

FINAL
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 25, 2013

Planning Application 2013-7542

420 South Pastoria Avenue

Special Development Permit to allow a child care center in an existing office building in the
Office/Planned Development zoning district.

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.

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:

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

The approved Special Development Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

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- GC-3. PERMIT EXPIRATION:
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [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. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR][BUILDING]
- 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. SIGNS:
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]
- GC-8. OFF-SITE IMPROVEMENT PLANS:
Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit Process. [SDR] [PUBLIC WORKS]
- GC-9. 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. [SDR] [PUBLIC WORKS ENGINEERING]

GC-10. 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.

GC-11. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the project conditions and as shown on City approved plans. .

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.

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from the Planning Commission including the following:

- a) Install a curb, fence or bollard between the landscape strip and pedestrian walkway on the north side to enhance pedestrian safety and access from the rear parking lot to the outdoor play area and the front entrance. [COA] [PLANNING]
- b) A "no stopping any time" sign shall be placed on the streetlight pole at the northern end of the project site in conformance with Section 2 of the latest CA-MUTCD for placement, spacing and orientation of the sign.

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).

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- 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. **BUILDING PERMIT ISSUANCE:**
No building permit issuance prior to relinquishment of certain existing Grant of Easements and/or Parking Easements associated with reciprocal parking and ingress and egress easements, unless otherwise approved by the Director of Public Works and the Director of Community Development.
- No building permit issuance prior to execution and recordation of an ingress/egress agreement for driveway purposes. [COA] [PUBLIC WORKS]
- BP-6. **RECYCLING AND SOLID WASTE ENCLOSURE:**
The building permit plans shall include details for the installation of a recycling and solid waste enclosure that are consistent with SMC 19.38.030. The required solid waste and recycling enclosure shall:

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- 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 Waste and Recycling Management Plan;
 - g) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PUBLIC WORKS/PLANNING]
- BP-7. RECYCLING AND SOLID WASTE CONTAINER:
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-8. SOLID WASTE DISPOSAL PLAN:
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-9. ROOF EQUIPMENT:
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-10. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$13,369.12, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- BP-11. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways or structures shall be landscaped.
 - b) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. [COA] [PLANNING]

BP-12. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-13. TREE PROTECTION PLAN:

Implement tree protection plan as recommended by Ray Morneau, Arborist, on the arborist report dated August 23, 2013, and letter, dated November 13, 2013. The tree protection plan shall also include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) 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-14. BEST MANAGEMENT PRACTICES - STORMWATER:

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.

- ii) Dumpster drips from covered trash and food compactor enclosures.
- iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
- iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-15. EXTERIOR LIGHTING PLAN:

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 15 feet 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 residential properties. [COA] [PLANNING]

BP-16. 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-17. BICYCLE SPACES:

Provide a minimum of three bicycle spaces. The plans will need to clearly indicate the location and type for the project. Select high-quality decorative designs for bicycle racks. [COA] [PUBLIC WORKS/PLANNING]

BP-18. FIRE PROTECTION PERMIT:

Obtain an approved Child Care Fire Operations Permit from the Department of Public Safety prior to issuance of a building permit. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]

- BP-19. KNOX BOX AND ACCESS:
A Knox key box will be required for access to the building and gated areas in accordance with Fire Prevention guidelines. Gated areas are subject to emergency vehicle access requirements. [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-20. SPRINKLER AND ALARM:
A fully automated sprinkler system, and a manual and automatic fire alarm system are required. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-21. SMOKE DETECTORS:
Smoke detectors shall be installed in every room used for sleeping or napping. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-22. FIRE PROTECTION WATER SUPPLY:
The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety. [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-23. EXITING:
Exiting from the fenced play areas shall not be less than that required for exiting from the building. Panic hardware required on the play area exits and doors/gates must swing in the direction of egress.
- BP-24. ELECTRONIC PLANS:
Provide Fire Protection staff with an electronic version of project plans to assist with “pre-fire survey maps.” [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-25. FENCE:
The front play area perimeter fence may be increased up to six feet in height, subject to review by the Director of Community Development.
[COA] [PLANNING]

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| EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION. |
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- EP-1. 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-2. UTILITY CONNECTION TO THE MAIN:
All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole, except where the point of the

- connection is within close vicinity of an existing down-stream manhole where a “Y” connection is permitted as determined by the Director of Public Works. [SDR] [PUBLIC WORKS]
- EP-3. DRY UTILITIES:
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within public right-of-way or public utility easements, if applicable. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-4. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [SDR] [PUBLIC WORKS]
- EP-5. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:
The re-sue of any existing City utility service lines and appurtenances is subject to City’s review and approval. Developer’s contractor shall expose the existing facilities during construction for City’s evaluation or provide video footage of the existing pipe condition. Developer’s contractor shall replace any deficient facilities as deemed necessary by the Public Works Department. [COA] [PUBLIC WORKS]
- EP-6. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:
Provide separate fire and domestic service lines to the building. Install double check detector assembly (DCDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-7. WATER METER:
Install new radio-read water meter(s) for each point of connection to the water main. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. [SDR] [PUBLIC WORKS]
- EP-8. SEWER CLEANOUT:
Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-9. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

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- EP-10. STREETLIGHTS:
Install new LED light fixtures for existing streetlights along South Pastoria Avenue on and adjacent to the project frontage. [SDR] [PUBLIC WORKS]
- EP-11. DRIVEWAY APPROACHES:
Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]
- EP-12. TRAFFIC CONTROL PLAN:
Submit a traffic control plan with the off-site improvement plans for review and approval. 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-13. 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-14. 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 Director of Public Works. [COA] [PUBLIC WORKS]
- EP-15. RECORD DRAWINGS:
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-16. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works fees associated with the project, including but not limited to, off-site improvement plan check and inspection fees, prior to issuance of encroachment permit. Exact fee amount shall be determined at the time of plan review and based upon fee rate then. [COA] [PUBLIC WORKS]

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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:

All parking lot striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Zoning standards prior to occupancy. [COA] [PLANNING/ENGINEERING]

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]

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

AT-1. MAXIMUM CAPACITY:

The use permitted by this application shall comply with the following capacity limits at all times:

- a) The maximum number of students permitted on-site at any time is 188;
- b) The maximum number of teachers permitted on-site at an time is 18;
- c) Any proposed modification to the site's capacity shall be subject to review and approval by the City at a public hearing. [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 7:30 A.M. to 6:30 P.M., Monday through Friday. Extended hours shall require separate approval by the City. Minor modifications may be approved by the Director of Community Development; major modifications may require approval at a public hearing. The Director of Community Development shall determine whether requested modifications are major or minor. [COA] [PLANNING]

AT-3. GOOD NEIGHBOR POLICIES

Observe policies outlined in the “Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhoods” prepared by City of Sunnyvale Youth, Family & Child Care Resources and periodically engage neighbors to address operational concerns and issues for improvement.

AT-4. 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-5. RECYCLING AND SOLID WASTE:

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

AT-6. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [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. PARKING MANAGEMENT:

On-Site parking management shall conform with the approved parking management plan. The parking management plan and the associated operation of the parking lot, circulation, and queuing of vehicles on Pastoria Avenue, will be subject to review by the Director

of Community Development, six months from the date of the commencement of the child care center use. [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) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]

AT-10. UNENCLOSED STORAGE (PROHIBITED):

Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]

AT-11. SOLID WASTE RECYCLING MANAGEMENT:

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] [PUBLIC WORKS]

END OF CONDITIONS