
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
APRIL 23, 2019**

Planning Application 2016-8035

1 AMD Place and 975 Stewart Drive

Rezoning, Special Development Permit, EIR Mitigation and Tentative Map
107 R-3 medium density Townhomes and 877 R-4 high-density Apartments

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. 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. ON-SITE AMENITIES:

Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-6. BMR OWNERSHIP HOUSING COMPLIANCE:

This project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code Chapter 19.67 and the BMR Program Guidelines, both as may be amended. Developer shall enter into a BMR Developer Agreement in a form provided by the City, to be recorded against the property before issuance of building permits or recordation of a final map, whichever occurs first. When dwelling units in the project are made available for sale, the project shall provide 12.5% of the total units in the project for sale as BMR homeownership units. For the subject project, that equals **13** Below Market Rate dwelling units for sale and payment of a fractional in-lieu

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- fee of 0.378 units in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines.
- GC-7. **BELOW MARKET RATE PROGRAM/CONDO CONVERSION:**
Any future conversion of this apartment project into 8 or more condominium units for sale to individual home buyers will require compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]
- GC-8. **AFFORDABLE RENTAL HOUSING DEVELOPER AGREEMENT:**
The Developer/Owner shall sign and submit to the City for recording a “Density Bonus Developer and Regulatory Agreement and Declaration of Restrictive Covenants” in a form provided by the City to secure the affordability restrictions applicable to the project. This agreement must be recorded before issuance of a building permit or recordation of a final map, whichever occurs first. [COA] [HOUSING]
- GC-9. **RECREATION FACILITIES:**
The new recreation facilities (pool and clubhouse) shall be installed in connection with the second phase of the mid-rise apartments and included on the building permit plans for the second phase. [COA] [PLANNING]
- GC-10. **SIGNS:**
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]
- GC-11. **TEMPORARY TRAILERS:**
The temporary trailer(s) shall be subject to following requirements:
a) Trailer(s) shall be placed on the premises not sooner than 15 days following the date of City approval and shall be removed no later than 30 days after Building final occupancy approval.
b) Trailer entrance(s) shall not be oriented towards adjacent residential uses.
c) Area lighting shall be provided in the vicinity of the trailer(s).
- Any variation from the location of the trailer(s), as represented by the submitted plan, is subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- GC-12. **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

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- a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-13. **FINAL MAP RECORDATION:**
This project is subject to, and contingent upon the approval of a vesting tentative map and recordation of a final map. The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the vesting tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit (with the exception of site demolition and rough grading). Sheets C1.0 through C5.0 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]
- GC-14. **MULTIPLE MAPS:**
If multiple maps are filed, all public improvement plans shall be approved prior to first map recordation. All public improvements shall be completed in accordance with a phased public off-site improvement plan, and submitted as referenced in GC-16d, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-15. **ENVIRONMENTAL MITIGATION MEASURES:**
The project shall comply with all mitigation measures required in the Draft Environmental Impact Report (DEIR). The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PLANNING/PUBLIC WORKS] **MITIGATION MEASURE**
- GC-16. **PUBLIC IMPROVEMENTS:**
- a) The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signage, striping, street lights, etc.
 - b) 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.

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- c) The developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy of the first building, or to the satisfaction of the Department of Public Works
 - d) If the developer desires to phase the off-site improvement construction without completing the entire project frontage improvements associated with the first building occupancy, a construction phasing plan for the off-site improvements shall be submitted for review and approval by the Department of Public Works prior to first building permit issuance. The complete length (or portion) of Indian Wells Avenue shall be constructed and accepted by the City prior to the building occupancy of the townhomes or mid-rise apartments fronting Indian Wells Avenue. [COA] [PUBLIC WORKS]

GC-17. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C1.0 through C5.0 of the Vesting Tentative Map package dated 1/29/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-18. OFF-SITE CONSTRUCTION PHASING PLAN:

The developer shall prepare a detailed off-site construction phasing plan for the subject property and include the construction of all or portion of Indian Wells Avenue. The plan shall be subject to review and approval by the Department of Public Works prior to issuance of the first building permit issuance. The plan shall have both exhibits and narratives that include, but not limited to, construction truck route, public vehicle access, pedestrian access, construction staging, limits of work and timeline for each of the phases. [COA] [PUBLIC WORKS]

GC-19. STORM DRAIN RELOCATION PLANS:

Submit improvement plans for the on-site public storm drain main relocation separate from the off-site improvement plans and the Building on-site improvement plans as the storm drain relocation plans are approved through a Public Works Encroachment Permit process. The storm drain relocation shall be completed and accepted by the City prior to approval of the townhomes on Lot 2 final map or City acceptance of the park. The storm drain relocation shown Sheet C5.0 dated 1/29/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

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- GC-20. 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-21. STORMWATER TREATMENT FACILITIES ALONG INDIAN WELLS:
The developer shall be responsible for treatment and maintenance of stormwater and stormwater treatment facilities located in the public right-of-way along Indian Wells Avenue. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]
- GC-22. RECORD SHARED ACCESS EASEMENTS:
- a) Record a shared access easement between 975 Stewart Drive (low-rise project) and 1 AMD (midrise project) for shared interim parking areas during construction, and for permanent cross access to loading areas and to the solid waste processing area on 1 AMD. [COA] [PLANNING]
 - b) Record a shared access easement with 975 Stewart (low-rise project) and the adjacent Stewart Village apartment complex for access to Stewart Drive and Indian Wells Avenue. [COA] [PLANNING]
 - c) Record a shared access easement between Stewart Village and 1 AMD (midrise project) for shared permanent cross access to loading areas and to the solid waste processing area on 1 AMD. [COA] [PLANNING]
 - d) Record a shared access easement between 975 Stewart Drive (low-rise project) and Stewart Village for use of solid waste collection facilities. [COA] [PLANNING]
- GC-23. SHARED ACCESS TO AMENITIES:
Apartments At 975 Stewart Drive (low-rise product) shall be allowed use of amenities (pools, community rooms, etc.) at a minimum of one of the adjacent complexes – Stewart Village or the midrise product. [COA] [PLANNING]
- GC-24. ASSIGN AN MMRP PROJECT MANAGER
Assign an MMRP project manager to coordinate and report on commencement, completion and documentation of all required environmental mitigation monitoring with the City. [COA] [PLANNING]
- GC-25. PARK AGREEMENT

The developer shall execute a Park Agreement, as approved by City Council, prior to building permit issuance. [COA] [PLANNING]

GC-26. TRANSPORTATION MANAGEMENT PLAN:

Include language that the applicant actively solicit input from the Silicon Valley Bicycle Coalition. (added by the Planning Commission)

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from the Planning Commission or City Council including the following:

- a) Street light design shall be installed in accordance with the adopted sense of place plan unless an alternate based on a design approved by the director of public works.
- b) Increase parking area shading along the north/south and east/west drive aisle of the townhome project to meet the city's parking lot shading requirement.
- c) Increase parking area shading along in the motor court entrances in the midrise project to meet the city's parking lot shading requirement
- d) Provide a community room or club house with a minimum meeting space size of four hundred fifty square feet at the townhome project. "Community room or club house" means a general purpose room, or stand alone or attached building, containing bathrooms kitchen facilities and meeting space within a multiple-family residential development for purposes of holding meetings, parties and other general activities for use by all members of the residential community.
- e) Provide a band of decorative pavement a minimum of 15 feet wide at the entrance to the midrise and townhome projects. Final pavement color and material shall be approved by the Director of Community Development prior to submittal of a Building Permit for the first building.
- f) Townhome garages shall be a minimum of 400 s.f in area with a minimum parking dimension of 17 feet wide by 18 feet in depth.

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- g) Townhomes shall provide separate individual storage as required by code if the two car garages are not designed with 400 s.f. of area.
 - h) Non-structured parking spaces shall be designed in accordance with Municipal Code Section 19.46.120. Provide low growing groundcover, or a 6' concrete walkway (2' overhang plus a 4' path of travel), adjacent to parking spaces that do not meet the minimum length of 18 feet in length for a standard space. Low-growing groundcover shall not be counted toward minimum compact space depth. Parking spaces cannot overhang directly over a sidewalk.
[COA] [PLANNING]
 - i) Twelve and one-half percent of the total number of parking spaces provided for all types of parking facilities shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.
 - j) The project is required to provide 1 bicycle parking space for every 4 units. The low-rise project shall provide 15 secured Class I bicycle parking spaces. The midrise project is required to provide 222 secured Class I bicycle parking spaces. The townhome project is required to provide 27 secured Class I bicycle parking spaces. Two-car garages in the townhome project qualify as 1 secured bicycle space.
 - k) *Increase and improve architectural elements in the final design, provide colored concrete in driveway entrances, and have tile roofing material included variegated colors. (added by the Planning Commission)*

PS-2. PARKING STRUCTURE DESIGN:

A parking structure parking and circulation plan shall be submitted for review and approval prior to submittal for Building Permits. The structure shall adhere to the measures in the Parking Structure Design Guidelines including the following:

- a) Vehicle circulation within a parking structure should be continuous and uninterrupted at all levels.
- b) Dead-end parking aisles are not allowed unless all parking is designated as Reserved Parking. Where dead end aisles are unavoidable (e.g., for guest parking within a sloped ramp garage) provisions should be made for dedicated No Parking areas at the end of the aisle for easy turn around.
- c) Maximum vehicle grade should be 12 percent with minimum 10-12-foot long transitions at the top and bottom of the ramp.
- d) Parking stalls adjacent to a solid wall should be a minimum of 9.5 feet in width.

- PS-3. **EXTERIOR MATERIALS REVIEW:**
Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]
- PS-4. **SCREENING OF APPURTENANCES:**
All Public and Private equipment, piping and appurtenances visible between the face of any building and the street shall be screened from view from the public right-of-way. [COA] [PLANNING]
- PS-5. **PARKING AND CIRCULATION PLAN:**
Submit a revised parking and circulation plan subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]
- PS-6. **SANITARY SEWER ANALYSIS:**
Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:
- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
 - b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]
- PS-7. **SOLID WASTE MANAGEMENT PLAN**
A final Solid Waste Management Plan shall be submitted and approved prior to submittal of building permits for each building. the plan shall include details of the following, and approval of each detail is required prior to approval of a building permit:
- a) The location of each solid waste collection point, interim storage rooms, vestibules, chute locations, compactor locations;
 - b) Drawings with a detailed layout of each solid waste collection point with illustrations of how bins can be conveniently accessed by staff and residents to assure easy use and collection and to discourage

disorder, ineffectiveness, unsanitary conditions and failure to use supplied bins;

- c) A detailed written operational program with a maintenance schedule for collection, and methods of cleaning and disinfecting for each point of collection;
- d) A transport schedule to staging and compacting areas and demonstrating use of City-approved transport trailers.
- e) Changes to the approved solid waste management plan are subject to review and approval of the Director of Community Development through review as a Miscellaneous Plan Application.

PS-8. LOCKABLE STORAGE:

- a) Submit a final plan for individual lockable storage in accordance with Municipal Code section 19.38.040
- b) A minimum of one individual lockable storage unit shall be provided for each dwelling unit for the midrise and low-rise projects which shall be separate, lockable, weatherproof, and provided to tenants without an additional cost.
- c) Size. The minimum interior size of the storage space shall be as follows:
 - (1) Two hundred cubic feet for studio and one bedroom units.
 - (2) Three hundred cubic feet for all other units.
- d) Dimensions. The storage space shall be at least eight feet in one direction and no less than three feet in any other direction. The maximum height shall not exceed ten feet.
- e) Location. The storage space may be accessible from inside or outside the dwelling unit such as a patio, deck, balcony, interior or exterior hallway, interior room or separate structure. If storage space is attached to a bedroom it must be in addition to a bedroom closet. Required storage space shall not be located in an attic. A two-car garage meeting the minimum area and dimensions shall satisfy the lockable storage requirement.
- f) Changes to the final individual lockable plan may be considered by the Director of Community Development the review of a Miscellaneous Plan Application.

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:

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- a) Final plans shall include all Conditions of Approval and Mitigation Measures as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
- a) A written response indicating how each Condition and Mitigation Measure has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. NOTICE OF CONDITIONS OF APPROVAL:
- a) 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.
- b) 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:
- a) The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:
- a) The building permit plans shall include details for the installation of recycling and solid waste enclosures. The required solid waste and recycling enclosure shall:
- b) Match the design, materials and color of the main building.
- c) Be of masonry construction. [COA] [PLANNING]
- BP-6. RECYCLING AND SOLID WASTE CONTAINER:
- a) All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-7. SOLID WASTE DISPOSAL PLAN:
- a) 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 for each product – townhomes, mid-rise apartments and low-rise apartments. [COA] [PLANNING]

BP-8. ROOF EQUIPMENT:

- a) 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-9. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit, or for park fees, at the time of recordation of the final map reviewed with this permit.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$1,128,645, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Rental Impact Fee fee estimated at \$2,583,752, prior to issuance of a Building Permit. (SMC 19.22). [SDR] [PLANNING]
- c) PARK IN-LIEU - Pay Park In-lieu fees estimated at \$14,513,756.40, prior to approval of the Final Map reviewed with this permit. (SMC 18.10). [SDR] [PLANNING]

BP-10. SENSE OF PLACE FEE:

Prior to issuance of a building permit, provide a cash contribution towards sense of place improvements at the dollar amount, per unit, established in the fee resolution. This fee is currently estimated at \$2,428.00 per dwelling unit. Based on this rate, the total fee \$2,551,828.00 would be required. Credit may be given for off-site improvements included in the East Sunnyvale Sense of Place Plan, subject to the approval of the Director of Community Development. [PLANNING] [COA]

BP-11. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Air conditioning for the apartment units shall not be located on the building elevations. Individual exterior mechanical equipment/air conditioning units for the townhouses shall be screened with architecture or landscaping features and shall not be located in usable open space areas. [PLANNING] [COA]

BP-12. BMR DEVELOPMENT AGREEMENT:

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- a) Before issuance of building permits for the project, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must be executed by both parties and recorded against the property, and will run with the land.
 - b) In the event that any Below Market Rate dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the BMR requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Program Guidelines]

BP-13. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. 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 trees removed are subject to the City's tree replacement standards.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals alongside and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- 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 trees in accordance with the City's adopted tree replacement policy.
- f) Ground cover shall be planted to ensure full coverage eighteen months after installation.
- g) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas. [COA] [PLANNING]
- h) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]

- BP-14. **LANDSCAPE MAINTENANCE PLAN:**
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-15. **TREE PROTECTION PLAN:**
Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:
- a) An inventory shall be taken of all existing trees 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 demolition and construction.
 - d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans.
 - e) All trees removed are subject to the City’s tree replacement standards. [COA] [PLANNING/CITY ARBORIST]
- BP-16. **STORMWATER MANAGEMENT PLAN:**
Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]
- BP-17. **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-18. **BEST MANAGEMENT PRACTICES - STORMWATER:**

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-19. CITY STREET TREES:

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

BP-20. 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] [PLANNING/PUBLIC WORKS]

BP-21. EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an on-site 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) LED fixtures (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the area, including the adjacent residential areas. Light standards shall not exceed 12 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties.
- g) Adhere to Bird Safe Guidelines for lighting. [COA] [PLANNING]

Explanatory note: The applicant met with planning staff to discuss lighting on September 10th 2018 and were granted permission to use lights taller than 8 feet and LED fixtures.

BP-22. 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-23. LIGHTING SPACING:

Installation of lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]

BP-24. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

A separate Parking Management Plan for each project (low-rise, midrise and townhomes) is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
- b) The property manager/homeowner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use.
- c) Clearly indicate that the property manager/homeowner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

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- g) Unbundled parking for rental units is not allowed.
 - h) Indicate how parking for leasing office areas is managed.
- BP-25. **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-26. **BICYCLE SPACES:**
Provide 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. The project is required to provide 1 bicycle parking space for every 4 units. The low-rise project shall provide 15 secured Class I bicycle parking spaces. The midrise project is required to provide 222 secured Class I bicycle parking spaces. The townhome project is required to provide 27 secured Class I bicycle parking spaces. Two-car garages in the townhome project qualify as 1 secured bicycle space.
[COA] [PLANNING]
- BP-27. **NOISE REDUCTION:**
Final construction drawings shall incorporate all noise mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wet-stamped and signed by the consultant. [COA] [PLANNING]
- BP-28. **GREEN BUILDING:**
The plans submitted for building permits shall demonstrate the project achieves a minimum of 110 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project’s Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]
- BP-29. **CONSTRUCTION MANAGEMENT PLAN:**
The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:
- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction

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- activities, and appropriately scheduling use of noise-generating equipment.
- b) Use ‘quiet’ models of air compressors and other stationary noise sources where such technology exists.
 - c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
 - e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
 - f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
 - g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
 - h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
 - i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
 - j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING]

BP-30. FINAL MAP:

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

BP-31. STORMWATER MANAGEMENT PLAN:

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- Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include as updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-32. **STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:**
Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects – Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-33. **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 using *www.sunnyvale.wastetracking.com* hosted by Green Halo. as part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- BP-34. **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 residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-35. **SOLID WASTE AND RECYCLING ENCLOSURE:**
The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City’s latest guidelines. The required enclosures shall:
- a) Match the design, materials and color of the main building;
 - b) Be of masonry construction;
 - c) Be screened from view;
 - d) All gates, lids and doors shall be closed at all times;
 - e) Shall not conflict with delivery/receiving areas;

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- f) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
- g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-36. BUILDING PERMIT ISSUANCE:
Portion of the existing 10' public utility, storm drain and sanitary sewer easement along the western project limit shall be vacated, and new 30" storm drain main relocation completed and accepted by the City prior to approval of the townhomes on Lot 2 final map or City acceptance of the park.
- Building permit issuance for Low Rise Apartments may be issued after lot line adjustment for Lot 7 has been completed and recorded with Santa Clara County. (added by staff) [COA] [BUILDING/PUBLIC WORKS]*
- BP-37. UNDERGROUND UTILITIES:
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- BP-38. On-site Private water meter(s):
The developer shall install individual private water meters for each residence, and for each ancillary building on-site. [COA] [BUILDING]
- BP-39. CONSTRUCTION MATERIAL AND STAGING:
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [COA] [PUBLIC WORKS]

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

- EP-1 EAST SUNNYVALE AREA SENSE OF PLACE PLAN:
This project is in the East Sunnyvale Area Sense of Place Plan area, therefore, the developer shall comply with any applicable design requirements as identified in the East Sunnyvale Sense of Place Plan or as amended and approved by the City. [COA] [PUBLIC WORKS]
- EP-2 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 NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

- EP-3 **COMPLETE OFF-SITE IMPROVEMENT PLAN SET:**
A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/striping plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineering and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C1.0 through C5.0 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=24002>
<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23625> [coa] [PUBLIC WORKS]
- EP-4 **UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:**
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-5 **STREETSCAPE IMPROVEMENTS:**
- a) Along the Duane Avenue project frontage, remove existing concrete gutter, curb and sidewalk and install new 2' concrete gutter, curb, and 6' attached sidewalk (measured from the back of curb) per current City standards, unless otherwise directed by the Director of Public Works.
 - b) Along the Stewart Drive project frontage, remove existing concrete gutter, curb and sidewalk and install new 2' concrete gutter, curb and 5.5' attached sidewalk (measured from the back of curb) per City standards, unless otherwise directed by the Director of Public Works.
 - c) Prior to design and installation of 5.5' sidewalk, conduct hand troweling, under supervision of a certified arborist, at back of existing sidewalk on Stewart Drive to identify potential risks to existing, mature, perimeter trees.

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- d) Along Stewart Drive Lot 7 project frontage, remove existing concrete gutter, curb and sidewalk and install new 2' concrete gutter, curb and 4' landscape strip (measured from the back of curb) and 6' detached sidewalk per City standards, unless otherwise directed by the Director of Public Works.
 - e) Along the new Indian Wells project frontage, excluding the park frontage, install 2' concrete gutter, curb, 4' wide parkstrip (measured from the back of curb) and 6' detached sidewalk per City standards, unless otherwise directed by the Director of Public Works.
 - f) Along the park frontage along the new Indian Wells, install 2' concrete gutter, curb and 10' attached sidewalk (measured from the back of curb) with 4'x5' tree wells per City standards, unless otherwise directed by the Director of Public Works.
 - g) Indian Wells Avenue shall accommodate two-11' travel lanes, two-6' bike lanes, and two-3' striped buffer in addition to a traffic roundabout at the intersection of Indian Wells and the project entrances. Provide a 14' wide bike/pedestrian path/sidewalk for bikes exiting/entering the sidewalk at the roundabout, or as directed by the Director of Public Works.
 - h) In addition, the developer shall coordinate design improvements with an upcoming City project to install new crosswalks and bike box along Duane Avenue and Stewart Drive. [COA] [PUBLIC WORKS]

EP-6 STREET PAVEMENT:

- a) Along the recently paved Duane Avenue, 2" mill and fill the asphalt concrete pavement from gutter to median/street centerline unless otherwise directed by the Director of Public Works with alternatives. Limits of the 2" mill and fill will be determined during the plan check process or field verification of trench cuts. Apply Type II slurry seal from gutter to gutter along the Stewart Drive project frontage, unless otherwise directed by the Director of Public Works.
- b) Install new pavement section per Geotechnical Report recommendations along the entire width of Indian Wells. City will provide the traffic index (TI) for Indian Wells Avenue. [COA] [PUBLIC WORKS]

EP-7 STREET INTERSECTIONS:

Install street intersections with curb returns on the project's side of the street at Duane Avenue/Indian Wells Avenue, Stewart Drive/Santa

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- Trinita, and both sides of Indian Wells Avenue/project entrance. [COA]
[PUBLIC WORKS]
- EP-8 **STEWART DRIVE WIDENING:**
The developer shall widen Stewart Drive, along the project frontage just south of Indian Wells Avenue, to accommodate a 480' long lane merge, 180' taper and install a 6' bike lane to connect to the existing south bound bike lane. Green bike lane shall be installed at conflict points per City standards. Street dedication, in the form of an easement, will be required. [COA] [PUBLIC WORKS]
- EP-9 **DRIVEWAY APPROACHES:**
Install a new driveway approach for the park entrance along Indian Wells Avenue approximately 155' from the Duane Avenue/Stewart Drive intersection to comply with Americans with Disabilities Act (ADA) requirements and City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]
- EP-10 **CURB RAMP:**
Remove the existing curb ramps and replace with new directional curb ramps at all four corners of Duane Avenue/Stewart Drive and all four corners of Stewart Drive/Santa Trinita Avenue. Install new directional curb ramps at the intersection of Indian Wells Avenue and the project entrances in accordance to the latest City standard details, specifications and Americans with Disabilities Act (ADA) requirements. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. Traffic signal modifications, pole and storm drain inlet relocations may be required. [COA] [PUBLIC WORKS]
- EP-11 **DECORATIVE PAVEMENT:**
All proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [COA] [PUBLIC WORKS]
- EP-12 **POTHOLING OF EXISTING DRY UTILITIES:**
Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing dry utilities. Use pothole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]

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- EP-13 **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. Required park utilities shall be installed and stubbed out to the property line during installation of utilities along Indian Wells and private streets. [COA] [PUBLIC WORKS]
- EP-14 **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-15 **STORM DRAIN RELOCATION:**
- a) This project requires the relocation and acceptance of an existing 30" public storm drain main along the western edge of the project prior to the approval of townhomes on Lot 2 final map or City acceptance of the park. A 15' public storm drain easement shall be recorded on the first final map when crossing private property.
 - b) Submit improvement plans for the on-site public storm drain main relocation separate from the off-site improvement plans and the Building on-site improvement plans as the storm drain relocation plans are approved through a Public Works Encroachment Permit process. The storm drain relocation shown Sheet C5.0 dated 1/29/19 are subject to change during the plan check process. [COA] [PUBLIC WORKS]
- EP-16 **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-17 **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

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- 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-18 **RE-USE OF EXISTING CITY UTILITY SERVICE LINES:**
The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by the Department of Public Works. Sheets C1.0 through C5.0 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-19 **UTILITY METER/VAULT:**
No existing or new utility meters or vaults shall be located within the new driveway approach. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-20 **DRY UTILITIES:**
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to the issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-21 **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-22 **DUAL CONNECTION WATER SERVICE SYSTEM:**
Provide two service points of connections for the domestic water, with two separate radio-read domestic master water meters and two separate reduced pressure backflow preventer (RPBP) in accordance with current City standards for the mid and low-rise apartments, and townhomes. Install a cut-in-tee gate valve between the two service hot taps. Backflows shall be the size as the water meters and must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

- EP-23 IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:
- a) Install a separate irrigation water service line (separate from the domestic/fire water service line) with a water meter and backflow prevention device. Install and cap at the property line the irrigation water service line for the park.

 - b) All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows shall be the same size as the water meters and must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS]
- EP-24 PUBLIC FIRE HYDRANTS:
Remove and replace the existing fire hydrant barrel(s) along the entire project frontage with current City standard Clow-Rich 865. New fire hydrant locations shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-25 SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and subject to approval by the Public Works Department as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-26 SANITARY SEWER AND STORM DRAIN MANHOLES:
Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-27 SANITARY SEWER VIDEO:
The contractor shall make a video copy of the interior of the new sanitary sewer lateral installed prior to it is put into service. [COA] [PUBLIC WORKS]
- EP-28 STORM DRAIN DESIGN:
Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral

flowing full. The new storm drain lateral shall be 12” and the main line shall be minimum 15” diameter in the public right-of-way.

EP-29 CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING: Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City’s storm drain collection system. The developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read “NO DUMPING”. Stencils/badges may be supplied by the Environmental Services Department if needed. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-30 TRAFFIC SIGNAL MODIFICATIONS:
The developer shall update the existing traffic signal equipment at all four corners of Stewart Drive/Santa Trinita Avenue intersection and all four corners of Duane Avenue/Indian Wells Avenue intersection including but not limited to conduits, video detection, signal poles, pull boxes, conductors, internally illuminated street name signs, etc. per latest Caltrans Standards and City’s Traffic Signal and Street Lighting Specifications. Install new accessible pedestrian signal (APS) push buttons at all corners. Install 3” traffic signal interconnect conduit from the western project limits along Duane to the Stewart Drive/Santa Trinita intersection. Install fiber optic cable from Duane Avenue/Indian Wells Avenue to Stewart Drive/Santa Trinita controller cabinet. [COA] [PUBLIC WORKS]

EP-31 PHOTOMETRIC ANALYSIS:

- a) The developer is required to provide a photometric analysis based upon LED fixtures for Duane Avenue, Stewart Drive and Indian Wells Avenue as to determine that the street lighting meets current City’s Roadway Lighting Design Criteria. Roadway, sidewalk and crosswalk illuminance calculations shall be calculated separately from each other.
- b) The roadway and sidewalk illuminance values required to be met for Duane Avenue and Stewart Drive are:
 - i.) Minimum Maintained Average Illuminance ≥ 1.1 fc
 - ii.) Uniformity Ratio (Avg/Min) ≤ 4.0
 - iii.) Max/Min ratio ≤ 20
- c) The roadway and sidewalk illuminance values require to be met for Indian Wells Avenue are:
 - i.) Minimum Maintained Average Illuminance ≥ 0.7 fc
 - ii.) Uniformity Ratio (Avg/Min) ≤ 4.0
 - iii.) Max/Min ratio ≤ 20
- d) Marked crosswalks at street intersection should have a desired minimum average illuminance value ≥ 2.2 fc. However, if this is not

achievable the developer shall install at least one safety light on each side of the crosswalk.

- e) Illuminance values for marked midblock crosswalks are as follows:
 - i.) Minimum Maintained Average Illuminance ≥ 0.5 fc
 - ii.) Uniformity Ratio (Avg/Min) ≤ 4.0
 - iii.) Minimum vertical illuminance at 5' above pavement ≥ 0.2 fc
- f) The limits of the photometric analysis shall be the entire project frontage and include all existing streetlights on both sides of Duane Avenue and Stewart Drive along and adjacent to the project frontage, with streetlights being LED fixtures.
- g) The developer shall upgrade all existing streetlight fixtures along the Duane Avenue and Stewart Drive project frontage to LED fixtures. All LED fixtures shall be of the same make and model (current approved manufacturers is Philips or approved equal that meet the current City of Sunnyvale LED roadway lighting specifications).
- h) If the photometric analysis shows the need to relocate or install new streetlights, the developer shall also replace all existing streetlight conduits, wires and pull boxes with new ones along Duane Avenue and Stewart Drive frontages per City's current standards.
- i) The light lost factor (LLF) to be used is 0.95. The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-Approved™ Products list. Along with the photometric analysis the developer shall provide cut sheets for proposed fixtures, ies files used to perform analysis, test results from certified dependent lab, and electronic copy of the photometric analysis in AGi32 format. All LED fixtures shall have a 10-year warranty.
- j) Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code. Streetlight fixture pole types along Duane Avenue, Stewart Drive and Indian Wells Avenue shall be in accordance with the East Sunnyvale Area Sense of Place Plan requirements, unless otherwise directed by the Director of Public Works.
- k) Developer shall comply with City streetlight design guidelines and plan check submittal requirements as provided by the City upon request.
- l) Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance. [COA] [PUBLIC WORKS]

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- Prior to the first encroachment permit issuance, the developer shall pay a fair share cost for the design and extension of the westbound Duane Avenue right turn lane. The estimated fair share cost for design, re-striping, signage and community outreach is Fifteen Thousand and No/100 dollars (\$15,000.00). [COA] [PUBLIC WORKS]
- EP-33 DE GUIGNE DRIVE/SANTA REAL AVENUE:
The developer shall install a marked crosswalk and enhanced safety system (e.g. in-roadway lights or rectangular rapid flash beacon or as directed by the Director of Public Works) on the east leg of the intersection to provide better pedestrian visibility to motorist. Install new pedestrian crossing warning signs, per the latest California Manual on Uniform Traffic Control Devices, and relocate existing 'No Parking to Here' signs on the west side of Santa Real Drive as needed. [COA] [PUBLIC WORKS]
- EP-34 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. Restripe the existing Indian Wells Avenue and Santa Real Avenue by continuing the 6' bike lane, 3' striped buffer land and 11' travel lanes to De Guigne Drive. On-street parking shall be removed. Pavement striping/marking shall be in thermoplastic. Establish a stop control at each of the project's driveway/intersection exit onto Indian Wells Avenue and Stewart Drive. [COA] [PUBLIC WORKS]
- EP-35 TRAFFIC CONTROL PLAN:
Submit a traffic control plan and temporary traffic control (TTC) checklist with the off-site improvement plans for review and approval. Per the TTC, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]
- EP-36 DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]
- EP-37 CITY STREET TREES:

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- The developer shall install required street trees in proposed tree wells within the public right-of-way along the project frontage as follows: Indian Wells Avenue: Lophosemon confertus – Brisbane Box; Stewart Drive: Platanus x acerifolia ‘Columbia’ – London Plane Tree. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15-gallon size spaced approximately 35’ apart. No street trees are to be planted within 10’ of a sanitary sewer lateral. Sheet Sheets C1.0 through C5.0 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-38 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-39 ROOT BARRIER:
Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]
- EP-40 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) COORDINATION:
Developer shall notify VTA of the proposed plans to determine if any VTA improvements are necessary or if any VTA lines will be impacted during construction. Developer shall work with VTA directly on these improvements. VTA contact is Robert Daniels, Service & Operations Planning (408) 321-5780.
- EP-41 MAINTENANCE AGREEMENT:
Prior to encroachment permit issuance, developer shall execute a Maintenance Agreement for perpetual maintenance of the storm drainage treatment facilities and landscaping in the roundabout located within the Indian Wells Avenue public right-of-way. The subject Maintenance Agreement shall be recorded prior to first building occupancy. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]
- EP-42 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]

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit # **2016-8035**, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- e) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following provisions:
 - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
 - ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- g.) The CC&Rs shall contain the following language:
 - i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so

that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.

- iii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- iv) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- v) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- vi) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- vii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save,

defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-2. HOA CREATION:

The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-3. HOA TRANSFER:

At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]

TM-4. NEW STREET NAMING:

The name of the public street shall be Indian Wells Avenue. [COA] [PLANNING]

TM-5. COMMON LOT:

The common lot shall be assigned a private street name in accordance with the official Street Name System, as selected by the Community Development Department. [COA] [PLANNING]

TM-6. LOT LINE ADJUSTMENT:

A lot line adjustment for Lot 7 shall be completed and recorded with Santa Clara County prior to the final map approval. [COA] [PUBLIC WORKS]

TM-7. 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. Sheets C1.0 through C5.0 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]

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- TM-8. 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-9. PUBLIC/PRIVATE STREETS:
All streets, both public and private, shall be shown on the final parcel Map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS]
- TM-10. EASEMENT DEDICATION:
a) This project requires a 26'-wide minimum emergency vehicle ingress and egress easement and 15' public storm drain easement dedications on and over the private roadways.

b) In addition, street easement dedications are required along Indian Wells Avenue and the widened portion of Stewart Drive, just south of Duane Avenue. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- TM-11. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s), reciprocal parking easement(s), cross-lot drainage easement(s), sanitary sewer easement necessary for the project shall be delineated on the map or recorded concurrently with the map with a separate instrument. 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-12. PUBLIC PARK:
The developer shall dedicate to the City a 6.5-acre public park located at the corner of Duane Avenue and Indian Wells Avenue with recordation of an "Offer of Dedication" concurrently with the first final map. Dedicated park shall follow the City's Standards for Acceptance of Land for Park Purposes and Park Agreement. The public frontage improvements shall conform to the requirements noted above and the park improvements will be reviewed and approved by the City, unless otherwise approved by the Director of Public Works. The park parking lot shall provide 33-parking stalls. Park improvements and project access to the park are subject to City's review and approval during the plan check process. [COA] [PUBLIC WORKS]

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- TM-13. **UTILITY COMPANY APPROVAL:**
Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA] [PUBLIC WORKS]
- TM-14. **COST ESTIMATE:**
Provide an itemized engineer's estimate for all off-site public improvements and on-site private improvements for the entire project with breakdowns corresponding to each construction phases (in accordance with City approved phasing plan). [COA] [PUBLIC WORKS]
- TM-15. **SUBDIVISION IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:**
The developer shall execute a subdivision improvement agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first. Provide an itemized engineer's estimate for all improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]
- TM-16. **PUBLIC WORKS DEVELOPMENT FEES:**
The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- TM-17. **COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS):**
Any proposed deeds, covenants, conditions, restrictions and by-laws relating to the subdivision are subject to review and approval by the City. The CC&R's shall include the following provisions:
- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
 - b) The Homeowners Association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
 - c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Improvement Agreement)

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- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
 - e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. COMPACT SPACES:

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

PF-3. PARKING LOT STRIPING:

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

PF-4. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-5. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-6. 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]

PF-7. BMR COMPLETION 60-DAY ADVANCE NOTICE:

The Developer/Owner must provide a written "Notice of Intent to Sell" to the Affordable Housing Manager for each BMR unit(s) to be provided in the development at least sixty (60) days (but no more than ninety (90) days) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the BMR Program Guidelines and updated annually. The developer must also request and pass a site inspection by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-8. AFFORDABLE RENTAL UNITS DEVELOPER AGREEMENT:

Housing staff shall verify that the Developer has complied with GC-15 (Affordable Rental Housing Developer Agreement) and that the required affordable rental units have been marketed and made available for rent upon project completion in compliance with the recorded Developer Agreement. [COA] [HOUSING]

PF-9. STORMWATER TREATMENT FACILITIES ALONG INDIAN WELLS:

The developer shall be responsible for treatment and maintenance of stormwater and stormwater treatment facilities in the public right-of-way along Indian Wells Avenue. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

PF-10. NEW PUBLIC EASEMENTS LOCATED ON-SITE:

Any new easements required for public use purpose shall be either shown on the first recorded final map or on a separate recorded Easement Deed deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]

PF-11. PARKING LOT STRIPING:

All parking lot striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]

PF-12. COMPLETION OF PUBLIC IMPROVEMENTS:

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

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. 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]

DC-5. PILE DRIVING:

Construction shall not include deep pile foundations or pile driving or extremely high noise-generating activities or significant vibration. The applicant has stated that auger cast piles or drilled piers may be implemented instead per geotechnical recommendation. Pile driving noise-reducing techniques and muffling devices such as augered geo piers shall be used. If driven piles are required, EIR Mitigation 4.8-2 includes maximum vibration exposure and distance requirements minimizing ground vibration. [COA] [PLANNING]

DC-6. HISTORIC AND CULTURAL RESOURCES:

The project could potentially impact an unknown historic, cultural resource during the grading and construction phases of the project. The applicant shall comply with the following:

- a) Prior to ground disturbance, a qualified archaeologist shall conduct further archival and field study to identify archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface.
- b) If archaeological resources or remains, including Native American resources, are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials/remains and workers shall not alter the materials/remains and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect any of the resources found.
- c) Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
- d) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms. [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. SOLID WASTE RECYCLING MANAGEMENT:

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

AT-3. LOUDSPEAKERS PROHIBITED:

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

AT-4. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-5. LANDSCAPE MAINTENANCE:

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

AT-6. PARKING MANAGEMENT:

On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

AT-7. PARKING LOT MAINTENANCE:

The parking lot shall be maintained 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-8. OFF-STREET PARKING:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-9. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
- b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- c) Maintain all parking lot striping and marking.
- d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]

AT-10. RECREATIONAL VEHICLE STORAGE PROHIBITED:

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

AT-11. HOA REVIEW AND APPROVAL:

In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-12. HOA RESPONSIBILITIES:

The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]

AT-13. 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-14. 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]