

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

Planning Application PLNG-2023-0807

777 Sunnyvale Saratoga Road

SPECIAL DEVELOPMENT PERMIT: to consider the redevelopment of a commercial site to an 80-unit, three-story townhouses, 162-unit, seven-story apartment development, and 2,050 square feet commercial; and,

TENTATIVE MAP: to subdivide the existing lot into 31 lots and create 80 condominiums.

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 an inapplicable 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 FEE 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. ENVIRONMENTAL MITIGATION MEASURES:
The project shall comply with all mitigation measures required in the El Camino Real Specific Plan Environmental Impact Report. The Mitigation Monitoring and Reporting Program (MMRP) has been included as conditions and in Attachment 6. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE**
- GC-6. STORMWATER MANAGEMENT PLAN:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per Sunnyvale Municipal Code Section 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-7. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:
The project is subject to the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Sunnyvale Municipal Code Chapter 19.45. The project must achieve the 11 points as provided on the approved TDM program. Verification of compliance is

subject to approval by the Director of Community Development prior to occupancy and shall be demonstrated (when applicable) on building permit plans. [SDR] [PLANNING]

GC-8. PUBLIC IMPROVEMENTS:

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 connections, meters/vaults, trees and landscaping, traffic signage, striping, streetlights, crosswalk, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

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

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. [COA] [PUBLIC WORKS]

GC-9. OFF-SITE CONSTRUCTION PHASING PLAN:

The developer shall prepare a detailed off-site construction phasing plan for the subject property. The plan shall be subject to review and approval by the Department of Public Works prior to issuance of the encroachment permit. 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-10. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Preliminary Civil Sheets C1.0-C9.0 dated 1/8/25 are subject to change during the 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>

[SDR] [PUBLIC WORKS]

GC-11. ENCROACHMENT PERMIT:

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

GC-12. FINAL MAP RECORDATION:

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-13. MAP PHASING:

If multiple maps are filed, all public improvement plans shall be approved prior to first map recordation. All public improvements shall be completed prior to first building occupancy, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-14. BMR OWNERSHIP HOUSING COMPLIANCE (TOWNHOMES):

This project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code(SMC) 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 15% of the total units in the project for sale as BMR homeownership units. For the subject project, that equals twelve (**12**) moderate income dwelling units for sale in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines. [SDR] [HOUSING]

GC-15. BMR RENTAL HOUSING COMPLIANCE (APARTMENT):

This project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code(SMC) Chapter 19.77 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. Developer's project description indicates Developer's

- intent to provide sixteen (16) low income rental units and eight (8) very low income rental units (Affordable Rental Units). To fulfill this option, Developer/Owner shall sign and submit to the City for recording an Affordable Rental Housing Developer Agreement and Declaration of Restrictive Covenants in a form provided by the City to secure the affordability restrictions applicable to the project in order to waive the otherwise applicable impact fee. This agreement must be recorded before issuance of a building permit or recordation of a final map, whichever occurs first. [COA] [HOUSING]
- GC-16. AFFORDABLE RENTAL HOUSING RESTRICTION:
Twenty-four (24) residential units within the development shall remain rental units affordable to and occupied by, or made available for occupancy by very low and low income households for a period of at least 55 years. Units shall be dispersed throughout the complex, with precise locations to be identified in the Affordable Rental Housing Agreement to be recorded prior to Building Permit issuance. [COA] [HOUSING]
- GC-17. BUILDING CODES AND PERMIT FEES:
The project is subject to payment of building permit fees based on the fee resolution effective on November 21, 2023. The project is subject to applicable building codes effective at the time of building permit submittal. [SDR] [BUILDING]
- GC-18. FUTURE HOME ADDITIONS/MODIFICATION: (TOWNHOMES)
Future home modifications/additions will be subject to the Sunnyvale Municipal Code development standards for properties within the ECRSP zoning district, such as setbacks, height and lot coverage. Home modifications/additions will be subject to the required permit procedures in place at that time, to ensure conformance with development standards, design guidelines, and compatibility with the subdivision and neighboring properties. [COA] [PLANNING]
- GC-19. SIGNS:
All new signs shall be in conformance with Title 19 of the Sunnyvale Municipal Code subject to approval by the Director of Community Development. [COA] [PLANNING]
- GC-20. SB 330 PRELIMINARY APPLICATION:
In accordance with state law (SB 330, Housing Crisis Act of 2019), except as required to comply with the California Environmental Quality Act, the project shall be subject only to the ordinances, policies, and standards adopted and in effect when the project's preliminary application was submitted (PLNG-2023-0806 - November 21, 2023).
Ordinances, policies, and standards includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations,

requirements, and policies of the City of Sunnyvale, as defined in Section 66000 of the Government Code, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions. In the case of a fee, charge, or other monetary exaction, the project is subject to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction. [COA] [PLANNING]

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

PS-1. 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-2. BMR STANDARD PERMIT CONDITION:

The developer shall complete a "Table of Plan Types for New Developments" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the BMR Developer Agreement(s). [SDR] [HOUSING/BMR Administrative Guidelines]

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. 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) 730-7900.
- 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-6. 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]

- BP-7. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:
To comply with state CALGreen code, demolition and construction projects must be registered with and submit a Waste Management Plan to Sunnyvale.wastetracking.com, a site hosted by Green Halo. Once the project begins and unwanted material is taken offsite, upload documentation detailing the location of the recycling or landfill facility, material type, and material quantity to Green Halo. Submit this documentation quarterly and before scheduling building final inspection. [COA] [ENVIRONMENTAL SERVICES]

BP-8. 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 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. Where 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-9. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of the first certificate of occupancy or the first temporary certificate of occupancy, whichever occurs first (except as otherwise noted), at the fee rate in effect on November 21, 2023.

- a) TRANSPORTATION IMPACT FEE – Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$662,269.30 prior to issuance of final occupancy (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU – Pay Park In-lieu fees estimated at \$12,845,974.68. (SMC 18.10) [SDR] [PLANNING]
- c) EL CAMINO REAL TRANSPORTATION IMPACT FEE – Pay ECR TIF fees estimated at \$11,492.34. [SDR] [PLANNING]
- d) EL CAMINO REAL SPECIFIC PLAN MAINTENANCE FEE – Pay ECRSP maintenance fee (0.08% of the construction value) for each building permit, prior to issuance. [SDR] [PLANNING]
- e) 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 specified 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.

BP-10. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum 90 points on the Green Point Rated checklist. Please refer to the following website:
<https://sunnyvale.ca.gov/business/environmental/building.htm>
[COA] [PLANNING/BUILDING]

BP-11. 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-12. 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. The Stormwater Management Plan shall include as updated Stormwater Management Data Form. [COA]
[PLANNING/ENVIRONMENTAL SERVICES]

BP-13. 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-14. 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, for both townhomes and apartments, 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 are encouraged to specify that 25% to 75% of unassigned spaces be reserved for guest use.

- 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. [PLANNING] [COA]

BP-15. 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-16. PARKING LOT STRIPING:

Parking spaces should be marked in the following manner to encourage careful parking and increase usability of spaces.

- a) Double lines, one foot apart (as measured from the center) and four inches wide should mark the sides of each space.
- b) Lines should be 16 feet long, with a rounded radius end. [COA] [PLANNING]

BP-17. BICYCLE PARKING:

Provide the following minimum bicycle facilities at the main entrance and/or high visible areas per Sunnyvale Municipal Code Section 19.36.120(i):

- For the proposed 162 dwelling units of affordable apartments, provide 108 Class I secured bicycle parking and 11 class II bicycle parking
- For the proposed 80 dwelling units of townhomes, provide 54 Class I secured bicycle parking and 6 Class II bicycle parking,
- For proposed 2,050 square feet commercial space, provide 1 Class I secured bicycle parking and 1 Class II bicycle parking.

Bicycle parking in Public Right-of-Way does not count toward bicycle parking required for the proposed development. Clearly indicate the location and number of spaces on building permit plans. Please install these bicycle racks within property, not within the public right of ways nor the furniture zone. [COA] [PUBLIC] [COA] [PUBLIC WORKS]

BP-18. FINAL MAP:

This project is subject to, and contingent upon recordation of one or more final maps. 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. Final map(s) shall be recorded prior to any

building permit issuance of any building located on that certain lot as shown on the corresponding final map. [COA] [PUBLIC WORKS]

BP-19. 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-20. 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. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-21. MECHANICAL EQUIPMENT (NOISE):

Prior to issuance of a building permit, the impacts of mechanical equipment noise on nearby noise-sensitive uses shall be assessed by a qualified acoustical consultant and determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Design planning shall take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical screening. The acoustical report and associated noise mitigation measures shall be subject to the review and approval by the Director of Community Development. [COA] [PLANNING]

BP-22. 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) Certified Arborist to prepare tree protection and preservation plans for protected trees proposed to be preserved onsite, including recommendation regarding grading, trenching, and construction methods to be adhered to and a long-term maintenance plan.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side property lines.
- d) A minimum of ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree per the City’s Tree Replacement Standards.
- f) Ground cover shall be planted so as 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.
- 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-23. 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-24. TREE PROTECTION PLAN:

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

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

BP-25. UNDERGROUND UTILITIES:

All service drops shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. All new utility services to the project site shall be installed underground. A waiver for undergrounding the pole and other on-site utilities can be considered through a Miscellaneous Plan Permit after the Planning approval of the project. [COA] [PLANNING/PUBLIC WORKS]

BP-26. EXTERIOR LIGHTING PLAN:

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
 - b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 15 feet along the eastern property line of the project and eight feet in height on the southern 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) Up-lighting and spotlights are prohibited for bird-safe purposes.
- [COA] [PLANNING]

BP-27. 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-28. BMR DEVELOPMENT AGREEMENT(S):

Before issuance of building permits or recordation of a final map for the project, whichever occurs first, the developer shall enter into a BMR Developer Agreement(s) with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the BMR Developer Agreement(s) 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 BMR Developer Agreement(s) must be executed by both parties and recorded against the property, and will run with the land.

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 Administrative Guidelines]

BP-29. BMR ALTERNATIVE COMPLIANCE PLAN:

A request for a Below Market Rate Alternative Compliance Plan in accordance with SMC 19.67.100 requires a separate planning application and fee payment. The request will be subject to recommendation by the Housing and Human Services Commission and final approval by the City Council. The request shall be reviewed by the City Council prior to the issuance of a building permit. If the City Council denies the request, the project shall provide 15% of the total units in the project for sale as BMR ownership units. For the subject project, that equals twelve (12) moderate income BMR dwelling units for sale, sixteen (16) low income and eight (8) very-low income rental units in compliance with the BMR requirements set forth in SMC 19.67 and 19.77 and the BMR Program Guidelines. [COA] [HOUSING]

BP-30. 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-31. SOLID WASTE AND RECYCLING ENCLOSURE (APARTMENT):

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;
- 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-32. 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-33. NOISE REDUCTION VERIFICATION:

The project acoustical consultant shall review the final construction drawings and confirm that all recommended measure to meet City of Sunnyvale noise standards for interior and exterior noise (including,

but not limited to sound walls, STC-rated windows and doors, habitable ventilation with windows closed, noise attenuation in roof, wall, and floor-to-ceiling construction) have been incorporated into the drawings. [COA] [PLANNING]

BP-34. PUBLIC ACCESS PATHWAY:

Along the proposed public pedestrian access easement through the property, provide wayfinding signage indicating that the pathway is available for the public to use. Verbiage, sign locations, etc. shall be reviewed during building permit review. Pathway shall be owned and maintained by the Homeowner's Association (HOA). [COA] [PUBLIC WORKS/PLANNING]

BP-35. BIOLOGICAL RESOURCES (**MITIGATION MEASURE**):

A pre-construction survey is recommended to determine the likelihood for roosting bats before project related impacts would occur. Implementation of the measure outlined in further detail below would reduce potential impacts to roosting bats to a less than significant level under California Environmental Quality Act (CEQA) Guidelines.

- a) No more than 7 days prior to beginning ground disturbance, the applicant shall have a qualified wildlife Biologist (i.e., one experienced with identification of species and signs of bats) conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the relevant work area. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 100 feet of the relevant project construction activities. If no special-status bats are found during this pre-construction survey, then the relevant ground disturbance and/or construction related to the subject proposal may proceed.
- b) Not more than 2 weeks prior to building demolition, applicant shall have a qualified Biologist (i.e., one experienced with identification of species and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition related to the subject proposal may proceed.
- c) If the Biologist determines or presumes bats are present (if there are site access issues or structural safety concerns) as a result of any of the foregoing survey(s), the applicant shall ensure the following activities related to the subject proposal occur: the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. The relevant building demolition, ground disturbance, or other construction activities shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats

from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31 (after maternity/pupping season). Exclusion efforts shall be restricted during periods of sensitive activity. [COA] [PLANNING]

BP-36. GREENHOUSE GAS EMISSIONS (**MITIGATION MEASURE**):

Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., show on-site plans) that the proposed parking areas for the multi-family building are designed to accommodate electric vehicle (EV) charging infrastructure equal to the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code (CALGreen), Section A4.106.8.2. Alternatively, because the City's Reach Code requires more EV Ready spaces than what is required by the 2022 Tier 2 Nonresidential Voluntary Measures of CALGreen, the City's Community Development Director may determine that the proposed project's compliance with the Reach Code EV charging infrastructure requirements meets the intent of the Tier 2 Nonresidential Voluntary Measures of CALGreen. [COA] [PLANNING]

BP-37. HAZARDS AND HAZARDOUS MATERIALS:

Prior to issuance of a demolition permit, the Applicant shall retain a qualified Phase II/Site Characterization Specialist to conduct Phase II testing on any structure suspected of containing lead or asbestos prior. Removal of lead paints and Asbestos Containing Materials (ACMs) must be completed in accordance with an approved Health and Safety Plan prepared by a qualified Lead and ACMs Specialist. Disposal of lead paints and asbestos containing materials must be done at an approved disposal facility. [COA] [PLANNING]

BP-38. CONSTRUCTION NOISE:

Prior to issuance of a demolition, grading or building permit, the Applicant shall include the following in the Construction Management Plan:

- a) Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site and a day and evening contact number for the City in the event of problems.
- b) Notify the City and neighbors within 100 feet in advance of the schedule for each major phase of construction and expected loud activities.
- c) When feasible, locate noisy stationary equipment (e.g., generators, pumps, compressors) and material unloading and staging areas away from the sensitive adjacent uses (school and residences).
- d) Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. If

feasible, impact tools shall be shrouded or shielded with intake and exhaust port mufflers when used near noise-sensitive receptors.

- e) Avoid unnecessary idling of equipment and engines and to a maximum of 15 minutes near noise sensitive receptors.
- f) The general contractor shall designate a “noise disturbance coordinator” responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site. [COA] [PLANNING]

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

EP-1. EL CAMINO SPECIFIC PLAN:

This project is in the El Camino Real Specific Plan (ECRSP) Area, adopted June 2022, therefore, the developer shall comply with any design requirements applicable to the off-site improvement plans, as identified in the ECRSP or as amended and approved by the City. [COA] [PUBLIC WORKS]

EP-2. 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, 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. Preliminary Civil Sheets C1.0-C9.0 dated 1/8/25 are 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-3. BENCHMARKS:

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](https://www.sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000). Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

EP-4. UTILITY CONNECTION:

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

EP-5. UTILITY CONNECTION TO THE MAIN:

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

EP-6. 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/RELOCATION:

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

EP-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 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.

Existing overhead utilities along the Sunnyvale Saratoga Road project frontage shall be undergrounded. [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:

The re-use of existing City water service laterals is not allowed. 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. The City may also require CCTV for proposed re-use of an existing storm drain lateral, on a case by case basis. Preliminary Civil Sheets C1.0-C9.0 dated 1/8/25 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-12. PUBLIC FIRE HYDRANTS AND FIRE HYDRANT LATERALS:

Remove and replace existing fire hydrant (FH) barrels and existing fire hydrant lateral(s) along the entire project frontage with Clow 75 for mains 8" and smaller, and Clow 865 for mains 10" and larger. There are two hydrants/laterals on Mathilda Avenue to be replaced and upgraded with Clow 865 and one hydrant/lateral on Sunnyvale Saratoga Road to be replaced and upgraded with Clow 75. New fire hydrant laterals and barrels must be located outside of existing and proposed tree driplines, or as determined by Department of Public Works. Hydrants shall be located per City standard detail 2B and 2B-2. Public fire hydrants shall be maintained a minimum of 3 horizontal feet from trees, vines, shrubs, bushes, and other obstacles. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

- EP-13. DOMESTIC WATER SERVICE LATERAL:
Install new radio-read domestic water meter(s) and reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at each domestic water lateral in accordance with current City standards. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required. For water meter size two (2) inch or larger, provide meter sizing calculations to the Department of Public Works for approval of meter size. For domestic water meters 3" and larger, provide 2 mainline isolation valves immediately adjacent to the water lateral (3 valves connected to the tee). Sheets C5.0-C5.1 of Preliminary Utility Plan dated 1/8/25 are subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-14. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:
Install new radio-read irrigation water meter(s) and reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at each irrigation lateral in accordance with current City standards. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required.
- 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 backflow preventer enclosure where applicable. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required. [SDR] [PUBLIC WORKS]
- EP-15. 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-16. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and 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-17. 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 inches and the main line shall be minimum 15 inches diameter in the public right-of-way. [COA] [PUBLIC WORKS]

- EP-18. 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 that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- EP-19. C.3 STORMWATER TREATMENT IN THE PUBLIC RIGHT OF WAY:
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 from the public right-of-way to the stormwater treatment shall be privately maintained. [SDR] [PUBLIC WORKS]
- EP-20. 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-21. STREET LIGHTS:
Along the project frontage on Sunnyvale-Saratoga Road, developer shall remove an existing marbelite streetlight pole 12-C-32 and an existing traffic signal pole with lane control sign. Developer shall install a new traffic signal pole Type 19-1-100, 25' signal mast arm and 6' luminaire arm with a new intersection lane control sign.
- Developer shall install 2 new standard marbelite streetlight poles 120 feet north and 120 feet south from the new traffic signal pole where the existing #12-C-32 marbelite pole is located.
- Developer shall upgrade all conduits, wires, pull boxes, and conductors with new ones along the project frontage (to current City standards), unless otherwise directed by the City. Developer shall install a new streetlight conduit connecting to existing circuit with the latest City Standards. Conduits shall connect to the existing circuit to the north of the project and install one new pull box to the southern end of the project frontage.

All LED fixtures shall be of the same make and model (current approved manufacturer is Philips Lumec).

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. All LED fixtures shall have a 10 year warranty.

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.

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.

Upon Completion of the streetlight improvements, developer shall provide drawings to the City in AutoCAD format

EP-22. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approaches along the project frontage on Mathilda Avenue (2) and Sunnyvale-Saratoga Road (1) to comply with Americans with Disabilities Act (ADA) requirements and City Standard details and specifications 6C-2. [COA] [PUBLIC WORKS]

EP-23. DRIVEWAY VISION TRIANGLE:

Comply with the driveway extended vision triangle requirements at all driveway approaches on Sunnyvale-Saratoga Road and Mathilda Avenue per SMC 19.34.060. Show location of sidewalk relative to the driveway vision triangle. [COA] [PUBLIC WORKS]

EP-24. STREETSCAPE IMPROVEMENTS:

Along project frontage on Mathilda Avenue, remove existing concrete curb, gutter, and sidewalk and install new concrete curb and 1' gutter per current City standards. Install a monolithic 10' wide sidewalk with 4'x5' tree wells.

Along project frontage on Sunnyvale Saratoga Avenue, remove all existing concrete curb, gutter, and sidewalk and install new concrete curb and 1' gutter per current City standards. Install a monolithic 10' wide sidewalk with 4'x5' tree wells. Where there is existing storm drain

main under the sidewalk, provide 6' monolithic sidewalk with trees behind the back of sidewalk to avoid the storm drain main. Streetscape layout is shown on Preliminary Civil Sheets C1.0-C9.0 dated 10/25/24 and are subject to change during plan check process.

The perpetual maintenance of sidewalk improvements along the project frontages shall be the sole responsibility of the property owner. [COA] [PUBLIC WORKS]

EP-25. MEDIAN IMPROVEMENT:

Per the Sunnyvale Roadway Safety Plan, a center median is to be installed on Sunnyvale Saratoga Road between El Camino Real and Mathilda Avenue. This project is responsible for its fair share contribution to the median improvements. Developer has agreed to design and construct the median improvements and will be reimbursed by the City based on the actual design and constructions costs.

Alternatively, if reimbursement is determined to be infeasible, the developer will not construct the improvements and will instead contribute their fair share payment to the City. Developer shall be responsible for providing a set of off-site design plans and a cost estimate for City review and concurrence.

As determined and calculated in the Local Transportation Analysis (LTA), developer's fair share contribution is 22% of design and construction. Median improvement costs include but are not limited to demolition work, installation of curb, gutter, landscaping, irrigation, street trees, root barrier, pavement, and temporary traffic control. [COA] [PUBLIC WORKS]

EP-26. ROOT BARRIER:

Install a continuous root barrier along new sidewalk adjacent to City trees and within tree wells, per City standard details and specifications. [SDR] [PUBLIC WORKS]

EP-27. DECORATIVE PAVEMENT:

Any and 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-28. 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-29. 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-30. MID-BLOCK CROSSWALK WITH HAWK AND CURB RAMPS:
Install the High Intensity Activated Crosswalk (HAWK) in project's frontage along Sunnyvale-Saratoga Road per Local Transportation Analysis (LTA)'s requirement, including limit lines, signages, ADA curb ramps on both sides of Sunnyvale-Saratoga Road, and mid-block continental crosswalk. If the HAWK is constructed prior to the median improvement per EP-25, developer shall install striped median with raised rubber curb with channelizers along the edge line in accordance to the latest City Standards details, specification and Americans with Disabilities Act (ADA) requirements. [COA] [PUBLIC WORKS]
- EP-31. EXTENSION OF NORTHBOUND LEFT TURN POCKET ON SUNNYVALE SARATOGA ROAD AT EL CAMINO REAL:
Remove the existing northbound left-turn arrow striping and install the two new northbound left-turn arrows striping. [COA] [PUBLIC WORKS]
- EP-32. SLURRY SEAL:
Developer shall be responsible to install Type III slurry seal on Mathilda Avenue from lip of gutter to median along project frontage, and on Sunnyvale Saratoga Avenue from lip of gutter to lip of gutter. Preliminary Civil Sheets C1.0-C9.0 dated 10/25/24 are subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-33. CITY STREET TREES:
The developer shall install required street trees in proposed tree wells within the public right-of-way along the project frontage as follows: Mathilda Avenue: '*Roberts*' – Roberts California Sycamore Tree. Sunnyvale Saratoga Road: *Quercus shumardi* – Shumard Oak 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 feet apart. No street trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. Civil Sheets C1.0-C9.0 dated 10/25/24 are subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-34. 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-35. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-36. 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]

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.
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TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP: The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. Sheets TM1.0-1.2 of Vesting Tentative Map submittal dated 3/27/25 are subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT:

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

TM-3. 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 shall be delineated on the map or recorded concurrently with the map with a separate instrument. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements) 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-4. EMERGENCY VEHICLE ACCESS EASEMENT:

This project requires a 26'-wide dedication of an emergency vehicle ingress and egress easement on and over private roadways, which narrows to 22'-wide down the private alleys for turnarounds. [COA] [PUBLIC SAFETY/PUBLIC WORKS]

TM-5. STREET EASEMENT DEDICATION:

This project requires a 3' wide easement dedication along Mathilda Avenue in the form of a street easement. Future right of way line is dimensioned 11' from the face of curb along Mathilda Avenue. [COA] [PUBLIC WORKS]

TM-6. PUBLIC ACCESS EASEMENT DEDICATION:

This project requires a public access easement through the site, connecting Mathilda Avenue and Sunnyvale Saratoga Road. Width of the easement varies. Easement is shown on Vesting Tentative Map sheets TM1.0-1.2 dated 3/27/25 and is subject to change during plan check. [COA] [PUBLIC WORKS]

TM-7. 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-8. 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-9. 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 off-site public improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]

TM-10. 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 and sidewalk in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
- 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)
- 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 storm water management. (SMC 12.60.200)
[COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-11. PUBLIC/PRIVATE STREETS:

All streets, both public and private, shall be shown on the Final Map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS] (SMC 18.12.190)

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. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]

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. COMPLETION OF PUBLIC IMPROVEMENTS:
Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-7. 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-14** (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]

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:

- a. 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.
- b. Construction equipment must be maintained per manufacturer's specifications.
- c. Planning and Building staff will work with project application to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
 - i. Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
 - ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - iv. 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] [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. DELIVERY HOURS:
Delivery hours for the approved use shall comply with SMC 19.42.030:
a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
[SDR] [PLANNING]
- AT-2. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-3. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-4. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises. [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 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-8. 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-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]
- AT-11. TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES:
The multi-family residential use shall participate in the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). [SDR] [PLANNING]
- AT-12. 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-13. 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-14. 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]

END OF CONDITIONS