

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 8, 2026**

Planning Application **2025-0582**
1215 Bordeaux Dr.

Moffett Park Special Development Permit to demolish the existing one-story 25,820-square foot office building and construct an 8-story, 265-unit apartment building (297,406 square feet) with 217 parking spaces and a 14,700-square foot neighborhood park on an 86,038 square foot lot.

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. Moffett Park Specific Plan mitigation measures are applicable to this project and are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:

- The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]
- GC-3. INDEMNITY:
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action or proceeding is brought within the time period provided for an inapplicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. This condition shall be interpreted consistent with Government Code sections 65914.2(c) and 66474.9. [COA] [OFFICE OF THE CITY ATTORNEY]
- GC-4. NOTICE OF FEES PROTEST:
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING] [OFFICE OF THE CITY ATTORNEY]
- GC-5. ENVIRONMENTAL MITIGATION MEASURES:
The project shall comply with all mitigation measures required in the 2023 Moffett Park Specific Plan Environmental Impact Report (EIR). The Mitigation Monitoring and Reporting Program (MMRP) has been included as Attachment 8. The applicant shall be responsible for addressing all required mitigations that apply to the project. [COA] [PLANNING] [PUBLIC WORKS] **MITIGATION MEASURE**
- GC-6. ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

- GC-7. **BELOW MARKET RATE PROGRAM/CONDO CONVERSION:**
Any future conversion of this apartment project into 8 or more condominium units for sale to individual home buyers will require compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]
- GC-8. **AFFORDABLE RENTAL HOUSING DEVELOPER AGREEMENT:**
The Developer/Owner shall sign and submit to the City for recording a “Density Bonus Developer and Regulatory Agreement and Declaration of Restrictive Covenants” in a form provided by the City to secure the affordability restrictions applicable to the project. This agreement must be recorded before issuance of a building permit or recordation of a final map, whichever occurs first. [COA] [HOUSING]
- GC-9. **RECREATION FACILITIES:**
The recreation facilities, including the pool, amenity rooms, and park, shall be installed concurrently with the project and included on the building permit plans. [COA] [PLANNING]
- GC-10. **SIGNS:**
All new signs shall be subject to review, through a Miscellaneous Plan Permit (MPP), for conformance with Title 19 of the Sunnyvale Municipal Code. Signs include building name, and additional signs for the POPA indicating that it is a public park, hours of operation and information on any habitat planting areas. [COA][PLANNING]
- GC-11. **STORMWATER MANAGEMENT PLAN:**
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2022-0018, as determined by a completed Stormwater Management Plan Data Form, and therefore must submit a Stormwater Management Plan as per SMC 12.60.210 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-12. **SB 330 PRELIMINARY APPLICATION:**
In accordance with state law (SB 330, Housing Crisis Act of 2019), except as required to comply with the California Environmental Quality Act, the project shall be subject only to the ordinances, policies, and standards adopted and in effect when the project’s preliminary application was submitted May 29, 2025.
Ordinances, policies, and standards includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of the City of Sunnyvale, as defined in Section 66000 of the Government Code, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions. In the case of a fee, charge, or

other monetary exaction, the project is subject to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction. [COA] [PLANNING]

GC-13. PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility connections, meters/vaults, trees and landscaping, traffic 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 developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy of the first building, or to the satisfaction of the Department of Public Works. [COA] [PUBLIC WORKS]

GC-14. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C1.0 through C7.0 of Preliminary Plan Set dated 5/29/26 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/1654/63782085658280000>

<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>

[SDR] [PUBLIC WORKS]

GC-15. 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]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address the following:

- a) Utilize obscure glass or film with decorative pattern of nature-inspired theme for the bicycle room window. The obscured glass shall be a maximum 15% reflective, per the Moffett Park Specific Plan (MPSP).
- b) Add an eave above the eighth-floor windows and doors along the right side segment of the west-facing elevation (approximately 155 feet in width and paint color Guantlet Grey).
- c) Along both sides of the transformer room and fire pump room doors facing 5th Avenue, add columnar plants adjacent to the doors.
- d) Provide a minimum of two electric vehicle charging stations in the parking garage.
- e) The dog park shall be enclosed by a fence with a minimum height of five feet, and shall include a double-gate entry system. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

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

PS-3. SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT

PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

- BP-1. **CONDITIONS OF APPROVAL:**
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. **RESPONSE TO CONDITIONS OF APPROVAL:**
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. **NOTICE OF CONDITIONS OF APPROVAL:**
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.
- For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]
- BP-4. **BLUEPRINT FOR A CLEAN BAY:**
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. **DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:**
To mitigate the impacts of large projects on local waste disposal, recycling levels and the migration of PCBs, demolition waste weights/volumes including hazardous waste manifests for applicable structures with PCB concentrations greater than 50 ppm, construction weights/volumes, and recycling weights/volumes are to be reported to the City using Sunnyvale.wastetracking.com hosted by Green Halo. As part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- BP-6. **RECYCLING AND SOLID WASTE CONTAINER:**

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

BP-7. SOLID WASTE AND RECYCLING DISPOSAL PLAN:

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

BP-8. SOLID WASTE AND RECYCLING ENCLOSURE:

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

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

[COA] [PLANNING] [ENVIRONMENTAL SERVICES]

BP-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 at the times specified below. The fees are subject to Fiscal Year 2024-2025 rates (with automatic annual escalation as allowed by subsection (o)(2)(A) of Government Code Section 65589.5) due to the SB 330 Preliminary Application (PLNG-2025-0348) submittal date of May 29, 2025. Prior to building permit issuance, the applicant, property owner and/or lessee shall enter into an agreement in a form provided by the City for the payment of the fees within the time specified above below (for fees that will be paid after building permit issuance), which agreement shall be recorded in the office of the county recorder and from the date of recordation shall constitute a lien for the payment of the fee and shall

be enforceable against successors in interest to the property owner or lessee.

- a) CITYWIDE TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **\$279,403**, prior to issuance of final occupancy. (SMC 3.50). [SDR] [PLANNING/PUBLIC WORKS]
- b) MOFFETT PARK RESIDENTIAL TRANSPORTATION IMPACT FEE – Pay MPSP Residential Traffic Impact Fee estimated at **\$632,427** prior to issuance of final occupancy. [PLANNING/PUBLIC WORKS]
- c) PARK IN-LIEU - Pay Park In-lieu fees estimated at **\$9,556,170**, prior to issuance of building permit. (SMC 18.10). [SDR] [PLANNING]
- d) MOFFETT PARK SPECIFIC PLAN MAINTENANCE FEE: Pay MPSP Maintenance Fee estimated at **\$395,802** prior to issuance of final occupancy. [PLANNING]
- e) MOFFETT PARK SPECIFIC PLAN WATER UTILITY INFRASTRUCTURE FEE - WATER: Pay MPSP Water Utility Infrastructure Fee estimated at **\$317,187** prior to issuance of final occupancy. [PLANNING]
- f) MOFFETT PARK SPECIFIC PLAN SEWER UTILITY INFRASTRUCTURE FEE: Pay MPSP Sewer Utility Infrastructure Fee estimated at **\$315,241** prior to issuance of final occupancy. [SDR] [PLANNING]

BP-11. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors/neighboring properties and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architectural or landscaping features. [COA] [PLANNING]

BP-12. LANDSCAPE PLAN:

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

- a) Landscape Design: Landscape design shall comply with the MPSP Section 6.6. and Table 11. Plant palette for the high-quality native habitat and trees shall be comprised of 80-100% native species per MPSP Appendix B. A qualified biologist shall provide an updated report confirming the landscape plan will comply with the MPSP.
- b) Landscape Lighting: Landscape lighting shall comply with the MPSP Section 6.6.9, Exterior Lighting, including lighting shielding, hours,

and light temperature. A qualified biologist shall provide an updated report confirming the landscape plan will comply with the MPSP.

- c) Park Walkways: Natural area trails should use asphalt paving or stabilized crushed stone paving. Decks and boardwalks utilizing pressure treated woods, cedar, or redwood may be integrated where appropriate.
 - d) Canopy Cover: The tree canopy in the neighborhood park shall meet 50% coverage, and 80% coverage in non-programmed open spaces.
 - e) Landscape Soils: The landscape plan shall demonstrate conformance to the MPSP Section 6.65, Landscape Soils, including to have a qualified soil scientist assess on-site soil conditions prior to finalization of site-specific planting plans.
 - f) All areas not required for parking, driveways or structures shall be landscaped.
 - g) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - h) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
 - i) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - j) The western edge of the POPA should consider the creation of a habitat garden.
- [COA] [PLANNING]

BP-13. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. All landscaping shall be maintained by the developer/property manager. [COA] [PLANNING]

BP-14. BIRD SAFE DESIGN:

The building permit plans shall demonstrate conformance with Section 5.4.2, Bird Safe Design, of the Moffett Park Specific Plan, as applicable. A qualified biologist shall prepare an updated report confirming the final building design complies with the bird safe measures. [COA] [PLANNING]

BP-15. TREE PROTECTION PLAN:

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

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the

latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).

- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans.

[COA] [PLANNING] [CITY ARBORIST]

BP-16. STORMWATER MANAGEMENT C.3 DATA FORM:

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

BP-17. STORMWATER MANAGEMENT PLAN:

Submit the Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-18. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING] [PUBLIC WORKS]

BP-19. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.230. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a. Storm drain stenciling. The stencil is available from the City's Environmental Services Department, which may be reached by calling (408) 730-7717.
- b. Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

- c. Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d. Covered trash, food waste, and compactor enclosures.
- e. Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i. Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii. Dumpster drips from covered trash and food compactor enclosures.
 - iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv. Swimming pool water, spa/hot tub, water feature and fountain discharges if discharged to onsite vegetated areas is not a feasible option.
 - v. Fire sprinkler test water, if discharged to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-20. CITY STREET TREES:

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

BP-21. EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development, and shall include the following: Compliance with the Moffett Park Specific Plan.

- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent properties. [COA] [PLANNING]

BP-22. PHOTOMETRIC PLAN:

Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]

BP-23. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) Residential parking spaces shall be unbundled and leased separately from the dwelling units.
- b) The applicant shall maintain parking as unbundled for the life of the project unless otherwise approved by the City.

- c) Parking fees shall be clearly identified as separate optional charges in all lease agreements, marketing materials, and tenant disclosures.
- d) Tenants without vehicles shall not be required to pay for parking spaces.
- e) The Parking Management Plan shall describe parking allocation procedures, pricing structure, EV charging access, and procedures for reassignment of unused spaces, as well as the number and location of spaces for ADA and EV-capable.
- f) Prohibit tenants from parking RV's, trailers, or boats in assigned spaces.

[COA] [PLANNING]

BP-24. COMPACT SPACES:

Specify parking space dimensions on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

BP-25. PARKING LOT STRIPING:

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

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

[COA] [PLANNING]

BP-26. BICYCLE SPACES:

Provide 265 Class I and 27 Class II bicycle parking spaces per Moffett Park Specific Plan and as approved by the Director of Community Development. Clearly indicate the location, design, and the number of bicycle parking spaces on the Building Permit plans. [COA] [PLANNING]

BP-27. SOLAR ASSISTED HOT WATER:

Solar-assisted hot water shall be provided for all swimming pools and spas and provide 70% of hot water needs for summer months. [SDR] [PLANNING]

BP-28. NOISE REDUCTION VERIFICATION:

The project acoustical consultant shall review the final construction drawings and confirm that all recommended measures to meet City of Sunnyvale noise standards for interior and exterior noise (including, but not limited to, sound walls, STC-rated windows and doors, habitable ventilation with windows closed, noise attenuation in roof, wall, and floor-to-ceiling construction) have been incorporated into the drawings. [COA] [PLANNING]

BP-29. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum of 120 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-30. CONSTRUCTION MANAGEMENT PLAN

The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development with a separate Miscellaneous Plan Permit (MPP) prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:

- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
- b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
- c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
- e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
- g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
- h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
- j) Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to

correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

In addition, per the MPSP EIR 10.3.4-1, the CMP shall identify the following measures:

- k) Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Material stockpiles, as well as maintenance/equipment staging and parking areas, shall be located as far as feasible from residential receptors.
- l) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- m) Where feasible, temporary power service from local utility companies shall be used instead of portable generators.
- n) Locate cranes as far from adjoining noise-sensitive receptors as possible.
- o) During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- p) Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.
- q) During interior construction, the exterior windows facing noise-sensitive receptors should be closed.
- r) During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.
- s) The contractor shall prepare a detailed construction schedule for major noise-generating construction activities (including pile driving, removal of existing structures; site grading and excavation; installation of utilities; construction of building foundations, cores, and shells; paving; and landscaping). The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The contractor shall alert heavy equipment operators to the proximity of the adjacent structures so they can exercise extra care.
- t) Heavy Vibration-Generating Construction Equipment: Prohibit the use of vibration-generating construction equipment within 25 feet of residences and hotels/motels. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences and hotels/motels adjoining the site. [MPSP EIR 10.3.4-3]
- u) Dropping Heavy Equipment. Avoid dropping heavy equipment within 25 feet of residences and hotels/motels. Use alternative methods for breaking up existing pavement, such as pavement

grinder, instead of dropping heavy objects within 25 feet of residences and hotels/motels adjoining the site. [MPSP EIR 10.3.4-4]

[COA][PLANNING] [PUBLIC WORKS] **MITIGATION MEASURE**

BP-48. ENVIRONMENTAL SITE ASSESSMENT:

A property-specific Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society for Testing and Materials (ASTM) Standard Designation E 1527-13 (or the standard that is effective at the time the Phase I ESA is completed) to identify Recognized Environmental Conditions, evaluate the property history, and establish if the property has been or is likely to have environmental impacts. The City or its designated environmental professional shall review the Phase I ESA to determine if additional investigation is required based on currently available information, which may supersede the designated property's risk value. [MPSP EIR 10.3.1-1][COA] [PLANNING] **MITIGATION MEASURE**

BP-49. SITE MANAGEMENT PLAN:

A Site Management Plan (SMP) shall be prepared prior to development activities to establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials during construction activities. Subsurface sampling shall be compared to then-current DTSC, Water Board, or U.S. EPA screening levels for the proposed land use and background levels to determine if risk is present. The SMP shall also address management of site risks and previously unknown conditions during earthwork activities in areas where impacted soil, soil vapor, and/or groundwater are present or suspected. Recommendations for elements to be included in site-specific Health and Safety Plans (HSPs), to be prepared by individual contractors for their employees' safety based on their work scope, may also be included in the SMP. Worker training requirements and health and safety shall be described in the SMP. The SMP shall be reviewed and approved by a qualified environmental regulatory agency such as California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB), or Santa Clara County Department of Environmental Health (SCCDEH) [MPSP EIR 10.3.1-2][COA] [PLANNING] **MITIGATION MEASURE**

BP-50. PHASE II ENVIRONMENTAL SITE ASSESSMENT:

A Phase II ESA shall be prepared and implemented prior to development activities to determine the nature and extent of impacts. The Phase II ESA shall be reviewed and approved by a qualified environmental regulatory agency such as DTSC, RWQCB, or SCCDEH. Consideration should be given to obtaining approval for an investigation plan from the oversight agency prior to completing the Phase II investigation. The scope of work shall include soil, groundwater, and/or soil vapor sampling in areas of potential concern to evaluate if site-specific

measures are needed to protect the health and safety of property occupants and construction workers. For example, for projects located on land historically used for agricultural, weed abatement, or related activities, the potential for elevated levels of organochlorinated pesticides shall be addressed. For projects located within proximity to SR 237, the potential for ADL contamination shall be addressed. Field techniques that may be employed under include but are not limited to:

- Collecting samples of soil, soil vapor, groundwater, sediment, indoor air, outdoor air, and other media of interest for laboratory analysis;
- Drilling using methods such as direct-push, hollow-stem auger, vibracore, air rotary, and mud rotary;
- Trenching, potholing, and excavating;
- Constructing temporary or permanent soil vapor or groundwater wells or sampling points; and
- Profiling geologic, hydrologic, geophysical, and chemical parameters of the subsurface using invasive and noninvasive tools. [MPSP EIR 10.3.1-3]

[COA] [PLANNING] **MITIGATION MEASURE**

BP-51. REMEDIATION AND/OR MANAGEMENT MEASURES:

At properties with known environmental impacts that must be addressed to make the property compatible with its future use, appropriate remediation and/or management measures must be implemented under the oversight and to the satisfaction of a qualified environmental regulatory agency such as DTSC, RWQCB, or SCCDEH. Contaminants are considered adequately remediated if levels are at or below the current DTSC, Water Board, or U.S. EPA cleanup levels or background levels. Remediation techniques may include but are not limited to excavation, extraction, bioremediation, oxidation, reduction, phytoremediation, and thermal treatment. Management measures may include engineering and administrative controls such as but not limited to impermeable surface caps, vapor intrusion mitigation systems, permeable reactive barriers, land use covenants, and deed restrictions. Field techniques that may be employed under include but are not limited to:

- Excavation, extraction, or removal of impacted material for off-site disposal or temporary on-site storage or treatment;
- Ex-situ (i.e., above-ground) treatment of impacted material via physical and/or chemical processing; and
- In-situ (i.e., below-ground) treatment of impacted material via intrusive physical and/or chemical processing.

These field techniques include those currently known and used (e.g., dig-and-haul, landfarming, groundwater and soil vapor extraction and treatment, subsurface injection, etc.) and those that will become state of the art in the future. Prior to the issuance of building permits, the applicant shall demonstrate that hazardous materials do not exist on the site or that the proposed construction and use of the site are

approved by the environmental oversight agency with jurisdiction that meets the requirements of Health and Safety Code Section 101480. [MPSP EIR 10.3.1-4]

[COA] [PLANNING] **MITIGATION MEASURE**

BP-52. DEWATERING MANAGEMENT PLAN:

A Dewatering Management Plan shall be prepared to determine how the dewatering activities will affect local groundwater quality, especially regarding movement of known or interpolated contaminated groundwater plumes. The Dewatering Management Plan also shall include protocols to evaluate extracted water quality and perform proper disposal of the water. Compliance with permitting requirements shall be described if required by the disposal method. The Dewatering Management Plan shall be prepared by a California Certified Hydrogeologist and approved by a qualified environmental regulatory agency such as DTSC, RWQCB, or SCCDEH. [MPSP EIR 10.3.1-2]

[COA] [PLANNING] **MITIGATION MEASURE**

BP-53. VAPOR INTRUSION MITIGATION PLAN (VIMP):

A Vapor Intrusion Mitigation Plan (VIMP) shall be prepared to prevent exposure of future residents to VOCs in indoor air as a result of vapor intrusion. The VIMP shall require the project applicant to develop a Vapor Management System (VMS) and design the interior spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into the building. At a minimum, the VMS shall include the following:

- A passive sub-slab ventilation with a spray applied seamless vapor barrier (and with the ability to convert the system from passive to active ventilation),
- Monitoring to ensure the long-term effectiveness of the remedy, and
- The implementation of institutional controls.

The VIMP shall be submitted to a regulatory agency such as the Regional Water Quality Control Board (Water Board), Department of Toxic Substances and Control (DTSC), or Santa Clara County Department of Environmental Health (SCCDEH) for review and approval. Alternative designs may be acceptable if approved in writing by the Water Board, DTSC, or SCCDEH. The applicant shall provide proof of approval from the Water Board, DTSC, or SCCDEH to the City's Planning Division prior to issuance of building permits. [MPSP EIR 10.3.1-4]

[COA][PLANNING] **MITIGATION MEASURE**

BP-54. ASBESTOS SURVEY:

Prior to issuance of demolition permits, an asbestos survey shall be completed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1978 in accordance with National Emission Standards for Hazardous Air Pollutants (NESHAP)

- guidelines. NESHAP guidelines require the removal of potentially friable asbestos-containing materials (ACMs) prior to building demolition or renovation that may disturb the ACM. [MPSP EIR 10.3.1-6]
[COA][PLANNING] **MITIGATION MEASURE**
- BP-55. LEAD-BASED PAINT SURVEY:
Prior to issuance of a demolition permit, a lead-based paint (LBP) survey shall be completed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1978. If LBP is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling LBP is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the CCR Title 8, Section 1532.1 shall be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed. [MPSP EIR 10.3.1-7]
[COA] [PLANNING] **MITIGATION MEASURE**
- BP-56. IMPORTED SOIL TESTING:
Prior to issuance of building permits, any development project within Moffett Park that includes the importation of soil shall conduct proper sampling to ensure that the imported soil is free of contamination. Imported materials shall be characterized according to the DTSC's 2001 Information Advisory Clean Imported Fill Material. [MPSP EIR 10.3.1-8]
[COA][PLANNING] **MITIGATION MEASURE**
- BP-57. AIR DISTRICT CONSTRUCTION MANAGEMENT PRACTICES [MPSP EIR 10.3.3-1]:
Prior to the issuance of grading or building permits, the Bay Area Air District (BAAD) (formerly Bay Area Air Quality Management District's (BAAQMD)) best management practices shall be noted on the construction documents to reduce diesel particulate matter (DPM) and particulate matter (PM_{2.5} and PM₁₀) emissions during construction: including the following:
- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples of moisture probe.
 - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- e) All roadways, driveways, and sidewalks to be paved and shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAD's phone number shall also be visible to ensure compliance with applicable regulations.
- h) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour and visible dust extends beyond site boundaries.
- i) Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity.
- j) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- k) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities in the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- l) Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) site accesses to a distance of 100 feet from public paved roads shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.
- m) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

[COA][PLANNING] **MITIGATION MEASURE**

- BP-58. CONSTRUCTION AND OPERATIONS MODELING [MPSP EIR 10.3.3-2]: The project plans shall include estimates of construction and operation period emissions using modeling methodologies recommended by the Air District and approved by the City. Average daily emissions predicted for construction projects shall be estimated and compared against project level thresholds identified in Table 1 above. The project shall implement appropriate measures to achieve emissions that are below the thresholds, such as the following:

- Use construction equipment that has zero or low diesel particulate matter exhaust and Nox emissions. Exhaust emission (NOx and PM) control measures include:
 - 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 (PM10 and PM2.5), if feasible, otherwise,
 - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85-percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
 - Use of alternatively fueled equipment with lower NOx emissions that meet the NOx and PM reduction requirements above.
 - Special equipment that cannot meet the above requirements must be approved as exempt by the City after considering reasons for requesting an exemption.
 - Use electric equipment such as aerial lifts, air compressors, cement mortar mixers, concrete/industrial saws, cranes, and welders
 - 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.
 - Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment.
 - Use of zero emission construction equipment.
- Use low volatile organic compound or VOC (i.e., reactive organic compounds) coatings, that are below current Air District requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 80 percent of all residential and non-residential interior paints and 80 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 80 percent of coatings applied must meet a "supercompliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's

operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used. Examples of “super-compliant” coatings are contained on the South Coast Air Quality Management District’s website.

[COA][PLANNING] **MITIGATION MEASURE**

BP-59. GENERATOR EMISSIONS [MPSP EIR 10.3.3-3]

All diesel standby emergency generators powered by diesel fuel shall meet US EPA Tier 4 engine standards. Projects that include installation of permanent stationary emergency generators shall ensure generators have engines that meet or exceed US EPA Tier 4 standards for particulate matter emissions. **MITIGATION MEASURE**

BP-60. CONSTRUCTION POLLUTANT MITIGATION PLAN:

Since the project’s construction span may last more than two years, the project applicant shall prepare a site-specific construction pollutant mitigation plan in consultation with Bay Area Air Quality Management District (BAAQMD) staff prior to issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to the BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e. probability of contracting cancer is greater than 10 in one million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. Documentation shall be provided to the Director of Community Development confirming that construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include but not be limited to:

- a) Limiting the amount of acreage to be graded in a single day.
- b) Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal school hours.

Notifying affected sensitive receptors one week prior to commencing onsite construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.

[COA] [PLANNING]

BP-61. AIR QUALITY MITIGATION MEASURES:

Install indoor air filtration systems (e.g., electrostatic filtering systems or equivalent systems) and place vents away from TAC. Project shall submit performance specification to the city to demonstrate that lifetime residential exposures would not exceed BAAQMD-recommended risk levels. [PLANNING]

BP-62. CONSTRUCTION NOISE MITIGATION MEASURES [MPSP EIR 10.3.4-1]:

The project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a noise control plan that shall be submitted for review and approval by the Director of Community Development. Measures specified in the noise control plan and implemented during construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- d) Pile-driving is prohibited unless authorized by the Director of Community Development. If authorized, noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
 - Installing intake and exhaust mufflers on pile-driving equipment;
 - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible as determined by the Director of Community Development;
 - Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
 - Using cushion blocks to dampen impact noise, if feasible based on soil conditions as determined by the Director of Community Development. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for

cushion blocks include wood, nylon and micarta (a composite material); and

- At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.

[COA][PLANNING] **MITIGATION MEASURE**

BP-63. NESTING BIRDS:

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

If initial site disturbance activities, including tree, shrub, or vegetation removal, are to occur during the bird breeding season (January 15 through August 31), a qualified biologist shall conduct a preconstruction survey for nesting migratory birds and raptors. The survey for nesting migratory birds shall cover the project site itself and the immediate vicinity of the site, with the survey for nesting raptors encompassing the site and surrounding lands within 250 feet, where accessible. The survey shall occur within seven days prior to the onset of ground disturbance.

If active nests are detected, appropriate construction-free buffers shall be established. The buffer sizes shall be determined by the project biologist based on species, topography, and type of activity occurring in the vicinity of the nest. Typical buffers are 100 feet for passerines and up to 250 feet for raptors. The project buffer shall be monitored periodically by the project biologist to ensure compliance. After the nesting is completed, as determined by the biologist, the buffer shall no longer be required.

A report shall be submitted to the City summarizing the results of the survey, identifies any buffer zones, and outlines measures implemented to prevent impacts to nesting birds.

[COA] [PLANNING] **MITIGATION MEASURE**

BP-64. ARCHAEOLOGICAL RESOURCES:

Prior to the issuance of grading or building permits, the project applicant is required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e. prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archeologist can

assess the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential. [COA] [PLANNING]

BP-65. CULTURAL RESOURCES:

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

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

BP-66. PALEONTOLOGICAL RESOURCES:

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

BP-67. CONSTRUCTION MATERIAL AND STAGING:

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

- BP-68. UNDERGROUND UTILITIES:
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- BP-69. BICYCLE PARKING:
Provide the following minimum bicycle facilities at the main entrance and/or high-visible areas per Moffett Park Specific Plan. 292 total bicycle spaces: 265 spaces must be Class I (secured bicycle parking) in which 14 spaces shall be able to accommodate oversized or cargo bicycles, and 27 spaces must be Class II (bicycle racks). Clearly indicate the location and number of spaces on building permit plans. [COA] [PLANNING/TRAFFIC]

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

- EP-1. MOFFETT PARK SPECIFIC PLAN:
This project is in the Moffett Park Specific Plan (MPSP) adopted July 2023; therefore, the developer shall comply with any applicable design requirements as identified in the MPSP or as amended and approved by the City. [COA] [PUBLIC WORKS/PLANNING]
- EP-2. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:
A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/stripping plans, erosion control plans, and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineering and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C1.0 through C7.0 of Preliminary Plan Set dated 5/29/26 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/637820856582800000>
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>
[COA] [PUBLIC WORKS]
- EP-3. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers,

- sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-4. BENCHMARKS:
The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000 Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]
- EP-5. PUBLIC ACCESS EASEMENT DEDICATIONS
Developer shall dedicate a 70-foot-wide public access easement over the proposed neighborhood park along the north side of the property. Developer shall also dedicate a public access easement to cover the extent of the new 9-foot-wide sidewalk along 5th Avenue. Public access easement dedications are shown on Sheet C2.0 Preliminary Site Plan dated 05/29/26. [COA] [PUBLIC WORKS]
- EP-6. STREET EASEMENT DEDICATION
Developer shall dedicate a 10.5-foot-wide street dedication along Bordeaux Dr in the form of a street easement. Future right-of-way line is dimensioned 21.5-feet from the face of curb along Bordeaux Dr.
- 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 EASEMENT VACATION:
The existing 10-foot-wide public utility easement along the eastern property line shall be partially vacated prior to encroachment permit issuance. [COA] [PUBLIC WORKS]
- EP-8. 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-9 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 or existing 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-10. POTHOLING OF EXISTING UTILITIES:
Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflicts between existing utilities and proposed new dry utilities, sewer and storm drain laterals, and water laterals 4” and larger. Potholing shall be performed during design after proposed locations of new laterals are not likely to change. Accurate elevations and locations of existing crossings shall be shown in profiles along gravity or pressure laterals 4” and larger. It is strongly recommended that both the top and bottom elevations of fiber and electrical duct banks are potholed. [COA] [PUBLIC WORKS]
- EP-11 EXISTING UTILITY ABANDONMENT/RELOCATION:
Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City’s Abandonment Notes and procedures, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-12. 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-13. DRY UTILITIES:
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to the issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-14. 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-15. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

- The re-use of existing City water service laterals is not allowed. Existing sewer laterals must be abandoned or replaced unless the City allows them to be re-used. To propose re-use, the applicant shall submit CCTV video of the lateral to the City. The beginning of the video must show the front of the property to confirm its location before insertion into the pipe. Video must extend from the cleanout to the main. Camera may not be submerged at any time, and must include a footage counter. If the City feels that the lateral is in acceptable condition, and has no significant sags, damage, or root intrusion, the City may allow it to be re-used. The City may also require CCTV for proposed re-use of an existing storm drain lateral, on a case by case basis. Sheet C4.0 Preliminary Utility Plan dated 5/29/26 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-16. PUBLIC FIRE HYDRANTS AND FIRE HYDRANT LATERALS:
Remove and replace existing fire hydrant (FH) barrels and existing fire hydrant lateral(s) along the entire project frontage with Clow 865 for mains 10" and larger. New fire hydrant laterals and barrels must be located outside of existing and proposed tree driplines, or as determined by Department of Public Works. Hydrants shall be located per City standard detail 2B and 2B-2. Public fire hydrants shall be maintained a minimum of 3 horizontal feet from trees, vines, shrubs, bushes, and other obstacles. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-17. DOMESTIC WATER SERVICE LATERAL:
Install new radio-read domestic water meter(s) and reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at each domestic water lateral in accordance with current City standards. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required. For water meter size two (2) inch or larger, provide meter sizing calculations to the Department of Public Works for approval of meter size. For domestic water meters 3" and larger, provide 2 mainline isolation valves immediately adjacent to the water lateral (3 valves connected to the tee). Sheet C4.0 of Preliminary Utility Plan dated 05/29/26 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-18. IRRIGATION WATER SERVICE LATERAL:
This project is required to connect to City's existing reclaimed water system for irrigation purpose per MPSP. Install new radio-read irrigation water meter(s) and reduced pressure principle assembly (RPPA) backflow preventer(s) (BFP) at each irrigation lateral in accordance with current City standards. BFPs must adhere to the City's Cross-Connection Control Program. A backflow installation permit and tag(s) are required.

All landscape and irrigation systems, located in the public park strip areas, shall be connected to the recycled water system metered to the property owner. Install backflow preventer enclosure where applicable.

Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code. [COA] [PUBLIC WORKS]

- EP-19. RECLAIMED WATER:
The use of reclaimed water requires a Recycled Water Permit from the City. Contact Environmental Services Department/Water Operations at 408-730-7561 for further information. [SDR] [PUBLIC WORKS]
- EP-20. SEWER ACCESS STRUCTURE AT UPSTREAM END OF LATERAL:
For all sewer laterals 6" and larger, install a new manhole immediately inside private property and outside of any easement. For 4" laterals, install a cleanout at the same location. [SDR] [PUBLIC WORKS]
- EP-21. NEW SEWER LATERAL CCTV VIDEO:
The contractor shall provide a CCTV video of new sewer laterals. Video must clearly show the front of the property before camera is inserted into the pipe. [COA] [PUBLIC WORKS]
- EP-22. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and subject to approval by the Public Works Department as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-23. STORM DRAIN DESIGN
Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full. The new storm drain lateral shall be 12 inches and the main line shall be minimum 15 inches diameter in the public right-of-way.
- EP-24. C.3 STORMWATER TREATMENT IN THE PUBLIC RIGHT OF WAY:
Per the Municipal Regional Stormwater Permit 3.0 Provision C.3, all impervious area created or replaced in the public right-of-way must be treated. Treatment measures for public stormwater must be located on-site, on private property. Treatment measures shall be identified and included in the Stormwater Management Plan, required per BP COAs above.

All stormwater treatment and infrastructure constructed for

conveyance of stormwater to the stormwater treatment shall be privately maintained. The perpetual maintenance of the through-curb drains shall be the sole responsibility of the property owner. These through-curb drains will be formally reviewed by Public Works Department during the off-site improvement plan review.
[SDR] [PUBLIC WORKS]

EP-25 CATCH BASIN TRASH CAPTURE DEVICES:

Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection system, the developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-26. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

EP-27. STREETLIGHTS:

Bordeaux Drive – Maintain the existing streetlight on Bordeaux Drive at the northwest corner of 5th Avenue & Bordeaux Drive, this will be a reference point for the following statements. In total, the applicant shall remove two existing streetlights and install two new MPSP Type 1 streetlights: (1) Remove the existing streetlight (along the project frontage) that is approximately 125 feet north of the reference point and install 1 new streetlight across the street with a staggered spacing of 130-140 feet on Bordeaux Drive. (2) Remove the existing streetlight (across the street) approximately 300 feet from the reference point and install one new streetlight along the project frontage with a staggered spacing of 130-140 feet on Bordeaux Drive.

5th Avenue – The developer shall remove two existing streetlights on 5th Avenue and install two new Moffett Park Specific Plan Type 1 streetlight with a spacing of 130-140 feet on 5th Avenue along the project frontage using existing streetlight at the northwest corner of 5th Avenue and Bordeaux Drive as a reference point. The perpetual maintenance of the proposed streetlights along 5th Avenue shall be the sole responsibility of the property owner.

The developer shall provide a separate streetlight plan identifying existing streetlights to be removed and new streetlights to be installed along the entire project frontage based on the streetlight spacing

provided by the City. The streetlight plans shall include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code. The streetlight plans shall be submitted concurrently with the off-site improvement plan review.

The developer shall be responsible to replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards. The developer may be required to connect the new streetlight to the existing unmetered service pedestal or have them install a new one. All LED fixtures and streetlight pole types shall have a 10-year warranty and shall be of the same make and model (current approved manufacturer is Philips Lumec).

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

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

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

EP-28. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install one new driveway approach along the 5th Avenue project frontage per City standard detail 5C-5 to comply with Americans with Disabilities Act (ADA) requirements and City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-29. STREETSCAPE IMPROVEMENTS:

Along project frontage on Bordeaux Drive, remove existing concrete curb, gutter and sidewalk and install new concrete curb and 1-foot gutter per current City standards. Install a detached 9-foot-wide sidewalk, 6-foot-wide park-strip, 6-foot-wide southbound raised bike lane (including 6-inch curb), and 5-foot-wide striped buffer per modified MPSP Neighborhood Street Cross-Section (Figure 57)

Along project frontage on 5th Avenue, remove all existing concrete curb, gutter and sidewalk and install new concrete curb and 1-foot gutter per current City standards . Install a detached 9-foot-wide sidewalk with 6-foot-wide park-strip (including 6-inch curb) per modified MPSP Neighborhood Street Cross-Section (Figure 57). At the proposed loading

zone, the sidewalk shall narrow to a 9-foot-wide monolithic sidewalk (including 6-inch curb). The loading zone shall be 10 feet wide.

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

EP-30. ROADWAY CONFIGURATION:

Bordeaux Drive: Maintain existing curb-to-curb dimension, 12-foot center turn lane, 11-foot travel lanes, and northbound bike lane. Remove the existing southbound bike lane and provide a 5-foot hatched buffer with delineators spaced at 12-foot on center.

5th Avenue: Maintain existing curb-to-curb dimension. Install a 10-foot-wide loading zone. [COA] [PUBLIC WORKS]

EP-31. BIKE LANE CONFIGURATION:

On Bordeaux Drive, the developer shall provide a bike ramp to transition southbound bicyclists from the existing bike lane onto the raised bike lane along the project frontage. Where the raised bike lane terminates going southbound, the developer shall provide a transition for bicyclists to ride behind the existing streetlight with the RRFB towards the curb ramps at the northwest corner of 5th Avenue and Bordeaux Drive. [COA] [PUBLIC WORKS]

EP-32. ROOT BARRIER:

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

EP-33. RAISED INTERSECTION:

The developer shall maintain the existing roadway grading for the raised intersection at 5th Avenue and Bordeaux Drive. [COA] [PUBLIC WORKS]

EP-34. DRIVEWAY VISION TRIANGLE:

Comply with the driveway extended vision triangle requirements at all driveway approaches on 5th Avenue per SMC 19.34.060. Show location of sidewalk relative to the driveway vision triangle. [COA] [PUBLIC WORKS]

EP-35. CORNER VISION TRIANGLE:

Comply with the corner vision triangle requirements at the intersection of 5th Avenue and Bordeaux Drive per SMC 19.34.060. [COA] [PUBLIC WORKS]

EP-36. DECORATIVE PAVEMENT:

- Any and all proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [COA] [PUBLIC WORKS]
- EP-37. 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. [COA] [PUBLIC WORKS]
- EP-38. 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-39. SLURRY SEAL:
Developer shall be responsible to install Type II slurry seal on Bordeaux Dr from lip of gutter to lip of gutter along project frontage and over portions of the existing raised intersection. Sheet C2.0 Preliminary Site Plan dated 05/29/26 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-40. CITY STREET TREES:
The developer shall install required street trees in proposed park-strip within the public right-of-way along the project's Bordeaux Drive frontage as follows: *Platanus racemosa* - California Sycamore. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15 gallon size spaced approximately 35 feet apart. No street trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. Sheet C2.0 Preliminary Site Plan dated 05/29/26 is subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-41. 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-42. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a

- result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, and streetlight pull boxes shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, and streetlight pull boxes shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]
- EP-43. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements. 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-44. UTILITY COMPANY APPROVAL:
Obtain approval letters from the utility companies in regards to vacation of any existing easements associated with their facilities. [COA] [PUBLIC WORKS]
- EP-45. RECORD DRAWINGS:
Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In addition, streetlight record drawings shall be in AutoCAD format & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS] (SMC 13.08.160(a))
- EP-46. 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-47. 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]

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

- PF-1. **LANDSCAPING AND IRRIGATION:**
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. **COMPACT SPACES:**
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- PF-3. **PARKING LOT STRIPING:**
All parking lot striping shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-4. **NOISE REDUCTION VERIFICATION:**
Following construction completion, the project acoustical consultant shall measure interior and exterior noise levels to confirm they are within allowable City of Sunnyvale noise standards and submit a report to the Director of Community Development prior to occupancy. If noise levels exceed allowable standards, the project applicant shall work with the project acoustical consultant on a compliance plan to reduce noise to acceptable levels, subject to the review and approval of the Director of Community Development. The project applicant shall incorporate all approved subsequent measures and confirm with additional testing that acceptable levels are met prior to occupancy of the units. [COA] [PLANNING]
- PF-5. **AFFORDABLE RENTAL UNITS DEVELOPER AGREEMENT:**
Housing staff shall verify that the Developer has complied with the Affordable Rental Housing Developer Agreement and that the required affordable rental units have been marketed and made available for rent upon project completion in compliance with the recorded Developer Agreement. [COA] [HOUSING]
- PF-6. **COMPLETION OF SITE REMEDIATION:**
Prior to any building occupancy, the applicant shall provide documentation from the appropriate regulatory agency (County of Santa Clara Department of Environmental Health, California Department of Toxic Substances Control, or State of California San Francisco Bay Regional Water Quality Control Board) confirming that all required site remediation measures required to occupy any building or site have been completed and that plans have been provided for ongoing monitoring, if required, to the satisfaction of the agency. Deed restrictions, if required by the external oversight agency, shall be recorded prior to final occupancy. [COA] [PLANNING]
- PF-7. **VAPOR INTRUSION MITIGATION PLAN (VIMP) VERIFICATION:**
To document the effectiveness of the VMS, a qualified environmental professional shall conduct post-construction sampling. The results of soil gas sampling, design and installation of the VMS, and post-

construction sampling shall be submitted to the Water Board, DTSC, or SCCDEH for review and approval prior to the issuance of occupancy permits. The sampling shall be conducted prior to the issuance of occupancy permits at approximately four weeks after completion of construction, with subsequent testing during the potentially “worst-case” months of January/February and June/July.¹ The applicant shall provide proof of approval from the Water Board, DTSC, or SCCDEH for the items above to the City’s Planning Division prior to release for utility connection, final inspection, issuance of a temporary certificate of occupancy, or issuance of a certificate of occupancy, whichever occurs first. [MPSP EIR 10.3.1-4][COA] [PLANNING]

MITIGATION MEASURE

PF-8. LONG-TERM OPERATIONS, MAINTENANCE, AND MONITORING PLAN (OMMP):

A Long-Term Operations, Maintenance, and Monitoring Plan (OMMP) shall also be submitted to the Water Board, DTSC, or SCCDEH for approval that presents the actions that must be taken following construction to maintain and monitor the VMS. The OMMP shall also include a contingency plan in case of VMS failure, and a financial assurance mechanism shall be established to prove that adequate funds are available for long-term maintenance and monitoring of the VMS. The applicant shall provide proof of approval from the Water Board, DTSC, or SCCDEH for the items above to the City’s Planning Division prior to release for utility connection, final inspection, issuance of a temporary certificate of occupancy, or issuance of a certificate of occupancy, whichever occurs first. [MPSP EIR 10.3.1-4][COA] [PLANNING] **MITIGATION MEASURE**

PF-9. VERIFICATION OF GREEN BUILDING MEASURES:

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

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

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-11. 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]

¹ The DTSC considers January/February and June/July to be the periods where vapor intrusion poses the greatest risk to developments.

- PF-12. COMPLETION OF BORDEAUX NEIGHBORHOOD PARK:
Developer shall complete construction of the Bordeaux Neighborhood Park prior to final building occupancy, subject to review and approval of the Community Development Director. [COA] [PLANNING]

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

- DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
- DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
A. Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.
B. Construction equipment must be maintained per manufacturer’s specifications.
C. Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
1) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
2) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
3) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
4) 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. DELIVERY HOURS:
Delivery hours for the approved use shall comply with SMC 19.42.030:
a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
- AT-2. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-3. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-4. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-5. LANDSCAPE MAINTENANCE:
All landscaping, including those within the Bordeaux Neighborhood Park, 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. The Bordeaux Neighborhood Park shall be maintained and operated as a privately-owned publicly-accessible (POPA) park, with hours of operation of 6 a.m. to 9 p.m. daily. [COA] [PLANNING]
- AT-6. PARKING MANAGEMENT
On-site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-7. UNENCLOSED USES:
A. Any modification or expansion of unenclosed uses are subject to review and approval by the Director of Community Development.

- B. Unenclosed storage of any kind shall be prohibited on the ground floor, and limited to the upper stories.
 - C. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
 - D. Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall be subject to [COA] [PLANNING]
- AT-8. OFF-STREET PARKING:
Off-street parking and loading shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-9. PARKING LOT MAINTENANCE:
The parking lot shall be maintained as follows:
- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
 - b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
 - c) The mechanical puzzle parking system shall provide automated vehicle release available to tenants during all hours of operation.
 - d) Maintain all parking lot striping and marking.
 - e) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]
- AT-10. RECREATIONAL VEHICLE STORAGE PROHIBITED:
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-11. BMP MAINTENANCE:
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-12. BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for

- the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]
- AT-13. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:
The multi-family residential use shall prepare a TDM Plan in compliance with the MPSP and participate in the Transportation Management Association (TMA) within Moffett Park. [MPSP EIR 10.3.3-3] [COA] [PUBLIC WORKS] [TRANSPORTATION] **MITIGATION MEASURE**
- AT-14. SOLID WASTE RECYCLING MANAGEMENT:
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]
- AT-15. BIRD SAFE:
The building permit plans, including any exterior modifications, shall demonstrate conformance with Section 5.4.2, Bird Safe Design, of the Moffett Park Specific Plan, at all times. Any future exterior modifications affecting bird-safe design features shall require updated documentation from a qualified biologist confirming continued compliance, subject to City review and approval. [COA] [PLANNING]
- AT-16. CAFE USE:
Any future change of use of the ground-floor residential amenity room, located in the northeast corner of the building, to a café use shall require review and approval through a Special Development Permit pursuant to SMC 19.29.060 prior to establishment of the use. Such application shall be subject to the codes and regulations in effect at the time of the application submittal. [COA] [PLANNING]

END OF CONDITIONS