

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
PLANNING COMMISSION ON JUNE 27, 2022**

Planning Application Special Development Permit **2021-7280**
480/490 S. Mathilda Avenue

Special Development Permit to allow the construction of a four-story office building
68.5 feet with 125,128 square feet of office space, associated site improvements and
Development Agreement (File No. 2021-7281).

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. DEVELOPMENT AGREEMENT:
The proposed project is subject to the terms and condition of the Development Agreement (DA) as contained in the separate adopting ordinance and DA (Planning Application 2021-7281). [COA][PLANNING/CITY ATTORNEY/CITY MANAGER]

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281
480/490 S. Mathilda Avenue

GC-3. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall comply with the provisions contained in the approved Development Agreement. [SDR] (PLANNING)

GC-4. INDEMNITY:

- a. Landowner shall defend, indemnify, and hold harmless the Indemnified Party from any Third Party Challenge against the Indemnified Party (City and its elected and appointed representatives, officers, agents, and employees (the "Indemnified Party") to attack, set aside, void, or annul this Agreement or the Development Approvals and shall indemnify and hold harmless Indemnified Party against any and all third-party attorneys' fees, court costs and other liabilities determined by a court to be arising out of such Third Party Challenge.
- b. The City shall promptly notify Landowner of the Third Party Challenge and shall cooperate fully in the defense of the Third Party Challenge, including but not limited to decisions about selection of counsel, settlement, preparation of the administrative record (if any) and litigation strategies. The City shall be considered to have failed to give prompt written notification of a Third Party Challenge if the City, after being served with a lawsuit or other legal process unreasonably delays in providing written notice thereof to the Landowner. As used herein, "unreasonably delay" shall mean any delay that, in the reasonable opinion of Landowner, materially adversely impacts the Landowner's ability to defend against the Third Party Challenge. If Landowner defends any Third Party Challenge, so long as Landowner is not in default hereunder, City shall not allow any default or judgment to be taken against it or compromise the defense of the action without Landowner's prior written approval. The Parties shall act jointly in filing motions, briefs, trial statement, and other appropriate court documents and in approving settlement of such Third Party Challenge. Nothing herein shall obligate or allow a Party to settle such Third Party Challenge on terms that would constitute an amendment or modification to this Agreement, the Existing City Laws, the Specific Plan, or that would materially impact the beneficial uses of that Party's property.
- C. Under no circumstances shall subsections (a) – (b) above require Landowner to pay or perform any settlement arising out of a Third Party Challenge unless the settlement is expressly approved by Landowner.
[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

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all applicable mitigation measures required in the Mitigated Negative Declaration and Specific Development Project Mitigation Monitoring and Reporting Program (MMRP) which has been included and attached to the Conditions of Approval as Attachment 1. The applicant shall be responsible for addressing all applicable required mitigations for each phase of the project. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE**

GC-7. EXHAUST AND OPENINGS FOR GROUND FLOOR USES:

All exhaust fans for the ground floor and parking garage shall be vented vertically through the building to the roof at the applicable level. Exhaust fans from the ground floor uses shall minimize the exposure of dust or odors to adjacent residential units. Emergency generators may vent at the lower floor at the northwest corner of the building. [COA] [PLANNING]

GC-8. GROUND FLOOR USES-GLAZING AND VISIBILITY:

All glazing into the ground floor uses shall maintain clear visibility into the uses. Any dropped ceilings shall be recessed 3-4 feet from the front façade to maintain visibility into the use and to keep any transom windows open and clear. Changes from this requirement are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

GC-9. PILE DRIVING:

Pile driving is generally prohibited due to proximity to residential uses. The applicant shall consider the use of other methods for foundation work. If other options are not feasible, then the applicant may submit the appropriate information for review by the Chief Building Official for review and consideration. If it is determined that pile driving is the only option, then the Community Development Director shall determine the appropriate review and notification process. [SDR] [PLANNING]

GC-10. STORMWATER MANAGEMENT PLAN:

Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

GC-11. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the City, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan with sheets C3.0 to C6.0 dated 5/23/2022 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 building, or to the satisfaction of the Public Works Department. [COA] [PUBLIC WORKS]

GC-12. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C3.0 to C6.0 dated 5/23/2022 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-13. 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-14. SOLID WASTE MANAGEMENT:

The subject site and ownership shall comply with the approved Solid Waste Management Plan, dated March 25, 2022, and accepts the responsibility to properly maintain and service its trash rooms 480/490 S. Mathilda Avenue. [COA] [PLANNING/PUBLIC WORKS]

GC-15. LOT TIE AGREEMENT:

For the purpose of compliance with California Building Standards Code, as amended and adopted by the City of Sunnyvale, the properties (APN 209-28-052 and 209-28-008) shall be combined and held as one parcel. The property shall be held as one parcel and maintain common ownership and

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

control of the properties and no parts or interest of the properties will be sold or transferred separately for the life of the building. The Lot Tie agreement runs with the land and shall be binding upon this Development Agreement and the project owners, any future owners, their successors, heirs and assignees. All terms of the Lot Tie agreement, Development Agreement, covenants, conditions, and restrictions contained herein are made for the direct, mutual, and reciprocal benefit of each and every part of the property and are intended to be equitable servitudes and burdens on the property. The Lot Ties Agreement shall continue in effect for the life of the building and may be cancelled by authority of the Building Official and City Attorney of the City of Sunnyvale with removal of the building and a written declaration recorded at the County Recorder. [COA] [PLANNING/PUBLIC WORKS/CITY ATTORNEY]

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]

PS-3. APPROVAL FROM UTILITY COMPANIES:

Approval letters from the utility companies are required for the existing Landscape Easement and Street Maintenance Easement to be abandoned in

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

accordance with applicable CA streets and highways code prior to building permit issuance.

Alternative arrangement may be considered to the City's satisfaction with consent from the utility companies. [COA] [PLANNING/PUBLIC WORKS]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR FOUNDATION BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S). THESE CONDITIONS SHALL ALSO BE COMPLIED WITH DURING CONSTRUCTION APPROVED UNDER ANY SUBSEQUENT SUPERSTRUCTURE PERMITS, IF APPLICABLE.

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. MITIGATION MONITORING AND REPORTING PROGRAM:

A Mitigation Monitoring and Reporting Program (MMRP) has been developed based on the Initial Study checklist. The MMRP shall be addressed at the appropriate stage in the development of the project. The MMRP has been included in (Attachment 1) for further details on the requirements of the mitigation measures noted below.

- a. MM AQ-1.1: The project shall implement the below BAAQMD-recommended BMPs to control dust, particulate matter, and diesel emissions during construction. This list of measures shall be incorporated into the approved building plan set.
- b. MM AQ-3.1: The project shall implement the below measures to control diesel particulate matter emissions during construction. This list of measures shall be incorporated into the approved building plan set.
- c. MM BIO-1.1: When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.
- d. MM CR-2.1: Prior to ground-disturbing activities, a qualified archaeologist will provide cultural resources training to all contractors and employees involved in trenching and excavation. The training will inform participants how to recognize archaeological artifacts and deposits, and discuss their obligations under the law and the project mitigation measures.
- e. MM CR-2.2: A qualified archaeologist shall monitor the demolition of the building foundations and any other below surface disturbances, such as but not limited to, grading, excavation, roadway improvements, and utility connections and improvements. If any cultural resources are identified, all activity in the vicinity of such resources shall stop until a research design and treatment plan is prepared to address those types of resources encountered and such plan is approved by the City. Any cultural resources identified shall be evaluated to determine if these resources would qualify for the NRHP or CRHR. If no resources are found during excavation work, the implementation of mitigation measures MM CR-2.3 would ensure any resources discovered during construction are adequately protected.
- f. MM CR-2.3: In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, all activity within a 50-foot radius of the find shall be stopped until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Preservation in place is the preferred treatment of an archeological resource. When preservation in place of an archeological resource is not feasible, data recovery, in accord with a data recovery plan prepared and

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

adopted by the City, is the appropriate mitigation. Construction and potential impacts to the area within a radius determined by the archaeologist shall not recommence until the assessment is complete.

- g. MM CR-3.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the NAHC immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5 of the CEQA Guidelines.
- h. MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Sunnyvale Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe measures to preserve the find. Work may proceed on other parts of the project site while measures to preserve the paleontological resources or geologic features are implemented.
- i. MM HAZ-2.1: A Site Management Plan (SMP) and Health Safety Plan (HSP) shall be prepared and implemented for construction-related earthwork activities under the proposed project. The purpose of the SMP and HSP is to establish appropriate management practices for handling impacted soil or other materials that may potentially be encountered during construction activities.
- j. MM HAZ-2.2: All hydraulic fluids within the elevator equipment shall be removed and properly disposed of prior to demolition.
- k. MM HAZ-2.3: Prior to the issuance of a demolition permit, an asbestos survey shall be completed for existing buildings on-site prior to demolition in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACMs prior to building demolition or renovation that may disturb the ACM.
- l. MM HAZ-2.4: Prior to the issuance of a demolition permit, a lead-based paint survey shall be completed for the existing buildings on-site in accordance with the Cal/OSHA guidelines. If lead-based paint is bonded to the building materials, the removal of lead-based paint is not required. If the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training and air monitoring and dust control. Any debris containing lead shall be disposed appropriately.

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

- m. MM NOI-1.1: Consistent with mitigation measure MM 3.6.3 of the 2017 LUTE EIR, 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 City prior to issuance of demolition permit.
- n. MM NOI-2.1: The following additional vibration controls shall be implemented as part of the Noise Control Plan required by the 2017 LUTE EIR mitigation measure MM 3.6.3.

The mitigation measures noted above shall be addressed prior to issuance of the building permit for the structure, unless an alternative timeframe is approved by the Director of Community Development. [MMRP] [PLANNING/PUBLIC WORKS] **MITIGATION MEASURE**

BP-6. BIRD SAFE DESIGN:

The planning permit plans were evaluated against the City's Bird Safe Design Guidelines in the Initial Study and it was found that with the proposed implementation measures, the proposed building would be compliant with the requirements. The building permit plans shall reflect all proposed measures in the building permit plan set. [COA] [PLANNING]

BP-7. 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-8. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-9. 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-10. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a. TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **\$525,423.23**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING/DA]

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

- b. FAIR SHARE CONTRIBUTIONS – The applicant shall pay the following Fair Share Contributions based on the adopted MMRP for Block 3:
- i. MM TRN-1.1: VTA's VTP 2040 Improvement VTP ID H3: SR 237 Express Lanes (North First Street to Mathilda Avenue).
 - ii. MM TRN-1.2: Intersection 55: De Anza Boulevard/Homestead Road (Cupertino).
 - iii. MM TRN-1.3: Intersection 76: Lawrence Expressway/Homestead Road (VTA/Santa Clara County).
 - iv. MM TRN-C.1: Intersection 19: Hollenbeck Avenue/Remington Drive.
 - v. MM TRN-C.2: Intersection 20: Hollenbeck Avenue/Fremont Avenue.
 - vi. MM TRN-C.3: Intersections 29: Mathilda Avenue/Washington Avenue and Intersection 30: Mathilda Avenue/McKinley Avenue.
 - vii. MM TRN-C.4: Intersection 33: Mathilda Avenue/El Camino Real.
 - viii. MM TRN-C.5: Intersection 38: Washington Avenue/Frances Street.
 - ix. MM TRN-C.6: Intersection 52: Sunnyvale-Saratoga Road/Remington Drive.
 - x. MM TRN-C.7: Intersection 53: Sunnyvale-Saratoga Road/Fremont Avenue.
 - xi. MM TRN-C.8: Intersection 60: Fair Oaks Avenue/Duane Avenue.

The total Fair Share contribution is estimated at **\$118,614.00** (\$47,235 to TIF South and \$71,379 to County Pass-thru) and shall be calculated based on the building permit plans and paid prior to building permit issuance. [COA] [PUBLIC WORKS]

- c. HOUSING MITIGATION FEE - Pay Housing Mitigation estimated at **\$1,701,104**, prior to issuance of a Building Permit (SMC Chapter 19.22). [SDR] [PLANNING/DA]

BP-11. DEVELOPMENT AGREEMENT: CONSTRUCTION SALES TAX REGISTRATION:

Provide documentation that the landowner has designated the City as the point of sale for California sales and use tax purposes during Project Construction. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA]

BP-12. COMMUNITY BENEFIT FUND CONTRIBUTION:

The landowner shall contribute **\$2,597,500** towards the City's Community Benefit Fund prior to issuance of building permit. This is required in the Development Agreement, based on the proposed square feet of Bonus Office Square Footage as defined in the Development Agreement. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA]

BP-13. GREEN BUILDING:

In addition to the building code requirements for all-electric construction, solar panels, and EV chargers and infrastructure (collectively known as the reach code) are required. With no natural gas infrastructure, the project will include the design and construction of all electric, LEED Gold+ building (LEED GOLD level with USGBC certification that achieves at least 75 total points with design phase credits reviewed and approved by USGBC); with no natural gas infrastructure in furtherance of the city's climate action goals. [COA] [PLANNING/BUILDING/DA]

BP-14. DEPARTMENT OF PUBLIC SAFETY REVIEW:

Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit. [COA] [PLANNING]

BP-15. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements and Downtown Specific Plan. 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. The landscaping on roof shall include one large specimen tree 24" box located near the Mathilda frontage.
- b. The plans should consider the use of climbing vines on the trellis to green and soften its appearance.
- c. All areas not required for parking, driveways or structures shall be landscaped.
- d. If installed, news racks shall be of the same design as the 100 Block of South Murphy Avenue News Rack District.
- e. The landscape plan shall include locations of all irrigation backflow preventers and shall be located in inconspicuous locations.
- f. At least ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- g. Any "protected trees", (as defined in SMC Chapter 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- h. Ground cover shall be planted so as to ensure full coverage eighteen months after installation. [COA] [PLANNING]

BP-16. LANDSCAPE MAINTENANCE PLAN:

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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-17. STORMWATER MANAGEMENT CALCULATIONS:

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

BP-18. BEST MANAGEMENT PRACTICES - STORMWATER:

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

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

BP-19. 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/PLANNING]

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

BP-20. 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-21. BICYCLE SPACES:

Provide bicycle parking spaces per VTA Guidelines and as approved by the Director of Community Development. Clearly indicate the location and the number of bicycle parking spaces on the Building Permit plans. [COA] [PLANNING]

BP-22. NOISE REDUCTION:

Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures" in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**

BP-23. GREEN BUILDING:

The project shall meet the following green building requirements:

- a) Final plans shall comply with LEED Gold+ (LEED Gold Level with USGBC Certification that achieves at least 75 total points with Design Phase Credits reviewed and approved by USGBC). Building permit submittal shall include the green building checklist, demonstrating the new building achieves a minimum required LEED Gold+ level for Core and Shell (as per the Development Agreement), with efforts to achieve Platinum level as verified by a qualified LEED consultant and shall be submitted to USGBC for formal certification.
- b) Subsequent building permit plans for all interior tenant improvements for ALL floor uses shall incorporate a completed LEED green building checklist demonstrating the project design achieves a minimum LEED Gold level for Commercial Interiors, with efforts to achieve Platinum level, as verified by a qualified LEED consultant. [COA] [PLANNING/BUILDING]

BP-24. CONSTRUCTION MANAGEMENT PLAN:

The developer 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,

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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. Construction parking shall be on-site or coordinate the use of open adjacent parking lots as negotiated with property owners.
- 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-25. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City using 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]

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281
480/490 S. Mathilda Avenue

BP-26. 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. Sheets TR1.1 and other appropriate sheets dated 4/26/2022 are subject to change during the plan check process, and address minimum requirements below, but not limited to:

- a) Provide accurate truck turning radius for truck ingress and egress onto W Olive Ave.
- b) Relocate/remove fire hydrant currently on the sidewalk to the west of the property.
- c) Provide 16 ft horizontal space for truck operations in staging area. Grass pavers east of stress pad cannot sustain truck weight and compromise required horizontal clearance.
- d) Provide stress pad that spans horizontal space of driveway and no shorter than 20 ft. Note stress pads is constructed of nonpermeable, 5-inch aggregate base (Class II compacted), 6-inch Portland cement overlay.
- e) Label food scraps cart inside enclosure and propose service frequency.
- f) Provide motion activated lighting and sprinklers inside the trash collection room.

[COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-27. SOLID WASTE AND RECYCLING ENCLOSURE:

The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City's latest guidelines. The required enclosures shall:

- c) Match the design, materials and color of the main building;
 - d) Be of masonry construction;
 - e) Be screened from view;
 - f) All gates, lids and doors shall be closed at all times;
 - g) Shall not conflict with delivery/receiving areas;
 - h) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
 - i) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA]
- [PLANNING/ENVIRONMENTAL SERVICES]

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281
480/490 S. Mathilda Avenue

BP-28. SOLID WASTE SERVICES:

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

BP-29. ON-SITE PRIVATE WATER METER(S)

The developer shall install individual private water meters or submeters for each tenant space, and for each ancillary building on-site. Alternatives may be proposed, subject to review and approval by the Building Official. [COA] [BUILDING]

BP-30. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC Chapter 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-31. 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-32. CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed as per the approved the construction management plan. [COA] [PUBLIC WORKS]

BP-33. UNDERGROUND UTILITIES:

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

BP-34. TIE-BACKS INTO PUBLIC RIGHT-OF-WAY:

Tie-backs encroaching into existing / new public right-of-way and / or public utility easement along the South Mathilda Avenue project frontage is prohibited. [COA] [PUBLIC WORKS]

BP-35. LOT TIE:

The proposed building structure, which is crossing the property line between 2 parcels, Accessor's Parcel Numbers 209-28-008 and 209-28-052, shall comply with the Development Agreement and have the Lot Tie Agreement recorded prior to issuance of the building permit. [COA] [PLANNING/PUBLIC WORKS/CITY ATTORNEY]

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

EP-1. DOWNTOWN SPECIFIC PLAN:

This project is in the Downtown Specific Plan area. Therefore, the developer shall comply with any applicable design requirements as identified in the Downtown Specific Plan and Development Agreement 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, signing/stripping plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineer and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C3.0 to C6.0 dated 5/23/2022 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/1656/637820856585670000>

[COA] [PUBLIC WORKS]

EP-3. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

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

EP-4. BENCHMARKS:

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23803>

Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

EP-5. STREET EASEMENT DEED – SOUTH MATHILDA AVENUE:

Along the South Mathilda Avenue project frontage, this project requires a minimum of 14 feet street right-of-way measured from the face of the curb.

Developer shall provide additional street dedication in form of easement as needed, except an approximate 23.75 feet by 3.70 feet area where a portion of the proposed third level structure encroaches into new street right-of-way as shown on sheet A2.13 and section 2 on sheet C4.0. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-6. STREET EASEMENT DEED – WEST OLIVE AVENUE:

Along the West Olive Avenue project frontage, this project requires a minimum of 11 feet street right-of-way measured from the face of the curb.

Developer shall provide additional street dedication in form of easement as needed. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-7. SIDEWALK EASEMENT DEED – SOUTH MATHILDA AVENUE:

This project requires an approximate 23.75 feet by 3.70 feet sidewalk easement dedication where a portion of the proposed third level structure encroaches into the new street right-of-way on the South Mathilda Avenue project frontage as shown on sheet A2.13 and section 2 on sheet C4.0.

The sidewalk easement shall be kept open and free from buildings and structures of any kind except an approximate 23.75 feet by 3.70 feet of the proposed third level structure and those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-8. IRREVOCABLE OFFER OF DEDICATION:

An Irrevocable Offer of Dedication for a future street dedication in form of easement is required for an approximate 23.75 feet by 3.70 feet where a portion of the proposed third level structure encroaches into new street right-of-way along the South Mathilda project frontage as shown on sheet A2.13 and section 2 on sheet C4.0 shall be dedicated to the City.

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281
480/490 S. Mathilda Avenue

The City does not intend to accept the offer of dedication until the proposed building is demolished or modified and the building no longer projects into the sidewalk area. At that time, the City will accept the Irrevocable Offer of Dedication and replace that with the sidewalk easement.

The Irrevocable Offer of Dedication shall be recorded prior to the issuance of building occupancy, unless otherwise approved by the Department of Public Works. [COA] [PLANNING/PUBLIC WORKS]

EP-9. EASEMENT VACATION:

The existing Landscape Easement along the South Mathilda project frontage and Street Maintenance Easement along the West Olive Avenue project frontage shall be vacated per separate instrument prior to encroachment permit sign off. [COA] [PUBLIC WORKS]

EP-10. 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-11. 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-12. 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 conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]

EP-13. 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

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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-14. 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-15. 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-16. 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-17. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]

EP-18: SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:

The proposed building shall have separate and independent utility service lines tapped to the main. [COA] [PUBLIC WORKS]

EP-19. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:

Provide separate fire and domestic service lines to the proposed building. Install reduced pressure backflow prevention devices (RPBP) behind the street right-of-way for the domestic service line and a reduced pressure detector assembly (RPDA) and 5/8" water meter behind the street right-of-way for the fire service line. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

all backflow devices. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-20. PUBLIC FIRE HYDRANTS:

Remove and replace the existing fire hydrant barrel(s) along the West Olive Avenue project frontage with current City standard Clow-Rich 75 and remove and replace existing fire hydrant laterals. New fire hydrant location shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. Sheet C6.0 dated 5/23/2022 is subject to change during the plan check process. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-21. WATER METER:

The proposed building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. If the buildings water demand requires a water meter 3" or larger, installation of dual meters and a cut-in tee are required per City standard detail 12B and 12B-1. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) for each point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-22. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

This project requires to install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. Sheet C6.0 dated 5/23/2022 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

EP-23. SANITARY SEWER AND STORMDRAIN MANHOLES:

Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

the project. Sheet C6.0 dated 4/26/2022 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

- EP-24. SANITARY SEWER VIDEO:
The contractor shall make a video copy of the interior of the new sanitary sewer main installed prior to it is put into service. [COA] [PUBLIC WORKS]
- EP-25. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and 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-26. 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.
- EP-27. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-28. DRIVEWAY APPROACHES:
Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per City standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]
- EP-29. CURB RAMPS:
Remove the existing curb ramp at northeast corner of South Mathilda Avenue and West Olive Avenue and install two (2) new directional curb ramps at street corners fronting project site, or as deemed necessary by the Department of Public Works. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. Sheets C3.0 to C6.0 dated 5/23/2022 are subject to change during the plan check process. [COA] [PUBLIC WORKS]
- EP-30. STREETScape IMPROVEMENTS:

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

Along the South Mathilda Avenue project frontage, remove existing curb, gutter and sidewalk and install new 1-foot-wide gutter and Downtown Standard Design with 13-foot-wide attached sidewalk (not including 6-inch curb) and 4'x4' treewells with grate. To avoid conflicting with the existing PG&E's underground high voltage facilities, the new 4'x4' treewells with grates are allowed to be installed along the back of new 13-foot-wide attached sidewalk.

Along the West Olive Avenue project frontage, remove existing curb, gutter and sidewalk and install new 1-foot-wide gutter, 4-foot-wide landscape strip (not including 6-inch curb) with root barrier on both sides and 6-foot-wide detached sidewalk per City standard details.

Provide sidewalk transition to conform to existing sidewalk at both east and north end of the project limits.

The perpetual maintenance of sidewalk improvements along the project frontages on South Mathilda Avenue and West Olive Avenue shall be the sole responsibility of the property owner [COA] [PUBLIC WORKS]

EP-31. MATHILDA AVENUE PLAN LINE:

The project is required to accommodate the Mathilda Avenue Plan Line for the northbound Mathilda Avenue (from the existing median to face of curb) as follows: one 12-foot-wide, two 11-foot-wide travel lanes, 3-foot-wide bike buffer and 6-foot-wide bike lane. The existing curb shall be shifted into the roadway along the South Mathilda project frontage to accommodate the Mathilda Avenue Plan Line requirements. [COA] [PUBLIC WORKS]

EP-32. STREET PAVEMENT:

Install type III slurry seal from lip of gutter to median lip of gutter on South Mathilda Avenue along the project frontage and intersection.

Also, install type III slurry seal on South Mathilda Avenue between the project's northern property line and West Iowa Avenue. Developer shall provide a separate engineering cost estimate to install type III slurry seal on South Mathilda Avenue between the project's northern property line and West Iowa Avenue for the City to review and approve. Once approved, the City will reimburse the construction cost in form of credit towards the Transportation Impact Fee.

Install type II slurry seal from lip of gutter to lip of gutter on West Olive Avenue along the project frontage, or as directed by the Department of Public Works. [SDR] [PUBLIC WORKS]

EP-33. STREETLIGHTS:

Developer shall install four (4) new streetlights along the project frontage

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

on Mathilda Avenue in accordance with Downtown Specific Plan requirements. The new streetlights shall be 30 feet apart from each other. The first streetlight shall be installed 30 feet north of the existing traffic signal at the corner of Olive Avenue and Mathilda Avenue, with the second, third, and fourth streetlights placed approximately 60 feet, 90 feet, and 120 feet from the existing traffic signal.

Developer shall remove existing streetlight and install a new streetlight along the project frontage on Olive Avenue in accordance with current City streetlight standards. The new streetlight should be approximately 120 feet east of the crosswalk on Mathilda Avenue and located behind the curb in line with the new street trees. Provide 17.5 feet minimum clearance between street trees and streetlight.

Developer shall install conduits, wires, pull boxes, and conductors along the project frontage (to current City standards), unless otherwise directed by the City. All new streetlights shall be connected to the existing streetlight circuits. 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, Downtown Specific Plan, 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. [COA] [PUBLIC WORKS]

EP-34. TRAFFIC SIGNAL RELOCATION:

Developer shall relocate the existing traffic signal type 1B pole and equipment to accommodate the new directional curb ramps. Also relocate and install new decorative Accessible Pedestrian Signal (APS) push button poles for both the north and east leg crosswalks to comply with the CA MUTCD Standards. The proposed placement of the decorative APS push buttons may need to be adjusted depending on the location of the new directional curb ramps. Remove existing APS button from the relocated traffic signal pole located along Olive Avenue east of Mathilda Avenue and install it to new decorative APS push button pole.

Modifications requested at the intersection of Mathilda Avenue and Olive Avenue that are signalized shall require traffic signal improvements which shall be designed and constructed in accordance with current City design guidelines. [COA] [PUBLIC WORKS]

EP-35. 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.

Developer shall stripe one 12-foot-wide and two 11-foot-wide travel lanes, 3-foot-wide bike buffer and 6-foot-wide bike lane along Mathilda Avenue between Iowa Avenue and Olive Avenue. Developer shall provide a separate engineering cost estimate to implement the striping for northbound Mathilda Avenue between the project's northern property line and Iowa Avenue for City to review and approve. Once approved, the City will reimburse the cost to implement the striping improvements between the northern property line and Iowa Avenue in form of credit towards the Transportation Impact Fee. [COA] [PLANNING / PUBLIC WORKS]

EP-36. 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-37. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: South Mathilda Avenue: Red Sunset Maple; West Olive Avenue: Shumardi Oak. Street trees and frontage landscaping shall be included in

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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-38. PROTECTION OF EXISTING TREES:
No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to adjusting locations of utility lines. [SDR] [PUBLIC WORKS]
- EP-39. 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-40. RESERVATION/VACATION OF EASEMENTS:
Reservation of new and/or vacation of existing public utility easements necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. 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]
- EP-41. TIE-BACKS INTO PUBLIC RIGHT-OF-WAY:
Tie-backs encroaching into existing / new public right-of-way and / or public utility easement along the West Olive Avenue project frontage may be accepted per section 3.8 – Construction Agreements in the Development Agreement. An Encroachment Agreement will be required, and permit fees will be applied for the tie-backs encroaching into existing / new public right-of-way along the West Olive Avenue project frontage. Tiebacks will not be allowed along Mathilda Avenue. [COA] [PUBLIC WORKS]
- EP-42. RECORD DRAWINGS:
Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

addition, streetlight record drawings shall be in AutoCAD format & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

- EP-43. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- EP-44. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]
- EP-45. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

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

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved Miscellaneous Plan Permit and subsequent building permit plans shall be installed prior to occupancy, including designated terrace landscaping elements. Minor terrace landscaping may be specified to be planted with subsequent tenant improvements for the upper floors. [COA] [PLANNING]
- PF-2. PARKING GARAGE STRIPING:
All parking garage striping, carpool and compact spaces shall be double striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-3. IRRIGATION METERS:
For commercial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-4. NEW PUBLIC EASEMENTS LOCATED ON-SITE:

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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

PF-5. COMPLETION OF PUBLIC IMPROVEMENTS:

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

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

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

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

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

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

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

- a. Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
- b. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- c. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

- d. Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]

DC-4. DUST CONTROL:

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

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

AT-1. LOT TIE AGREEMENT:

The Lot Tie Agreement shall remain in place for the life of the building or if a lot merger is recorded. [COA] [PLANNING]

AT-2. NONRESIDENTIAL USES HOURS OF OPERATION:

Nonresidential uses permitted as part of this application shall comply with the following hours of operation at all times:

- a. General business hours for non-residential uses shall be limited to 6:00 a.m. to 2:00 a.m.; additional hours of operation for expanded holiday seasonal hours or "special sale events" may be considered through an MPP. More restrictive hours of operation may be imposed on specific uses requiring a MPP or Special Development Permit. More expansive hours for any non-residential use shall require a MPP. [COA] [PLANNING]

AT-3. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC Section 19.42.030:

- a. Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b. Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

AT-4. LOUDSPEAKERS:

Out-of-door loudspeakers are generally prohibited but may be considered subject to requirements of Sunnyvale Municipal Code Chapter 9.48. [COA] [PLANNING]

AT-5. EXTERIOR EQUIPMENT:

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281

480/490 S. Mathilda Avenue

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-6. 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-7. AWNINGS:

Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

AT-8. PARKING MANAGEMENT:

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

AT-9. PARKING GARAGE MAINTENANCE:

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

- a. Clearly mark all standard, compact, EV and ADA spaces. These markings shall be specified on the Building Permit plans and completed prior to occupancy.
- b. Maintain all parking striping and markings per City Standards.
- c. Assure that adequate lighting is available in parking garage to ensure safety and visibility.
- d. Require signs to direct vehicles to additional parking spaces on-site, as needed.
- e. Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

AT-10. BMP – STORMWATER MAINTENANCE:

The project applicant, owner, landlord, or OA, 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]

Recommended Conditions of Approval
Application No. 2021-7280 & 2021-7281
480/490 S. Mathilda Avenue

- AT-11. **BMP – STORMWATER RIGHT OF ENTRY:**
The project applicant, owner, landlord, or OA, 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 stormwater treatment best management practices contained in the approved Stormwater Management Plan. [SDR] [PLANNING]
- AT-12. **TENANT LEASE AGREEMENTS (COMMERCIAL):**
Any new lease agreements shall include the following provisions:
- a. Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
 - b. Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standard (with efforts to achieve LEED Platinum standards) and maintain facilities consistent with LEED Gold standards (or LEED Platinum if feasible) and USGBC certification consistent with the approved Development Agreement). [COA] [PLANNING]
- AT-13. **SERVICE ENTRANCES:**
All service entrances shall remain closed when not used for the purposes of loading and unloading of vehicles and deliveries. Uses which generate noise shall keep doors closed. [COA] [PLANNING]
- AT-14. **SOLID WASTE RECYCLING MANAGEMENT:**
Waste and recycling services 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]

Attachment 1

Mitigation Monitoring and Reporting Program

480/490 South Mathilda Avenue Office Project



June 2022

P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The project proposes to demolish the existing improvements on-site and construct an approximately 127,886 square-foot, four-story office building over two levels of below ground parking. This document contains the MMRP and identifies mitigation measures for the proposed project.

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
AIR QUALITY				
Impact AQ-1: The project would not conflict with or obstruct implementation of the applicable air quality plan with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	MM AQ-1.1: The project shall implement the below BAAQMD-recommended BMPs to control dust, particulate matter, and diesel emissions during construction. This list of measures shall be incorporated into the approved building plan set. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 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. Idling times shall be minimized either by shutting equipment off when not in use or reducing the	Prior to issuance of demolition and grading permits, applicant is responsible for incorporating the measures to control dust, particulate matter, and diesel emissions included in this mitigation measure into building plan set. The City is responsible for reviewing the	All measures to control dust, particulate matter, and diesel emissions during construction listed in this mitigation measure shall be printed on all construction documents, contracts, and project plans.	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points.</p> <p>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</p>	<p>building plan set for compliance.</p> <p>During construction, applicant and its contractors are responsible for implementing the measures identified in the mitigation measure.</p>		
Impact AQ-3: The project would not expose sensitive receptors to substantial pollutant concentrations with	<p>MM AQ-3.1: The project shall implement the below measures to control diesel particulate matter emissions during construction. This list of measures shall be incorporated into the approved building plan set.</p> <ol style="list-style-type: none"> 1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for NOx and PM, if feasible, otherwise, 	Prior to issuance of demolition and grading permits, applicant is responsible for incorporating the measures to control diesel	All measures to control dust, particulate matter, and diesel emissions during construction listed in this mitigation measure shall be printed on all	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	<ol style="list-style-type: none"> 2. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 85 percent reduction in particulate matter exhaust; alternatively (or in combination) 3. Use of alternatively-fueled equipment with lower NOx emissions that meet the NOx and PM reduction requirements above. 4. Diesel engines, whether for off-road equipment or on-road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit. 5. All on-road heavy-duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater (EMFAC Category HDDT) used at the project site (such as haul trucks, water trucks, dump trucks, and concrete trucks) shall be model year 2010 or newer. 6. Provide line power to the site during the early phases of construction to minimize the use of 	particulate matter emissions into building plan set. The City is responsible for reviewing the building plan set for compliance. During construction, applicant and its contractors are responsible for implementing the diesel particulate matter control measures identified in the mitigation measure.	construction documents, contracts, and project plans.	

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	diesel-powered stationary equipment, such as generators. 7. Enforce idling limit of two minutes unless subject to State law exemptions (e.g., safety issues).			
BIOLOGICAL RESOURCES				
Impact BIO-1: The project would not have a substantial effect, either directly or through habitat modifications, on any special status species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS with mitigation incorporated.	MM BIO-1.1: When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31. If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February	Applicant is responsible for ensuring construction activities avoid the nesting season to the extent feasible. Applicant is responsible for ensuring pre-construction surveys are completed (as described in mitigation measure MM	All mitigation measures shall be printed on all construction documents, contracts, and project plans. A final report of nesting birds, including any protection measures shall be submitted by the applicant to the City.	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Less than Significant Impact with Mitigation Incorporated	<p>through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.</p>	<p>BIO-1.1) if construction and tree removal occur between September and January. Any construction buffer zone must be implemented and maintained during construction activities.</p> <p>Prior to the start of grading or tree removal, applicants are responsible for submitting a final report of nesting birds to the City.</p>		

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
CULTURAL RESOURCES				
Impact CR-2: The project would not cause a substantial change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 1564.5 with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	MM CR-2.1: Prior to ground-disturbing activities, a qualified archaeologist will provide cultural resources training to all contractors and employees involved in trenching and excavation. The training will inform participants how to recognize archaeological artifacts and deposits, and discuss their obligations under the law and the project mitigation measures.	Prior to ground-disturbing activities, applicant is responsible for having a qualified archeologist provide a cultural resources training to all contractors as described in mitigation measure MM CR-2.1.	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director
Impact TCR-1: The project would not cause a substantial adverse change in the	MM CR-2.2: A qualified archaeologist shall monitor the demolition of the building foundations and any other below surface disturbances, such as but not limited to, grading,	During demolition of the building foundations and	All mitigation measures shall be printed on all construction documents,	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) with mitigation incorporated.</p> <p>Less than Significant Impact with Mitigation Incorporated</p> <p>Impact TCR-2: The project would not cause a</p>	<p>excavation, roadway improvements, and utility connections and improvements. If any cultural resources are identified, all activity in the vicinity of such resources shall stop until a research design and treatment plan is prepared to address those types of resources encountered and such plan is approved by the City. Any cultural resources identified shall be evaluated to determine if these resources would qualify for the NRHP or CRHR. If no resources are found during excavation work, the implementation of mitigation measures MM CR-2.3 would ensure any resources discovered during construction are adequately protected.</p> <p>MM CR-2.3: In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, all</p>	<p>any other below surface disturbances, applicant is responsible for having a qualified archaeologist and all contractors implement mitigation measure MM CR-2.2.</p> <p>If archaeological deposits are found, applicant</p>	<p>contracts, and project plans.</p> <p>All mitigation measures shall be printed on all construction</p>	<p>Community Development Director</p>

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	activity within a 50-foot radius of the find shall be stopped until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Preservation in place is the preferred treatment of an archeological resource. When preservation in place of an archeological resource is not feasible, data recovery, in accord with a data recovery plan prepared and adopted by the City, is the appropriate mitigation. Construction and potential impacts to the area within a radius determined by the archaeologist shall not recommence until the assessment is complete.	and its contractor are responsible for implementing mitigation measure MM CR-2.3 at the time of discovery.	documents, contracts, and project plans.	

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact CR-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries with mitigation incorporated. Less than Significant Cumulative Impact with Mitigation Incorporated	MM CR-3.1: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the NAHC immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5 of the CEQA Guidelines.	If human remains are found, applicant and its contractor are responsible for implementing mitigation measure MM CR-3.1 at the time of discovery.	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director
GEOLOGY AND SOILS				
Impact GEO-6: The project would not directly or indirectly destroy a unique	MM GEO-6.1: Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Sunnyvale	If paleontological resources or unique geologic features are	All mitigation measures shall be printed on all construction documents,	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
paleontological resource or site or unique geological feature with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe measures to preserve the find. Work may proceed on other parts of the project site while measures to preserve the paleontological resources or geologic features are implemented. One such measure would be a buffer that would be established by the qualified paleontologist. This buffer would preserve the area immediately surrounding the discovered resource while allowing work to happen beyond the buffer. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology shall also be submitted to the City.	found, applicant and its contractor are responsible for implementing mitigation measure MM GEO-6.1 at the time of discovery.	contracts, and project plans.	
HAZARDS AND HAZARDOUS MATERIALS				
Impact HAZ-2: The project would not create a significant hazard	MM HAZ-2.1: A Site Management Plan (SMP) and Health Safety Plan (HSP) shall be prepared and implemented for construction-related earthwork activities under the proposed project.	Prior to construction-related earthwork activities, applicant is	The Site Management Plan and Health and Safety Plan shall be prepared and	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	<p>The purpose of the SMP and HSP is to establish appropriate management practices for handling impacted soil or other materials that may potentially be encountered during construction activities. The SMP shall provide the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.</p> <p>To evaluate potential impacts associated with prior agricultural use, the soil profiling shall include (but not be limited to) the collection of shallow soil samples (upper one-foot) and analyses for agricultural pesticide chemicals (i.e., arsenic and chlorinated pesticides and herbicides).</p>	<p>responsible for submitting a Site Management Plan and Health and Safety Plan to the City for review. The City is responsible for reviewing the Site Management Plan and Health and Safety Plan for compliance.</p> <p>Prior to construction-related earthwork activities, applicant and its contractors are responsible for implementing a soil sampling and testing to evaluate the</p>	<p>include the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.</p> <p>Documentation of soil sampling and profiling.</p>	<p>Community Development Director</p>

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>If there are no contaminants identified that exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP does not need to be submitted to an oversight agency and only submitted to the City prior to construction earthwork activities. If contaminants are identified at concentrations exceeding applicable screening levels, the SMP and planned remedial measures shall be reviewed and approved by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH), and the HSP and approved SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation.</p>	<p>impacts associated with prior agricultural uses as identified in the mitigation measure.</p> <p>If no contaminants identified exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP shall be submitted to the City prior to construction earthwork activities.</p> <p>If contaminants are identified at concentrations</p>	<p>Documentation of soil sampling and profiling and required remediation measures approved by the City and/or oversight agency.</p>	<p>Community Development Director</p>

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
		exceeding applicable screening levels, the SMP and planned remedial measures shall be reviewed and approved by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH), and the HSP and approved SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation.		

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	MM HAZ-2.2: All hydraulic fluids within the elevator equipment shall be removed and properly disposed of prior to demolition. During removal of the equipment with hydraulic fluids, contractors shall observe for staining and spilled oil. If stains and/or spills are observed, an Environmental Professional shall be retained to collect soil samples for laboratory analysis in accordance with commonly accepted environmental protocols. If contaminants are identified at concentrations exceeding applicable screening levels published by the RWQCB, DTSC and/or EPA, appropriate mitigation measures shall be incorporated into the demolition permit. Approval by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH) shall be obtained prior to conducting earthwork activities in the vicinity of the impacted soil.	Prior to demolition activities, all hydraulic fluids within the elevator equipment shall be removed and properly disposed of as described in mitigation measure MM CR-2.1.	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director
	MM HAZ-2.3: Prior to the issuance of a demolition permit, an asbestos survey shall be completed for existing buildings on-site prior to	Prior to issuance of demolition permit, applicant is responsible for	All mitigation measures required shall be printed on all construction	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>demolition in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACMs prior to building demolition or renovation that may disturb the ACM.</p> <p>MM HAZ-2.4: Prior to the issuance of a demolition permit, a lead-based paint survey shall be completed for the existing buildings on-site in accordance with the Cal/OSHA guidelines. If lead-based paint is bonded to the building materials, the removal of lead-based paint is not required. If the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training and air monitoring and dust control. Any debris containing lead shall be disposed appropriately.</p>	<p>having asbestos surveys completed pursuant to mitigation measure MM HAZ-2.3.</p> <p>Prior to issuance of demolition permit, applicant is responsible for having lead-based paint surveys completed pursuant to mitigation measure MM HAZ-2.4.</p>	<p>documents, contracts, and project plans.</p> <p>All mitigation measures required shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>
NOISE AND VIBRATION				

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies with mitigation incorporated.	MM NOI-1.1: Consistent with mitigation measure MM 3.6.3 of the 2017 LUTE EIR, 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 City prior to issuance of demolition permit. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies: <ul style="list-style-type: none"> 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). 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. 	Prior to issuance of the demolition permit, the applicant is responsible for preparing a noise control plan pursuant to mitigation measure MM NOI-1.1 and submitting the plans to the City for review and approval. During construction, applicant and its contractors shall be responsible for implementing the measures in	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Less than Significant Impact with Mitigation Incorporated	<ul style="list-style-type: none"> 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. Unnecessary idling of internal combustion engines should be strictly prohibited. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible as determined by the City, from residential receptors. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. Where feasible, temporary power service from local utility companies shall be used instead of portable generators. Locate cranes as far from adjoining noise-sensitive receptors as possible. During final grading, substitute graders for bulldozers where feasible as determined by the City. Wheeled heavy equipment are quieter than 	the noise control plan.		

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	track equipment and should be used where feasible, as determined by the City.			
Impact NOI-2.1: The project would not result in generation of excessive groundborne vibration or groundborne noise levels with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	MM NOI-2.1: The following additional vibration controls shall be implemented as part of the Noise Control Plan required by the 2017 LUTE EIR mitigation measure MM 3.6.3: <ul style="list-style-type: none"> Comply with the construction noise ordinance to limit hours of exposure. The City's Municipal Code allows construction activities between the hours 7:00 AM and 6:00 PM on weekdays and between 8:00 AM and 5:00 PM on Saturdays. Construction activity is not permitted on Sundays or federal holidays when the City offices are closed. Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences adjoining the site. Avoid dropping heavy equipment within 25 feet of residences. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of residences adjoining the site. 	Prior to the issuance of the demolition permit, the applicant is responsible for preparing a noise control plan pursuant to mitigation measure MM NOI-2.1 and submitting the plans to the City for review and approval. During construction, applicants and their contractors shall be	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director

Mitigation Monitoring and Reporting Program 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none">The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care.	responsible for implementing the measures in the noise control plan.		

Sources:

City of Sunnyvale. *480/490 South Mathilda Avenue Office Project Initial Study*. June 2022.