicycle lane to eliminate the existing bike lane gap in the eastbound direction. That improvement is expected to enhance existing Project bicycle access, as well as increase transit use to the Project site, thereby helping the Project meet City peak-hour vehicle trip reduction goals. The developer shall also install the required bicycle improvements.

**WHEN:** Prior to issuance of public improvement plan the required improvements shall be shown on the approved plans.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Construct the bicycle safety improvements in compliance with the approved public improvement plans. [COA] [PUBLIC WORKS] [EIR MITIGATION MEASURE TR-8c]

**BP-12. AIR QUALITY MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Off-Road Equipment Control Measures. All off-road equipment greater than 25 HP and operating for more than 20 total hours over the duration of construction activities shall meet the following requirements:

- a) Where access to alternative sources of power is available, portable diesel generators shall be prohibited;
- b) All off-road equipment shall have:
  - i. Engines that meet or exceed either U.S. EPA Tier 3 off-road emission standards, or
  - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).

**WHEN:** Prior to issuance of a grading permit, the required improvements shall be shown on the approved plans.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Demonstrate compliance by incorporating these items into the approved Project plans. [COA] [PLANNING] [MITIGATION MEASURE AIR-1a]

**BP-13. AIR QUALITY MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Reactive Organic Gases (ROG) emissions from the use of architectural coatings shall be reduced by implementing either or both of the following measures:

- a) Architectural coatings shall be applied over the course of 4 months or longer, in order to reduce daily ROG emissions to below the significance threshold.
- b) A minimum of 67% of exterior building materials shall be prefinished to reduce ROG emissions as a condition of the building permit.

**WHEN:** Prior to issuance of a building permit these items shall be shown on the approved plans.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Demonstrate compliance by incorporating these items into the approved Project plans. [COA] [PLANNING] [EIR MITIGATION MEASURE AIR-1b]

**BP-14. AIR QUALITY MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Best Management Practices for Controlling Particulate Emissions. The following BAAQMD Best Management Practices for particulate control will be required for all construction activities within the Project site. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities by also during vehicle and equipment movement on unpaved project sites.

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- d) All 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.
- e) All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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, § 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

**WHEN:** Prior to issuance of any construction-related permit, these items shall be shown on the approved plans.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Demonstrate compliance by incorporating these items into the approved Project plans. [COA] [PLANNING] [EIR MITIGATION MEASURE AIR-1c]

**BP-15. AIR QUALITY MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Low Emission Backup Diesel Generator. The engine for the proposed back-up diesel generator shall meet U.S. EPA Tier Level 3 emission requirements.

**WHEN:** Prior to issuance of a building permit this shall be shown on the approved plans.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Demonstrate compliance by incorporating this item onto the approved Project plans. [COA] [PLANNING] [EIR MITIGATION MEASURE AIR-3]

**BP-16. GREENHOUSE GAS EMISSION MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Construction-Related GHG Reduction Measures. The following Air Quality Management District-suggested measures shall be implemented during Project construction:

- a) Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15% of the fleet;
- b) Use locally sourced building materials for at least 10% of overall materials brought to site; and
- c) Recycle or reuse at least 50% of construction waste or demolition materials.

**WHEN:** Prior to issuance of a demolition permit the developer shall prepare a Greenhouse Gas Reduction Plan describing how these (or equivalent) measures will be implemented during each phase of Project construction.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Demonstrate compliance with the approved GHG Reduction Plan by incorporating these items into the approved Project demolition, grading, and building plans. [COA] [PLANNING] [EIR MITIGATION MEASURE GHG-1]

**BP-17. NOISE MITIGATION-CONSTRUCTION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Construction Noise Control Measures. The applicant shall employ site-specific noise attenuation measures during Project construction to reduce the generation of construction noise. These measures shall be included on a approve plans that shall be submitted for review and approval by the City of Sunnyvale Building Services Division to ensure that construction noise is consistent with the standards set forth in the City's Noise ordinance. Measures specified in the Noise Control Plan and implemented during Project construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds;
- b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where

use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used;

- c) Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.

WHEN: Prior to issuance of a building permit these items shall be shown on the approved plans.

WHO: The developer is responsible for completing the mitigation measure.

HOW: Demonstrate compliance by incorporating these items into the approved Project plans. [COA] [PLANNING] [EIR MITIGATION MEASURE NOI-1a]

BP-18. NOISE MITIGATION-PILE DRIVING:

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

WHAT: Pile Driving Noise-Reducing Techniques and Muffling Devices. Noise-reducing pile-driving techniques shall be employed during Project construction if pile driving is used during construction. These techniques shall include, but are not limited to:

- a) Limiting the hours of pile driving to 10:00 am to 6:00 pm, Monday through Friday. No pile driving will be allowed on Saturday or Sunday. (*Modified by Planning Commission, August 25, 2014*)
- b) Installing intake and exhaust mufflers on pile-driving equipment;
- c) Vibrating piles into place when feasible, and installing shrouds around the piling hammer where feasible;
- d) Implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- e) Use cushion blocks to dampen impact noise, if feasible based on soil conditions. (Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise

generated when driving the pile (materials typically used for cushion blocks include wood, nylon, and micarta); and/or,

- f) At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within 1,000 feet of the Project site of the dates, hours, and expected duration of such activities.

WHEN: Prior to issuance of a building permit these items shall be shown on the approved plans.

WHO: The developer is responsible for completing the mitigation measure.

HOW: Demonstrate compliance by incorporating these items into the approved Project plans. [COA] [PLANNING] [EIR MITIGATION MEASURE NOI-1b]

**BP-19. BIOLOGY MITIGATION – SPECIAL STATUS BIRDS:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

WHAT: Project construction could kill or injure special status bird species at the Project site. To prevent this from occurring, the following sequence of events shall occur.

- a) Avoidance. Initial site development activities, including vegetation clearing, shall be scheduled to avoid the nesting season. If Project activities are scheduled to take place outside the nesting season, all impacts to nesting birds would be avoided. The nesting season is considered to be from February 1 through August 31.
- b) If avoidance is not feasible, then the following actions shall be taken.
  - i. Pre-construction/Pre-disturbance Surveys. If it is not possible to schedule vegetation clearing outside of the breeding season (between 1 September and 31 January), then pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed or destroyed during Project implementation. Surveys shall be conducted no more than ten days prior to the initiation of Project activities. During the survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by Project activities, the ornithologist will determine the extent of a work-free buffer zone to be established around the nest (typically

300-500 feet for raptors [i.e., hawks and owls] and 100-250 feet for songbirds) to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during Project implementation. The extent of the work-free buffer zone shall be determined by the ornithologist based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance; line of sight between the nest and disturbance; ambient noise levels; and consideration of other topographical or artificial barriers. Work-free buffer zones shall be maintained until after the breeding season or until after the qualified ornithologist determines the young have fledged (usually late June through mid-July).

- ii. Inhibition of Nesting. If Project activities will not be initiated until after the start of the nesting season, then all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation, as well as buildings) that are scheduled to be removed shall be removed prior to the start of the nesting season (i.e., prior to 1 February). This will preclude the initiation of nests on these substrates, and minimize the potential for delay of the Project due to the presence of active nests.

**WHEN:** Prior to the removal of site vegetation in advance of Project construction, and the issuance of a demolition or grading permit.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** Document compliance with these requirements to the satisfaction of the Community Development Director. [COA] [PLANNING] [EIR MITIGATION MEASURE BIO-1]

**BP-20. BIOLOGY MITIGATION - BATS:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Pre-Construction Bat Surveys. No more than two weeks in advance of tree removal or demolition of underutilized or vacant buildings on-site, a qualified bat biologist shall conduct pre-construction surveys for bat roosts. If a bat colony is located within the Project site during pre-construction surveys, the Project shall be redesigned to avoid impacts. A no-disturbance buffer of 100 feet shall be established around active bat roosts being used for maternity or hibernation purposes.

If there is a maternity colony present and the Project cannot be redesigned to avoid removal of the tree or structure inhabited by the

bats, demolition of that tree or structure shall not commence until after young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies form the following year (i.e. prior to March 1). Bat roosts initiated during construction are presumed to be unaffected, and no buffer would be necessary. However, the “take” of individuals is prohibited.

**WHEN:** Prior to the removal of any on-site trees and prior to the issuance of the first demolition permit the Pre-Construction Survey results shall be submitted for verification.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** By providing a written report documenting the Pre-Construction Survey for verification by the Planning Division. [COA] [PLANNING] [EIR MITIGATION MEASURE NOI-1b]

**BP-21. CULTURAL RESOURCE MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Archaeological Monitoring Program. Prior to the issuance of grading permits, an archaeologist meeting the Secretary of the Interior’s Qualification Standards (qualified archaeologist) shall prepare incorporate the archaeological monitoring requirements into the approved grading plans. These requirements shall include at a minimum, the following activities:

- a) Training program for all construction and field workers involved in ground disturbance;
- b) Person(s) responsible for conducting monitoring activities, including Native American monitor(s), if deemed necessary;
- c) Person(s) responsible for overseeing and directing the monitors;
- d) How the monitoring shall be conducted and the required format and content of monitoring reports;
- e) Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- f) Protocol for notifications in case of encountering cultural resources, as well as methods for evaluating significance, developing and implementing plan to avoid or mitigate significant resource impacts, Native American participation and consultation, collection and curation plan, and consistency with applicable laws



including California Health and Safety Code §7050.5 and PRC §5097.98;

- g) Methods to ensure security of cultural resources sites if identified; and,
- h) Protocol for notifying the City of Sunnyvale, Native Americans, and local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction with reference to PRC §5097.99.

Monitoring shall be conducted following removal of the existing buildings and during initial grading of the Project site as well as during all deep (greater than 5 feet) ground disturbing activities. During the course of the monitoring, the qualified archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

If prehistoric or historic-period cultural materials are encountered, all construction activities within 100 feet shall halt and the Project applicant and the City of Sunnyvale shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked stone (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

If the find is determined to be potentially significant qualifying as either a historical resource pursuant to CEQA Guidelines §15064.5 or as a unique archaeological resource as defined by PRC §21083.2, the archaeologist in consultation with the City of Sunnyvale and the appropriate Native American representative shall determine whether preservation in place is feasible. Consistent with CEQA Guidelines §15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist, in consultation with the City of Sunnyvale and the appropriate Native American representative, shall prepare and implement a detailed Archaeological Research Design and Treatment Plan (ARDTP). Treatment of unique archaeological resources shall follow the applicable requirements of PRC §21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection,

site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The ARDTP shall include provisions for analysis of data in a regional context, reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative before being finalized, curation of artifacts and data at a local facility acceptable to the appropriate Native American representative, and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System, the City of Sunnyvale, and interested professionals.

**WHEN:** Prior to issuance of a grading permit.

**WHO:** The developer is responsible for completing the mitigation measure.

**HOW:** The name and qualifications of the archeologist shall be provided to City and the archeologic monitoring requirements shall be shown on the approved plans. [COA] [PLANNING] [EIR MITIGATION MEASURE CUL-2]

**BP-22. CULTURAL RESOURCE MITIGATION:**

The following mitigation measure has been included for the project to reduce the potential significant impact to a less than significant level.

**WHAT:** Inadvertent Discovery of Human Remains. In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease. The Santa Clara County Coroner shall be contacted immediately. The Coroner will determine if the remains are Native American. If the remains are determined to be Native American, and no investigation of the cause of death is required, the NAHC will be contacted within 24 hours. The NAHC will then identify and contact the person or persons it believes to be the MLD of the deceased Native American(s), who in turn would make recommendations to the Project applicant and the City of Sunnyvale for the appropriate means of treating the human remains and any grave goods.

**WHEN:** Prior to issuance of a grading permit this requirement shall be shown on the approved plans.

**WHO:** The developer is responsible for completing the mitigation measure.

HOW: Demonstrate compliance by incorporating this item onto the approved Project plans. [COA] [PLANNING] [EIR MITIGATION MEASURE CUL-4]

**BP-23. 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-24. 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]

**BP-25. 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-26. 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-27. FEES AND BONDS:**

The following fees and bonds shall be paid in full prior to issuance of a building permit. The final fee amounts shall be based upon the fees in effect when the building permit is issued or when the final map is recorded (as applicable). The estimated fees (as of March 12, 2014) are as follows:

- a) **TRANSPORTATION IMPACT FEE** - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$1,050,754.28 prior to issuance of a Building Permit.
- b) **ART IN PRIVATE DEVELOPMENT** - Pay Art in Private Development bond based upon the estimated cost of the approved public art, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

**BP-28. LANDSCAPE PLAN:**

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements and shall substantially conform to the approved Landscape Plans. 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 along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Deciduous trees shall be provided along DIRECTION exposures for passive solar heating purposes (if appropriate).
- d) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- f) Ground cover shall be planted so as to ensure full coverage eighteen months after installation. [COA] [PLANNING]

**BP-29. 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 updated 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). The inventory shall include trees proposed for removal as well as trees to remain.
- b) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) The Director of Community Development has discretion over the final list of trees to be removed.
- d) 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.

- e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.
- f) The measures specified in 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-30. 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-31. 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-32. BEST MANAGEMENT PRACTICES - STORMWATER:**

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.

- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-33. CITY STREET TREES (SUBDIVISION):**

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PUBLIC WORKS]

**BP-34. EXTERIOR LIGHTING PLAN:**

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project.
- 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. [COA] [PLANNING]

**BP-35. ON-SITE PRIVATE STREET LIGHTS**

On-site private street lights shall be installed along the meandering on-site sidewalk with photometric analysis that complies with city requirements during the building plan check process. [COA] [PUBLIC WORKS]

**BP-36. 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-37. WATER METERS:**

Separate metering shall be provided for domestic and irrigation water systems. [SDR] [PLANNING]

**BP-38. 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-39. SOLID WASTE DISPOSAL PLAN:**

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for commercial projects. Specialty Waste will pick up only at the solid waste and recycling central collection station in the parking garage. The property owner shall provide for collection from buildings to the central collection station. Each building shall have designated solid waste and recycling storage area sized appropriately in accordance with City guidelines. The proposed location and design of storage area(s) as shown on the plans dated 2/10/2014 are subject to review and approval during the building plan check stage. [COA] [ENVIRONMENTAL SERVICES]

**BP-40. BICYCLE SPACES:**

Provide a minimum of 95 secured bicycle parking and 32 bicycle rack spaces as approved by the Director of Community Development. [COA] [PLANNING] (Modified by Planning Commission, August 25, 2014)

**BP-41. BICYCLE SUPPORT FACILITIES:**

Indoor shower (with locker) facilities shall be provided for men and women at the ratio of .005 times the number of employees 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-42. CARPOOL PARKING:**

A total of five percent 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. Additional preferential spaces may be allowed through the Transportation Demand Management Program [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. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

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

EP-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. 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 constructions. [SDR] [PUBLIC WORKS]

**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 separate fire water supply for fire sprinklers & private hydrants in the project with separate connections (2) to public water supply on Arques Avenue and Wolfe Road. Provide a DCDA on each service line. Following the DCDA provide a separate on-site private water supply line, one for hydrants; one for fire sprinkler supply with a four-way fire department connection (FDC). Size of lines to meet DFS requirements. Each building to have its own PIV for fire water supply. Provide separate domestic water service lines to each building, each with its own separate connection to the public water main, with a meter, with reduced pressure backflow prevention devices for domestic water service on private property adjacent the street right-of-way. Hydraulic analysis/modeling may be required as needed during the off-site improvement plan check stage. Each domestic water service line shall have its own connection point (tap) to the main line (no manifolding). Provide recycled water supply to each building and to landscape irrigation. Manifolding of services is permitted. Each branch to have its own meter and backflow preventer. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

**EP-11. PUBLIC FIRE HYDRANTS:**

Remove and replace the existing fire hydrant barrel(s) along entire project frontage with current City standard Clow-Rich 865. New fire hydrant location shall be per current City standard detail 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/public safety-fire protection]

**EP-12. WATER METER:**

Install new radio-read water meter(s) for each point of connection to the water main. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. 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 PREVENTORS:**

This project requires connection to city's existing reclaimed water system for irrigation purpose. Install a separate irrigation water service line (separate from the domestic water service line).

- a) All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable.
- b) Reclaimed water services shall have a 10-foot net clearance from the domestic water services.
- c) Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code. [SDR] [PUBLIC WORKS]

**EP-14. SANITARY SEWER ANALYSIS:**

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 MANHOLES:

Install new sewer manholes 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 VIDEO:

The contractor shall make a video copy of the interior of the new sanitary sewer laterals installed prior to it is put into service. [COA]  
[PUBLIC WORKS]

EP-17. 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-18. STORM DRAIN DESIGN AND CALCULATION:

Provide a 10-year storm event hydrology/hydraulic calculations demonstrating that the proposed storm drain system is adequate for collecting the anticipated storm runoff from the site for Public Works review and approval during off-site improvement plan review stage. [SDR] [PUBLIC WORKS]

EP-19. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:

Pursuant to SMC 12.60.130, install full trash capture device(s) on-site, prior to connecting to the City's storm drain collection system, the developer shall be responsible for perpetual maintenance of those trash capture device(s). All storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA][PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-20. DRAINAGE AND EROSION CONTROL:

Adequate drainage/erosion control shall be provided at all times during construction of the development per the Stormwater Management Plan (SWMP), Stormwater Pollution Prevention Plan (SWPPP), and Best Management Practices (BMP's). The project shall not cause any negative impact on the drainage pattern of adjacent properties, [COA]  
[PUBLIC WORKS]

EP-21. 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-22. STREETLIGHTS:**

Provide photometric analysis to confirm if the street lighting along the project frontage is in accordance with the City's Roadway Lighting Design Criteria. Use LED wattage equivalent of the existing 200 watt HPS bulbs and adjust the spacing to meet the following illuminance requirements: average illumination equal to or greater than 1.3 foot-candles and the uniformity ratio (avg/min) less than or equal to 3.0 foot-candles.

Relocate existing streetlights along Wolfe Road in the park strip areas in accordance with City's current standards. Remove existing street light fixture and replace with new Beta LED fixtures along Wolfe Road project frontage. Remove existing street light poles and replace with new City standard lights with new Beta LED fixtures along Arques Avenue.

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. Show the luminaire schedule and the calculation summary including the service point connections and provide a table showing the loading analysis including the identified size of the new conduits. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

**EP-23. UNDERGROUNDING OF OVERHEAD UTILITIES:**

Developer shall complete the undergrounding of existing overhead utilities along the project frontage in accordance with the Sunnyvale Municipal Code Sections 19.38.090 to 19.38.100, prior to first building occupancy. [COA] [PLANNING/PUBLIC WORKS]

**EP-24. DRIVEWAY APPROACHES:**

Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. No decorative paving is allowed in the public right-of-way. [COA] [PUBLIC WORKS]

**EP-25. CURB RAMPS:**

Remove existing curb ramps at all corners of Wolfe Road/Central Expressway and Wolfe Road/Arques Avenue intersections and replace with ADA (Americans with Disabilities Act) compliant ramps including truncated domes. [COA] [PUBLIC WORKS]

**EP-26. STREETScape IMPROVEMENTS:**

Remove existing concrete curb and 2' gutter and install new concrete curb and 1' gutter per current city standards along the entire project frontage. Provide gutter transition to conform to existing 2' gutter at project limits. Conform to existing curb and gutter with transition in accordance with City standard details.

Install a 4-foot wide park strip and 6-foot wide detached sidewalk along the Wolfe Road. Install 6-foot wide ADA compliant meandering sidewalk along a portion of Wolfe Road and the entire frontage of Arques Avenue where existing trees shall remain. Provide certificate of ADA compliance upon completion of the meandering sidewalk. The subject meandering sidewalk would be maintained by the property owner. Concurrently with the map recordation, developer shall execute a maintenance agreement. Relocation of traffic signal equipment may be required as needed at the corner of Wolfe Road and Arques Avenue. [COA] [PUBLIC WORKS]

**EP-27. TRAFFIC IMPACT MITIGATIONS:**

As part of the encroachment permit process and prior to first building occupancy, developer shall implement the following improvements as identified in the Transportation Impact Analysis dated January 16, 2014 and as approved by Santa Clara County and the City as follows:

- a) Construct improvements to both westbound and eastbound Central Expressway/Wolfe Road off ramps. Permits to be issued by Santa Clara County.
- b) Construct improvements to southbound left and right turns at Wolfe Road/Central Expressway, including right-of-way acquisition. If the Right-of-way is not available, Developer shall provide funds for the acquisition cost to the City.

**EP-28. BIKE LANE:**

Developer shall install a 6-foot wide eastbound bike lane along the Arques project frontage with transition to the existing bike lane. Provide roadway geometry from curb to curb to demonstrate the street widening along Arques showing the existing and proposed lane configurations. Dedicate appropriate street right of way as needed.

**EP-29. BUS STOP(S):**

Install a VTA (Valley Transportation Authority) standard concrete bus stop pad at the existing bus stop along Wolfe Road in accordance with

VTA standards. Relocate the existing bus stop on Arques Avenue at Commercial Street to the project frontage near the easterly driveway approach. Exact location of the relocated bus stop is to be determined during the off-site improvement plan check stage. Contact and work with VTA for temporary bus stop during construction, if needed. [COA] [PUBLIC WORKS]

**EP-30. STREET PAVEMENT:**

Install Type II slurry seal from median to gutter on Wolfe Road, and from gutter to gutter of Arques, unless otherwise approved by the Director of Public Works with alternatives. Additional pavement restoration may be required as a result of the construction impact prior to encroachment permit sign-off. [SDR] [PUBLIC WORKS]

**EP-31. SIGNING AND STRIPING PLANS:**

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

**EP-32 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-33. CITY STREET TREES:**

The developer shall install required street trees along the project frontage as follows as directed by the City Arborist. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15 gallon size. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along the park-strip area. No trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

**EP-34. PROTECTION OF EXISTING TREES:**

All tree protection measures shall be maintained, as indicated in the tree protection plan, including irrigation, until construction has been completed and the installation of landscaping has begun. No utility trench shall be allowed within 15 foot 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-35. 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-36. APPROVAL FROM OTHER AGENCIES:

This project requires approval from the County of Santa Clara due to proximity to the Central Expressway. This project also requires approval from the Valley Transportation Authority for bus stop(s)/shelter(s). Contact the utility companies (PG&E, Comcast, AT&T) for their review/approval requirements and/or procedures for site development. [COA] [PUBLIC WORKS]

EP-37. RECORD DRAWINGS:

Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]

**FM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP.**

TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:

The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. [COA][PLANNING/PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT:

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

TM-3. PARCEL MAP COMPLIANCE WITH VESTING TENTATIVE PARCEL MAP:

The parcel map shall be substantially the same as the vesting tentative parcel map. Any alteration of the vesting tentative parcel map after the vesting tentative parcel map is approved is subject to additional approval by the City and may require a public hearing. [COA][PLANNING/PUBLIC WORKS]

TM-4. DEDICATION/RESERVATION/ABANDONMENT OF EASEMENTS:

Dedication, reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be delineated on the map or recorded concurrently with the map with a separate instrument, unless otherwise approved by the Director of Public Works. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings

and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]

- TM-5. UTILITY COMPANY APPROVAL:  
Obtain approval letters from various utility companies for each of the parcel map in regards to any existing or new easements associated with the project. [COA] [PUBLIC WORKS]
- TM-6. STREET DEDICATION:  
Developer shall dedicate adequate street to the City to accommodate the required 6-foot bike lane along Arques Avenue.
- TM-7. EMERGENCY VEHICLE ACCESS EASEMENT:  
Developer shall dedicate a minimum 26'-wide emergency vehicle ingress-egress easement over the surface parking areas, excepting areas for parking stalls. [COA][public safety/PUBLIC WORKS]
- TM-8. PUBLIC ACCESS EASEMENT:  
Developer shall dedicate 6-foot wide public access easements to the City to accommodate the required meandering sidewalk configuration as referenced herein. [COA] [PUBLIC WORKS]
- TM-9. 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]
- TM-10. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:  
Developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]
- TM-11. OFF-SITE IMPROVEMENT COST ESTIMATE:  
Provide an engineer's estimate for all off-site public improvements for the entire project with breakdowns corresponding to each lot or construction phases (in accordance with City approved phasing plan), including the temporary and permanent relocation of the storm drain and sanitary sewer main between Bordeaux Drive and Borregas Avenue and the storm drain line adjacent to Mathilda Avenue to the Sunnyvale West Channel. [COA] [PUBLIC WORKS]
- TM-12. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS):  
Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the City prior to map recordation. [COA] [PLANNING/PUBLIC WORKS]



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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. After the landscaping and irrigation have been installed, an Irrigation Audit Report (prepared by a certified professional), Landscape Maintenance Schedule, and Certificate of Completion shall be submitted to the Planning Division. [COA] [PLANNING]

PF-2. PUBLIC ART INSTALLATION:

All approved art in public places approved by the Arts Commission shall be installed. [COA] [PLANNING]

PF-3. PARKING LOT STRIPING:

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

PF-4. 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-5. NEW PUBLIC EASEMENTS LOCATED ON-SITE:

New public sidewalk easement(s) required for public use purpose shall be either shown on the recorded parcel map or on a separate recorded Easement Deed deemed necessary by the Director of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]

PF-6. COMPLETION OF PUBLIC IMPROVEMENTS:

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

PF-7. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) APPROVAL:

Prior to any building occupancy the TDM Plan shall be approved by the City. [COA] [PLANNING/TRANSPORTATION]

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

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

AT-1. RECYCLING AND SOLID WASTE:

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

AT-2. EXTERIOR EQUIPMENT:

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

AT-3. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-4. PARKING LOT MAINTENANCE:

The parking lot shall be maintained 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.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]

AT-5. STORMWATER BMP MAINTENANCE:

The applicant shall 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-6. 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-7. TRANSPORTATION DEMAND MANAGEMENT PLAN 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.
- b) Tenants shall be notified of their responsibility and shall agree to construct all major tenant improvements to meet a minimum of LEED Platinum standards and maintain facilities consistent with LEED Platinum and USGBC certification. [COA] [PLANNING]

**AT-10. SOLID WASTE RECYCLING MANAGEMENT:**

Waste and recycling services shall be maintained under one account for each of the public domestic water meter that serve an occupied building held by the applicant, owner or landlord, unless otherwise approved by the City The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [FINANCE]