
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
AUGUST 11, 2025**

Planning Application **PLNG-2022-7324**
838 Azure Street

SPECIAL DEVELOPMENT PERMIT to allow construction of four new two-story single-family homes and TENTATIVE MAP to create four single-family lots.

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:

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:

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

date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:

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

GC-4. INDEMNITY:

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

GC-5. NOTICE OF FEES PROTEST:

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

GC-6. STORMWATER MANAGEMENT PLAN:

Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2022-0018, as determined by a completed Stormwater Management Plan Data Form, and therefore must submit a Stormwater Management Plan as per SMC 12.60.210 prior to issuance of the building permit. [SDR] [PLANNING]

GC-7. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, striping, street lights, etc.

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All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan with sheet TM 1 to TM 6 and OI 1 to OI 3 dated 11/XX/24 is subject to change during the plan check process.

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

GC-8. 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. Sheet TM 1 to TM 6 and OI 1 to OI 3 dated 11/XX/24 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-9. ENCROACHMENT PERMIT:

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

GC-10. RECORDATION OF PARCEL MAP:

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

GC-11. BUILDING CODES AND PERMIT FEES:

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

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

PS-1. EXTERIOR MATERIALS REVIEW:

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

PS-2. 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 data may be required as needed. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

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

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

BP-5. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

To reduce 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 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-6. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-7. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:

A detailed solid waste disposal and recycling design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-8. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-9. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of final occupancy.

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- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$18,844.00 (based on current rate), as updated annually per the Master Fee Schedule. (SMC 3.50). The exact fee amount shall be determined based upon the fee rate in effect at the time of fee payment or building permit issuance, as applicable. [SDR] [PLANNING]
 - b) PARK DEDICATION IN-LIEU - Pay Park Dedication In-lieu fees estimated at \$328,878.00, or as updated annually per the Master Fee Schedule. (SMC 18.10). The exact fee amount shall be determined based upon the fee rate in effect at the time of fee payment or building permit issuance, as applicable.

Prior to building permit issuance, the applicant, property owner and/or lessee shall enter into an agreement for the payment of the fees within the time specific above in a form provided by City, which shall be recorded in the office of the county recorder, and from the date of recordation, shall constitute a lien for the payment of the fee, and shall be enforceable against successors in interest to the property owner or lessee. [SDR] [PLANNING]

BP-10. 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/neighboring properties and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architectural or landscaping features. [PLANNING] [COA]

BP-11. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) All areas not required for parking, driveways, structures, or walkways to access structures shall be landscaped.
- b) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) All trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

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- d) Any “protected trees”, (as defined in SMC 19.94) approved for removal either through PLNG-2017-7248 or PLNG-2022-7324, shall be replaced with a specimen tree of at least 24-inch box size.
 - e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - f) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
 - g) Plant two trees along the southern property line of Lot 2 to enhance screening.
 - 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-12. 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-13. 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). Given that certain trees previously identified as ‘protected’ in the earlier arborist report were removed during prior site activity, the original arborist report prepared by Monarch Consulting Arborists LLC, dated April 24, 2016, shall serve as the baseline for valuation and inventory purposes, including the assessment of impacts and replacement requirements.
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and

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approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-14. STORMWATER MANAGEMENT C.3 DATA FORM:

Submit the completed City of Sunnyvale and Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Data Form to the Planning Division prior to issuance of a Building Permit. [COA] [PLANNING]

BP-15. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-16. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

BP-17. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.230. 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 Services Department, which may be reached by calling (408) 730-7717.
- 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:

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- 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 discharged to onsite vegetated areas is not a feasible option.
 - v. Fire sprinkler test water, if discharged to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-18. CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [COA] [PUBLIC WORKS]

BP-19. UNDERGROUND UTILITIES:

All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]

BP-20. 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-21. 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-22. EXTERIOR LIGHTING PLAN:

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

- a. Pole heights to be uniform and compatible with the areas, and shall not exceed 8 feet.
- b. Provide photocells for on/off control of all security and area lights.
- c. All exterior security lights shall be equipped with vandal resistant covers.
- d. Wall packs shall not extend above the roof of the building.
- e. Lights shall have shields to prevent glare onto adjacent residential properties.

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- f. Implement International Dark Sky Association (IDA) approved exterior lighting hardware. [COA] [PLANNING]
- BP-23. 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-24. PARKING MANAGEMENT PLAN:
A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
 - b) The guest space located between Units #1 and #3, as noted on the approved site plan, shall be marked as “guest” and shall be noted in the approved maintenance agreement.
 - c) Clearly indicate that unassigned spaces cannot be rented or reserved for a specific resident and will be available for parking on a first come, first serve basis without a fee or charge.
 - 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.
 - g) Garage spaces shall be maintained at all times so as to allow for parking of two vehicles. [PLANNING] [COA]
- BP-25. NOISE REDUCTION:
Final construction drawings shall incorporate all noise reduction measures set forth under Noise Study prepared by Environmental Consulting Services dated June 10, 2025 to achieve compliance with the City’s noise level standards. The noise consultant shall submit a letter of compliance prior to issuance of building permit. The following noise measures should be followed during construction, including but not limited to:
- a) The west wall facing Sunnyvale Saratoga Road shall not have any windows. If windows facing Sunnyvale Saratoga Road are necessary, the windows shall achieve a minimum OITC 36 rating.
 - b) The windows on the North and South walls shall provide an OITC 33 rating or higher.

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- c) Fresh air intake shall be positioned on the eastern side of the building.
 - d) All exterior walls shall be constructed to achieve a STC 50 rating or higher to meet the interior noise level requirement of Ldn 45 dB. This may be accomplished through the use of resilient channels, staggered stud walls, or equivalent noise-reducing construction methods.
 - e) The existing masonry wall shall be modified, and a new wooden pedestrian gate shall be installed, following the steps outlined in page 4 of the noise study prepared by Environmental Consulting Services, dated June 10th, 2025.
 - f) There shall be no exposed recreational areas, backyards, patios, or balconies on the second story of the proposed construction. [COA] [PLANNING]
- BP-26. GREEN BUILDING:
The plans submitted for building permits shall demonstrate the project achieves a minimum of 90 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-27. 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 and Director of Public Works with a separate Miscellaneous Plan Permit (MPP) prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:
- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
 - b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
 - c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
 - e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.

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- 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] [PUBLIC WORKS]

BP-29 SOIL, SOIL VAPOR, AND GROUNDWATER INVESTIGATION:

The project applicant shall conduct a soil, soil vapor, and groundwater investigation to determine the lateral and vertical extent of any potential contamination. If contamination is identified, the applicant shall prepare a plan (site remediation, site management, corrective action or similar) and obtain regulatory oversight approval from either the State of California San Francisco Bay Regional Water Quality Control Board, California Department of Toxic Substances Control, or the County of Santa Clara Department of Environmental Health prior to initiation of site demolition and grading. The project applicant shall implement all external oversight agency-required mitigation measures (which may include vapor barriers and other effective site management controls) during construction activities. [COA] [PLANNING]

BP-30 CONSTRUCTION AIR QUALITY MEASURES:

Prior to the issuance of grading or building permits, the Bay Area Air Quality Management District’s (BAAQMD) basic construction mitigation measures from Table 5-2 and 5-3 of the BAAQMD 2022 CEQA Air Quality Guidelines (or subsequent updates) shall be noted on the construction documents, including the following:

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- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - g) All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 - h) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - i) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - j) Publicly visible signs shall be posted facing Azure Street and Sunnyvale/Saratoga Road with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
 - k) Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
 - l) Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
 - m) Plant vegetative ground cover (e.g. fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
 - n) Install sandbags or other erosion measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - o) Minimize the amount of excavated material or waste materials stored at the site.
 - p) Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days. [COA] [PLANNING]

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BP-31 CARB TIER 4 OR BETTER FOR ALL OFF-ROAD DIESEL-FUELED EQUIPMENT:

Since the project's environmental document identified that the project is expected to exceed BAAQMD's air pollutant significance thresholds for NO_x, PM₁₀, and/or PM_{2.5}, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, tractors) shall be at least California Air Resources Board (CARB) Tier 4 Certified or better. Documentation confirming use of CARB Tier 4 Certified or better equipment shall be provided prior to building permit issuance. [COA] [PLANNING]

BP-32 AIR QUALITY MITIGATION MEASURES:

- (1) To the greatest degree possible, plant vegetation along the site boundary with Sunnyvale-Saratoga Road. This barrier would include trees and shrubs that provide a vegetative barrier.
- (2) Install air filtration at units within 60 feet of the western site boundary with Sunnyvale-Saratoga Road. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following design standards:
 - A MERV 13 or higher rating;
 - At least one air exchange(s) per hour of fresh outside filtered air; and
 - At least four air exchange(s) per hour recirculation.
- (3) As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be developed. Recognizing that emissions from air pollution sources are decreasing, the maintenance period will last as long as significant annual PM_{2.5} exposures are predicted. Subsequent studies could be conducted by an air quality expert approved by the City to identify the ongoing need for the filtered ventilation systems as future information becomes available.
- (4) Ensure that the lease agreement and other property documents, (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

BP-33 CONSTRUCTION NOISE ATTENUATION MEASURES:

The project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a noise control plan that shall be submitted for review and approval by the Director of

Community Development. Measures specified in the noise control plan and implemented during construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
 - Install superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines.
 - Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained, including trucks used to haul materials.
 - Eliminate unnecessary idling of machines when not in use.
 - Use good maintenance and lubrication procedures to reduce operating noise.
- b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - Where there are no existing solid walls, install solid perimeter 8-foot plywood fences around the site during the demolition and construction phase to provide a noise reduction of 6 to 8 dBA for nearby residences.
 - Construction shall be limited to normal daytime working hours.
- d) Pile-driving is prohibited unless authorized by the Director of Community Development. If authorized, noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
 - Installing intake and exhaust mufflers on pile-driving equipment;
 - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible as determined by the Director of Community Development;
 - Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

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- Using cushion blocks to dampen impact noise, if feasible based on soil conditions as determined by the Director of Community Development. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
 - At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.
[COA][PLANNING]

BP-34 ON-SITE PRIVATE WATER METER(S)

The developer shall install individual private water meters for each residence on-site. [COA][Building]

BP-35 NESTING BIRDS:

All construction and clearing activities shall be conducted outside of the avian nesting season (January 15-August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to three days before initiation of construction activities, including tree removal and/or site preparation involving removal of vegetation.

The qualified biologist shall survey the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and USFWS, as necessary. The City shall be notified if altered exclusion zone widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to initiation of construction activities, including tree removal and/or site preparation involving removal of vegetation. [COA] [PLANNING]

BP-36. ARCHAEOLOGICAL RESOURCES:

Prior to the issuance of grading or building permits, the project applicant is required to include information on the improvement plans that if,

during the course of grading or construction, cultural resources (i.e. prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential. [COA] [PLANNING]

BP-37. CULTURAL RESOURCES:

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

All measures shall be printed on all construction documents, contracts, and project plans, and reviewed by the Community Development Director prior to issuance of grading and building permits. During construction, the project applicant and contractor shall be responsible for, implementing these measures. [COA] [PLANNING]

BP-38. PALEONTOLOGICAL RESOURCES:

Prior to the issuance of grading or building permits, the project is required to include information on the improvement plans that if, during the course of grading or construction, fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of a project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow. [COA] [PLANNING]

BP-39 HAZARDOUS MATERIALS:

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1. Prior to redevelopment of the project site, the Santa Clara County Department (DEH) of Environmental Health or the Department of Toxic Substances Control (DTSC) should be contacted to evaluate potentially required soil mitigation measures. All required mitigation measure should be completed under the oversight of an appropriate regulatory agency. Additional soil sampling may be required to better characterize the contamination at the site.
 2. In addition, it is recommended that the project implement the following measures to protect construction workers by establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials.
 3. Prior to issuance of grading and/or building permits, a Health and Safety Plan (HSP) should be developed to establish appropriate protocols for working in contaminated materials. The HSP should include protocols for air monitoring during all site work. Each contractor should be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.
 4. Prior to issuance of grading and/or building permits, a Soils Management Plan (SMP) should be developed to establish management practices for handling contaminated soil, soil vapor, ground water, or other materials. Prior to the start of any construction activity that involves below ground work (e.g., mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures, including copies of the HSP and SMP, should be provided to the contractors for their review, and each contractor should provide such information to its subcontractors. The SMP measures should be incorporated into the project design documents. The SMP should include all measure noted in the following:
 - a. Site control procedures to control the flow of personnel, vehicles and materials in and out of the site.
 - b. Measures to minimize dust generation, storm water runoff and tracking of soil off-site.
 - c. Dewatering protocols, if dewatering is anticipated, including methods to evaluate water quality and discharge/disposal alternatives; the pumped water should not be used for on-site dust control or any other on-site use. If long-term dewatering is required, the means and methods to extract, treat and dispose ground water also should be presented and should include treating/discharging ground water to the sanitary sewer under a

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- Publicly Owned Treatment Works permit or treating/discharging ground water to the storm drain system pursuant to a California Regional Water Quality Control Board – San Francisco Bay Region NPDES permit.
- d. Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handling procedures should be described.
 - e. Perimeter air monitoring for dust during any activity that significantly disturbs site soil (e.g., mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures.
 - f. Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.
 - g. Protocols to characterize/profile soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with ground water should be assumed contaminated. All soil excavated and transported from the site should be appropriately disposed at a permitted facility.
 - h. Stockpiling protocols for “clean” and “impacted” soil; the contractor may require temporary stockpiling adjacent to excavation areas.
 - i. Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer.
 - j. Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
 - k. Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Protocols should be developed and implemented in the event elevated VOC vapors are released during excavation activities.
 - l. Measures to reduce soil vapor and ground water migration through trench backfill and utility conduits. Such measures should include placement of low-permeability backfill “plugs” at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below ground water should be installed with water-tight fittings to reduce the potential for ground water to migrate into the conduits.
 - m. Because the site is known to have pollutants with the potential for mobilization, the civil engineer should design the bottom and sides of the vegetated swales and water features (if incorporated into

building designs) to be lined with a minimum 10-mil heavy duty plastic to help prevent site infiltration.

- n. Measures to help reduce the potential for downward migration of contaminated groundwater.

BP-39 HAZARDOUS MATERIALS – RISK & SITE MANAGEMENT PLAN:

The applicant shall obtain approval of a Risk Management Plan or Site Management Plan from the County of Santa Clara Department of Health (DEH). A Completion Report and Soil Cap Maintenance Plan shall be submitted to DEH and the City of Sunnyvale prior to the issuance of any demolition, building, grading, or encroachment permit, whichever is issued first.

BP-40. PARCEL MAP:

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

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

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

A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/stripping plans, erosion control 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. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheet TM 4 and TM 5 of Preliminary Improvement Plan – Grading and Utility Plan dated 11/XX/24 is subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/637820856582800000>
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>
[COA] [PUBLIC WORKS]

EP-2. BENCHMARKS:

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The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000. Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

EP-3. UPGRADE OF EXISTING 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, shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]

EP-4. UTILITY CONNECTION:

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

EP-5. UTILITY CONNECTION TO THE MAIN:

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

EP-6. POTHOLING OF EXISTING UTILITIES:

Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflicts between existing utilities and proposed new dry utilities, sewer and storm drain laterals, and water laterals 4" and larger. Potholing shall be performed during design after proposed locations of new laterals are not likely to change. Accurate elevations and locations of existing crossings shall be shown in profiles along gravity or pressure laterals 4" and larger. It is strongly recommended that both the top and bottom elevations of fiber and electrical duct banks are potholed. [COA] [PUBLIC WORKS]

EP-7 EXISTING UTILITY ABANDONMENT:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped,

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- abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes and procedures, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-8. 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-9. DRY UTILITIES:
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-10. 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-11. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:
Existing sewer laterals must be abandoned or replaced unless the City allows them to be re-used. To propose re-use, the applicant shall submit CCTV video of the lateral to the City. The beginning of the video must show the front of the property to confirm its location before insertion into the pipe. Video must extend from the cleanout to the main. Camera may not be submerged at any time, and must include a footage counter. If the City feels that the lateral is in acceptable condition, and has no significant sags, damage, or root intrusion, the City may allow it to be re-used. Sheet TM 4 and TM 5 of Preliminary Grading and Utility Plan dated 11/XX/24 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-12. SANITARY SEWER MANHOLES:
Install a new sanitary sewer manhole 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-13. SANITARY SEWER MAIN EXTENSION:
On Azure Street, extend the 8" sanitary sewer main to the property frontage. The sanitary sewer main extension as shown on Civil Utility

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- Plan TM 5, dated 11/XX/24, is subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-14. NEW SEWER LATERAL CCTV VIDEO:
The contractor shall provide a CCTV video of new sewer laterals. Video must clearly show the front of the property before camera is inserted into the pipe. [COA] [PUBLIC WORKS]
- EP-15. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Department of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-16. 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 project impact to the existing storm drain main shall retain 1' below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter. [COA] [PUBLIC WORKS]
- EP-17. PUBLIC RIGHT-OF-WAY STORMWATER TREATMENT:
Per the Municipal Regional Stormwater Permit 3.0 Provision C.3, all impervious area created or replaced in the public right-of-way must be treated. Treatment measures for public stormwater must be located on-site on private property. Treatment measures shall be identified and included in the Stormwater Management Plan, required per BP COAs above. All stormwater treatment and infrastructure constructed for conveyance of stormwater to the stormwater treatment shall be privately maintained. [COA] [PUBLIC WORKS]
- EP-18. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-19. DRIVEWAY APPROACHES:
Remove existing driveway approach on Sunnyvale-Saratoga Road and replace it with new curb and sidewalk, and fill in wall to match existing. Install 1 new City Standard Detail 5C-6 driveway approach along the project frontage on Azure Street to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. [COA] [PUBLIC WORKS]

EP-20. DRIVEWAY VISION TRIANGLE:

Comply with the driveway vision triangle requirements at all driveway approaches on Azure Street per SMC 19.34.060. Show location of sidewalk relative to the driveway vision triangle. [COA] [PUBLIC WORKS]

EP-21. STREETSCAPE IMPROVEMENTS:

Remove existing concrete curb, gutter, and sidewalk and install new concrete curb and 2' gutter, 4-foot landscape strip and 6-foot detached sidewalk along the Azure Street frontage. Remove existing concrete curb, gutter, and sidewalk and install new concrete curb and 2' gutter and 5-foot attached sidewalk along the Sunnyvale Saratoga Road frontage. Provide sidewalk transition to conform to existing sidewalk at the project limits. The perpetual maintenance of sidewalk improvements along the project frontages shall be the sole responsibility of the property owner [COA] [PUBLIC WORKS]

EP-22. STREET PAVEMENT:

Apply Type III slurry seal from the lip of gutter to the bike lane fronting 838 Azure Street, along the Sunnyvale Saratoga Road frontage, or as directed by the Department of Public Works.

Apply Type II slurry seal, from lip of gutter to the centerline, fronting 838 Azure Street frontage, or as directed by the Department of Public Works. [SDR] [PUBLIC WORKS]

EP-23. STREET LIGHTS:

The developer shall remove 1 existing streetlight on Azure Street and install 1 new streetlight with a 130-foot staggered spacing along the project frontage for Azure Street. All LED fixtures and streetlight pole types shall be of the same make and model (current approved manufacturer is Philips Lumec).

The developer shall provide a separate streetlight plan identifying existing streetlights to be removed and new streetlights to be installed along the entire project frontage based on the streetlight spacing provided by the City. The streetlight plans shall 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. The streetlight plans shall be submitted concurrently with the off-site improvement plan review.

The developer shall be responsible to replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards. The developer may be required

to connect the new streetlight to the existing unmetered service pedestal or have them install a new one. All LED fixtures shall have a 10-year warranty.

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

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department.

Upon Completion of the streetlight improvements, developer shall provide as-built streetlight plan in pdf and .dwg formats.
[COA] [PUBLIC WORKS]

EP-24. SIGNING AND STRIPING PLANS:

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

EP-25. TRAFFIC CONTROL PLAN:

Submit a traffic control plan with the off-site improvement plans for review and approval. Per the City's Temporary Traffic Control Checklist, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

EP-26. CITY STREET TREES:

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

EP-27. 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 streetlight conduits, streetlight wires, and streetlight pull boxes, shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, and streetlight pull

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boxes shall be replaced within 7 days at the expense of the developer.
[COA] [PUBLIC WORKS]

EP-28. MAINTENANCE AGREEMENT:

Prior to encroachment permit issuance, developer/property owner shall execute a Maintenance Agreement with the City, in a form approved by the City Attorney, for perpetual maintenance by the developer/property owner (and their successors in interest) of the sound wall along Sunnyvale Saratoga Road located in the public right-of-way or within an easement for public use purpose as referenced herein. The subject Maintenance Agreement shall be recorded prior to first building occupancy. [COA] [PUBLIC WORKS]

EP-29. 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 & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

<p>PM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.</p>

PM-1. COVENANT OF EASEMENT:

Prior to approval of the Parcel Map or Final Map, the property owner shall provide the City with a covenant of easement or other legal instrument in a form acceptable to the City Attorney for the purpose of securing a shared driveway for ingress and egress, other shared facilities/amenities including visitor or guest parking, and cross access for storm drainage, landscaping, and utilities, necessary for the four parcels to be created and in the locations as shown on the final plans submitted for the building permit. The covenant shall also set forth the joint maintenance obligations of the owners of the four parcels and/or the homeowners' association. The terms and conditions of the covenant shall be subject to review and approval by the Director of Community Development, Director of Public Works, and the City Attorney; and incorporated into the CC&Rs. Such covenant shall be recorded simultaneously with the Parcel Map. [COA] [PLANNING]

PM-2 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 (including, but not limited to, the shared driveway and guest parking spaces) 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 following installation of such improvements until the improvements are transferred to an owners association, at which time the owners association will assume maintenance obligations.
- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #2022-7324, 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

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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. "Common Area" as used herein means the shared driveway, shared guest parking, and any shared landscape areas..

- 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]

PM-3. 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]

PM-4. 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]

PM-5. TITLE 18 AND SUBDIVISION MAP ACT:

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

PM-6. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be delineated on the map or recorded concurrently with the map with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]

PM-7. UTILITY COMPANY APPROVAL:

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

PM-8. PUBLIC WORKS DEVELOPMENT FEES:

Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]

PM-9. SUBDIVISION IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:

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Developer shall execute a Subdivision Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to parcel map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

PM-10. OFF-SITE IMPROVEMENT COST ESTIMATE:

Provide an itemized engineer's estimate for all off-site public improvements for the entire project with breakdowns corresponding to each construction phases (in accordance with City approved phasing plan). [COA] [PUBLIC WORKS]

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

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. 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-3. COMPLETION OF PUBLIC IMPROVEMENTS:

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

PF-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

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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. NOISE REDUCTION VERIFICATION:

Following construction completion, the project acoustical consultant shall measure interior and exterior noise levels to confirm they are within allowable City of Sunnyvale noise standards and submit a report to the Director of Community Development prior to occupancy. If noise levels exceed allowable standards, the project applicant shall work with the project acoustical consultant on a compliance plan to reduce noise to acceptable levels, subject to the review and approval of the Director of Community Development. The project applicant shall incorporate all approved subsequent measures and confirm with additional testing that acceptable levels are met prior to occupancy of the units. [COA] [PLANNING]

PF-7. COMPLETION OF SITE REMEDIATION:

Prior to any building occupancy, the applicant shall provide documentation from the appropriate regulatory agency (County of Santa Clara Department of Environmental Health, California Department of Toxic Substances Control, or State of California San Francisco Bay Regional Water Quality Control Board) confirming that all required site remediation measures required to occupy any building or site have been completed and that plans have been provided for ongoing monitoring, if required, to the satisfaction of the agency. Deed restrictions, if required by the external oversight agency, shall be recorded prior to final occupancy. [COA] [PLANNING]

PF-8. VERIFICATION OF GREEN BUILDING MEASURES:

Prior to any residential building occupancy, the applicant shall provide documentation from the project's Green Point Rater confirming the project has been built to achieve the required points. [COA] [PLANNING] [BUILDING]

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

Applies to all projects

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

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

DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:

OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

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

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

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

DC-4. DUST CONTROL:

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

AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.
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AT-1. LANDSCAPE MAINTENANCE:

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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-2. PARKING MANAGEMENT

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

AT-3. PARKING:

On-site parking management shall conform with the approved parking management plan. The project is required to maintain the approved parking spaces (17 total number) for automobile parking purposes only and is prohibited from being converted to any other use. [COA] [PLANNING]

AT-4. PARKING AREA MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all visitor 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 area to keep them safe and desirable for the use. [COA] [PLANNING]

AT-5. 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-6. 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-7. 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-8. 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-9. BMP MAINTENANCE:

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

AT-10. BMP RIGHT OF ENTRY:

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