
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 25, 2025**

Planning Application **PLNG-2024-0826**
717 East El Camino Real

Special Development Permit to allow a childcare center with preschool and afterschool programs with an occupancy of up to 70 children in Unit #1, the addition of a 1,400-square-foot outdoor play area, construction of a new trash enclosure, and associated site improvements.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

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

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

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:
All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

- GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:
The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)
- GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:
The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)
- GC-4. INDEMNITY:
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]
- GC-5. NOTICE OF FEES PROTEST:
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING/OCA]
- GC-6. 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]

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

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- 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 ENCLOSURE:**
The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:
- a) Match the design, materials and color of the main building.
 - b) Be of masonry construction. [COA] [PLANNING]
- BP-7. **RECYCLING AND SOLID WASTE CONTAINER:**
All recycling and solid waste containers shall be metal, or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-8. **SOLID WASTE 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 non-residential projects. [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. **MECHANICAL EQUIPMENT (EXTERIOR):**
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors/neighboring properties and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architectural or landscaping features. [PLANNING] [COA]
- BP-11. **CONSTRUCTION MATERIAL AND STAGING:**
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [COA] [PUBLIC WORKS]

BP-12. EXHAUST AND OPENINGS:

No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Community Development Director. [COA] [PLANNING]

BP-13. BICYCLE PARKING:

Provide the following minimum bicycle facilities at the main entrance and/or high visible areas per Sunnyvale Municipal Code Section 19.46.150, Table 19.28.100(a): Two (2) total bicycle spaces, two (2) of which must be Class II (bicycle racks). Clearly indicate the location and number of spaces on building permit plans. [COA] [PUBLIC WORKS]

BP-14. 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. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) Provide arborist report evaluating existing trees and proposing construction method for any work within the drip line of the existing trees with the purpose of preserve the health of the existing trees.
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- b) 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.
- c) 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-15. 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-16. EXTERIOR LIGHTING PLAN:

Any modification to the exterior lighting plan, including fixture and pole designs, requires review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent properties.

[COA] [PLANNING]

BP-17. PHOTOMETRIC PLAN:

Any modification to the exterior lighting plan requires 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-18. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

A Parking Management Plan shall be submitted for 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) Employee parking locations shall be away from the building, in parking spaces that are the least used.
 - b) Specify the location and term of short-term parking.
 - c) Specify the location of the required drop-off/pick-up spaces.
 - e) Employees shall be required to park on the site.
 - f) Provide adequate signage to direct traffic and pedestrians.
- [COA] [PLANNING]

BP-19. BUILDING PERMIT REQUIREMENTS – OCCUPANT LOAD, PLAN SUBMITTAL AND CODE COMPLIANCE:

The project shall comply with the following requirements prior to issuance of a Building Permit. All items shall be shown on the building permit set of plans and are subject to review and approval by the Building Official:

- a) For purposes of calculating occupant load at the outdoor play area, utilize an occupant load factor of 50 square feet per occupant in accordance with California Building Code (CBC) Table 1004.
- b) Building Permits are required prior to the start of any construction. Submit plans signed and stamped by a licensed professional, along with two copies of structural calculations and all supporting documentation, to the One-Stop Permit Center. This project will be subject to a 21-calendar-day plan review period. Contact the One-Stop Permit Center for electronic submittal requirements.
- c) Building Permit plans shall comply with the Sunnyvale Municipal Code and all applicable provisions of the California Building, Electrical, Plumbing, Mechanical, Green Building, and Energy Codes in effect at the time of permit submittal. The currently adopted code cycle is the 2022 edition.
- d) Provide the allowable building area calculation to confirm the building size complies with CBC requirements based on the proposed construction type and occupancy classification.
- e) Provide complete floor plans that clearly identify the size, use, and occupancy classification of each room or area within the building.

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- f) Provide an egress plan for the entire building, indicating egress paths from all rooms and spaces to a point of exit at the public right-of-way, per CBC requirements.
 - g) Provide a complete accessibility plan for both the site and building, in compliance with CBC Chapter 11B. The site plan shall show all accessible paths of travel throughout the site and from the public way to the building entrance(s).

BP-20. CONSTRUCTION MANAGEMENT PLAN:

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

- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
- b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
- c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
- e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- 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.

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- j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING] [PUBLIC WORKS]

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

- EP-1. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City’s satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

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]

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. 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. PLACES OF ASSEMBLY:

The approved use is Place of Assembly for childcare use with preschool and afterschool programs; and shall be subject to the following restrictions:

- a) The business shall vacate from Unit 10 when Unit 1 is ready for occupancy.
- b) The business shall be limited to a maximum of **70** students per day consisting of both morning and afternoon half-day classes.
- c) The business shall be limited to a maximum of **35** students at any given time.
- d) The maximum number of students in the play area is limited to **20** at any given time.
- e) Class starting times shall be staggered by a minimum of **30** minutes to reduce potential overlap of students on-site.
- f) The minimum age of clients shall be **two** years old.
- g) Mass assemblies of non-enrolled students are prohibited on-site.
- h) This approval does not include Seasonal Camps (e.g. Summer Camps) and Special Events, unless modified through a new Planning Application.

The restrictions noted above are general and apply to the approved use or any similar use as deemed by the Director of Community Development. [COA] [PLANNING]

AT-2. HOURS OF OPERATION:

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

- a) The hours of operation are limited to Monday through Friday from 8:00 a.m. to 7:00 p.m. for standard hours of operation.

b) Hours extending beyond 7:00 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit.

[COA] [PLANNING]

AT-3. 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-4. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-5. STANDARD OPERATING PROCEDURE MANUAL:

Prior to Licensing with Community Care Licensing, the Permittee shall provide Standard Operating Procedures that establish enforceable policies for parents to follow for the drop-off and pick-up operations of students that identify appropriate pick-up and drop-off locations, check in and check out procedures, and staggered the drop off and pick up times for Community Development Director review and approval. [COA] [PLANNING]

AT-6. 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-7. LANDSCAPE MAINTENANCE:

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

AT-8. AWNINGS:

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

- AT-9. **PARKING LOT MAINTENANCE:**
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Maintain all parking lot striping and marking.
 - b) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 - c) Clearly mark all pick-up/drop-off spaces as required by the conditions of approval.
- [COA] [PLANNING]
- AT-10. **NOISE:**
The proposed business is located on a Mixed-Use property with nearby residential uses; therefore, the business shall operate in a manner consistent with the noise ordinance (SMC 19.42.030) to minimize operational noise including in the outdoor play area and inside the business. [COA] [PLANNING]
- AT-11. **LOUDSPEAKERS PROHIBITED:**
Out-of-door loudspeakers shall be prohibited at all times except for emergency notification use. [COA] [PLANNING]
- AT-12. **UNENCLOSED STORAGE (PROHIBITED):**
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]