

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
4/27/2015**

**Planning Application 2014-758  
215 Moffett Park Drive**

MAJOR MOFFETT PARK DESIGN REVIEW PERMIT: To allow a second 86,400 square foot office R&D building and a new 5,000 square foot restaurant building resulting in a total of 248,460 square feet of building area on the site (59.9% FAR with LEED Gold incentive); and a new 3-level parking structure and associate 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. USE EXPIRATION:

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

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. 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. 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. STORMWATER MANAGEMENT PLAN:

Project is subject to provision c3, of the municipal regional stormwater permit order no. R2-2009-0074, as determined by a completed

“stormwater management plan data form”, and therefore must submit a stormwater management plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

**GC-8. RESTAURANT ARCHITECTURE**

The new restaurant included in the proposed plans requires its architecture and detailed site plan to be approved by the Planning Commission. If this feature of the project does not occur prior to the expiration of this permit, this portion of the site shall be landscaped as approved by the Director of Community Development. [COA] [PLANNING]

**GC-9. 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-10. 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] (SMC 13.08.030, SMC 13.08.060 and SMC 13.08.070)

**GC-11. PUBLIC IMPROVEMENTS:**

Developer shall install public improvements including sidewalk on the two public street frontages, and as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with the Moffett Park Specific Plan, 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 around the perimeter as deemed necessary by the Director of Public Works, prior to occupancy of the first building, or to the satisfaction of the Director of Public Works. [COA] [PUBLIC WORKS] (SMC 18.08 and SMC 18.12)

**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) Add architectural detail and or landscaping element(s) to the large expanse of concrete wall on the parking structure. COA] [PLANNING]

**PS-2. EXTERIOR MATERIALS REVIEW:**

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

**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.

BP-4. 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-5. 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-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 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 \$504,836.62, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$891,-63.90 prior to issuance of a Building Permit. (SMC 19.22). [SDR] [PLANNING]

- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire shopping center development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

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 and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-12. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artwork(s) along Moffett Park Drive and/or Borregas Avenue. [COA] [PLANNING]

BP-13. LANDSCAPE PLAN:

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

- a) Plants for the vertical green walls shall be of appropriate species and size.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at a minimum of 30 foot intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box sized and of a species that will grow to be large shade providing tree at maturity
- f) Provide a ten-foot wide landscape buffer along the north and east property lines.

- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving to distinguish entry driveways, building entries, pedestrian paths and common areas. [COA] [PLANNING]

**BP-14. 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-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) Trees on adjacent lots located in close proximity to the lot lines must be protected during construction.
- c) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- d) 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.
- e) 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 PLAN:**

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

**BP-17. 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 - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party

Certification of Storm Water Management Plan Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

**BP-18. BEST MANAGEMENT PRACTICES - STORMWATER:**

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 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) Stormdrain 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:
- f) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
- g) Dumpster drips from covered trash and food compactor enclosures.
- h) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
- i) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- j) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-19. CITY STREET TREES:**

The landscape plan shall including 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-20. 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. Light standards shall not exceed 24 feet in height.
- 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. [COA] [PLANNING]

**BP-21. 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-22. BICYCLE SPACES:**

Provide at least 45 bicycle parking spaces (25% Class I/ 75% Class II) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

**BP-23. BICYCLE SUPPORT FACILITIES:**

Indoor shower and locker facilities shall be provided for men and women and individual lockers and shall be subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

**BP-24. CARPOOL PARKING:**

The project must comply with the Sunnyvale Parking Standards as noted in SMC 19.46 Parking. The required preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]

<b>MM: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AND MET AS MITIGATION MEASURES NOTED IN THE MITIGATE NEGATIVE DECLARATION</b>
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**MM-1. CONSTRUCTION NOISE**

Per Chapter 16.08 of the Sunnyvale Administrative Code, construction activities shall be limited to the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday, and Saturday between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when City offices are closed.

- a. Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for

- the job site, and a day and evening contact number for the applicant's representative/noise coordinator in the event of problems;
- b. Notify the City and adjacent industrial/office neighbors, and all residential uses within 1,000 feet radius of the site, in advance of the schedule for each major phase of construction and expected loud activities.
  - c. When feasible, select "quiet" construction methods and equipment.
  - d. Locate noisy stationary equipment (e.g., generators and compressors) and material unloading and staging areas away from the most sensitive uses.
  - e. Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.
  - f. Designate a construction noise coordinator. This coordinator would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.
  - g. If piles are to be used as part of the building design, pile driving shall not be allowed, unless the Director of Community Development, for geotechnical or structural reasons, deems all other techniques (i.e. drilled piles, vibrated-in-place piles or similar noise reduction design solutions) infeasible. If pile driving is allowed during construction, the following techniques shall be included, but are not limited to:
    - i. Limiting the hours of pile driving to 10:00 am to 6:00 pm, Monday through Friday. No pile driving will be allowed on Saturday or Sunday.
    - ii. Installing intake and exhaust mufflers on pile-driving equipment;
    - iii. Implement "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;
    - iv. Use cushion blocks to dampen impact noise, if feasible based on soil conditions. (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); and/or,
    - v. At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within 2,000 feet of the Project site of the dates, hours, and expected duration of such activities.
    - vi. Demonstrate compliance by incorporating the above noted items into the approved Project plans.

WHEN: These mitigations shall be converted into conditions of approval for the Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the

Development Permit is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

#### MM-2. BIOLOGICAL RESOURCES:

In conformance with Federal and State regulations regarding protection of raptors, the following California Department of Fish and Game (CDFG) protocols shall be completed prior to any development on the site to ensure that development does not disturb nesting raptors:

- a) *Avoidance*. Construction activities should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in Santa Clara County extends from April 1<sup>st</sup> through August 31<sup>st</sup>.
- b) *Preconstruction/Pre-disturbance Surveys*. If demolition and/or construction are to occur between April and August, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than seven days prior to the initiation of demolition/construction activities. During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., shrubs, ruderal grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) to ensure that no nests of species protected by the MBTA or California Fish and Game Code will be disturbed during project implementation.
- c) *Inhibit Nesting*. If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1<sup>st</sup>), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

WHEN: Conditions will be applicable prior to any tree removal at the site.

WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the project construction plans and provide necessary reports to the City prior to construction.

### MM-3. HISTORIC AND CULTURAL RESOURCES:

Archeological Resource Plan: If archeological resources are encountered during excavation, grading, construction, then the applicant and City shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

a) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

(1) A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

(2) In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above.

- (3) If human remains are found, special rules set forth in California Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

WHEN: Conditions will be applicable during the grading, excavation and construction of the project.

WHO: The property owner and contractor will be responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

MM-4. TRANSPORTATION:

In order to mitigate the project's impact on the roadway system, the project is required to:

- a) Pay Traffic Impact Fees (TIF), and
- b) Complete other off-site improvements (such as the addition of a bike lane along Moffett Park Drive, removal of stop signs on Moffett Park Drive (at its intersection with Borregas Avenue), addition of pedestrian enhancements at the existing crosswalk on the west Moffett Park Drive with a pedestrian activated rectangular rapid flashing beacons or raised crosswalk)

WHEN: Payment of Fees will be due at the time the first construction permit is obtained; and off-site development shall be completed prior to Occupancy Permit.

WHO: The property owner and contractor will be responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

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

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans,, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]

**EP-2. 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 preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA] [PUBLIC WORKS]

**EP-3. MOFFETT PARK SPECIFIC PLAN:**

This project is in the Moffett Park Specific Plan (MPSP) area, 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]

**EP-4. UTILITY CONNECTION:**

This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS] (SMC 18.08.030 and SMC 12.08.010)

**EP-5. UTILITY CONNECTION TO THE MAIN:**

All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole. All storm drain lateral connecting to the main shall be with a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. [SDR] [PUBLIC WORKS]

**EP-6. EXISTING UTILITY ABANDONMENT:**

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 to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

**EP-7. 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] (SMC 18.20.250)

**EP-8. WET UTILITIES:**

All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]

**EP-9. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:**

The re-use 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 Public Works Department. [COA] [PUBLIC WORKS]

**EP-10. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:**

Each building shall have separate and independent utility service lines. [COA] [PUBLIC WORKS]

**EP-11. SEPARATE DOMESTIC WATER/FIRE PROTECTION SERVICE LINE:**

Provide separate fire and domestic water service lines to each building. Install reduced pressure backflow preventor for domestic water. Install reduced pressure detector assembly for fire behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

**EP-12. PUBLIC FIRE HYDRANTS:**

Remove and replace the existing fire hydrant barrel(s) along entire project frontage with current City standard Clow-Rich 865. New fire hydrant location shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

**EP-13. 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. Install new reduced pressure backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

**EP-14. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:**

This project requires connection to city's existing reclaimed water system for irrigation purpose. Install a separate irrigation water service line (separate from the domestic water service line) with a meter and reduced pressure backflow prevention device.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable.

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.[SDR] [PUBLIC WORKS]

EP-15. SANITARY SEWER ANALYSIS:

Submit a focused sanitary sewer analysis 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.

COA] [PUBLIC WORKS]

EP-16. SEWER MANHOLE:

Install new sewer manholes at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

EP-17. SANITARY SEWER VIDEO:

The contractor shall make a video copy of the interior of the new sanitary sewer lateral installed prior to it is put into service. [COA] [PUBLIC WORKS]

EP-18. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:

This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]

EP-19. STORM DRAIN DESIGN

Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the with a flow depth not exceeding 75% in the main. The new storm drain main line shall be minimum 15 inches diameter.

EP-20. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:

Pursuant to SMC 12.60.130, install full trash capture devices onsite, 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 new storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA][PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-21. UTILITY METER/VAULT:

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

EP-22. 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. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-23. STREETLIGHTS:

- a) Provide photometric analysis to confirm if the street lighting along the project frontage of Moffett Park Drive is in accordance with the City's Roadway Lighting Design Criteria. The photometric analysis shall include all the streetlights on the project frontage along Moffett Park Drive being upgraded to LED. The minimum average

illuminance shall be approximately 0.9 fc and the uniformity ratio shall be approximately 4.0.

- b) Remove existing street light fixture and replace with new Cree BXSPA22 73 W, Type II or Leotek XXX LED fixtures along Moffett Part Drive.
- c) Replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.
- d) Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by Developer per latest City standard details and specifications and National Electrical Code. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

EP-24. 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-25. CURB RAMPS:

Remove and replace all existing curb ramps and install new curb ramps at street corner fronting project site. [COA] [PUBLIC WORKS]

EP-26. STREETSCAPE IMPROVEMENTS:

- a) Remove existing damaged concrete curb and 2' gutter and install new concrete curb and 2' gutter per current City standards along the entire project frontage. Install a 4-foot wide park strip and 6-foot wide detached sidewalk along the Moffett Park Drive and Borregas Avenue project frontage.
- b) Widening the north side of Moffett Park Drive to accommodate a new 6' wide bike lane and a 11' W/B travel lane along the frontage of the project. [COA] [PUBLIC WORKS]

EP-27. STREET PAVEMENT:

Along the entire project frontages, install Type II slurry seal up to the street centerline on Borregas Avenue and across the entire street on Moffett Park Drive, unless otherwise approved by the Director of

Public Works. Coordinate improvements with project on west side of Borregas Avenue. [SDR] [PUBLIC WORKS]

**EP-28. STREET PAVEMENT RESTORATION:**

Developer shall be responsible to restore any street pavement damage fronting the project site along Borregas Avenue and Moffett Park Drive to like of better conditions as a result of any project construction to the satisfaction of the Director of Public Works. [SDR] [PUBLIC WORKS]

**EP-29. 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, including installation of shared lane bicycle marking (sharrows) in the east bound direction of Moffett Park Drive from Borregas Avenue to the existing bike lane. [SDR] [PUBLIC WORKS]

**EP-30. CITY STREET TREES:**

The developer shall install required street trees along the project frontage as follows: Borregas Avenue: pinus canariensis – Canary Island Pine; Moffett Park Drive: quercus agrifolia – California Coast Live Oak. 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. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along both sides of the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

**EP-31. 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-32. 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-33. 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-34. RESERVATION/ABANDONMENT OF EASEMENTS:**

Reservation of new and/or abandonment/quitclaim of existing public/private utility easement(s), storm drain easement(s), cross-lot drainage easement(s), PG&E easement(s), ingress/egress easement(s), slope easement(s), reciprocal access easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Director 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-35. STREET DEDICATION:**

Developer shall provide street dedication, in the form of an easement, to the City along Moffett Park Drive as a separate instrument to accommodate the required sidewalk configuration as referenced herein. City shall accept the subject dedication prior to first building occupancy. [COA] [PUBLIC WORKS]

**EP-36. 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 encroachment 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-37. 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 for faithful performance and labor and material prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

**EP-38. OFF-SITE IMPROVEMENT COST ESTIMATE:**

Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

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

**PF-1. LANDSCAPING AND IRRIGATION:**

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

**PF-2. PARKING LOT STRIPING:**

All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING/ENGINEERING]

**PF-3. NEW PUBLIC EASEMENTS LOCATED ON-SITE:**

Any new easements required for public use purpose shall be recorded as a separate easement deed deemed necessary by the director of public works prior to any building occupancy. [COA] [PUBLIC WORKS]

**PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:**

Developer shall complete all required public improvements in accordance with city approved plans, prior to any building occupancy. [coa] [public works]

**PF-5. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):**

The property owner (or designee) shall submit a TDM plan to include a trip reduction program that Results in a reduction of at least 22.5% total average daily trips and 30% peak hour trips. This project shall not generate more than 251 trips and 242 trips during the morning and afternoon peak hours, respectively. This trip reduction is based on the estimated ITE trip generation handbook [9th] edition, land use code(s) 760 and 932. The TDM plan shall:

- a) Be per the city's transportation demand management (TDM) program.
- b) Include statements of the number of trips that need to be reduced during daily and am and pm Peak hours
- c) Include statements of the number of allowable average daily and am and pm peak hour trips
- d) Include an annual monitoring requirement based on actual driveway counts by a city
- e) Administered consultant, funded by the property owner once the project site reaches 75% Occupancy.
- f) Include a penalty for non-compliance with the targeted reductions with the said penalty to be Determined by the director of public works

- g) Be approved by the director of community development and the director of public works, or Designees. Be adjusted, subject to the same approvals, if targeted reductions are not met

PF-6. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN ANNUAL REVIEW AND REPORTING:

The applicant shall comply with the Annual Review and Reporting requirements set forth in the Transportation Demand Management (TDM) Program, including applicable fees for the review.

PF-7. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) COMPLIANCE:

In order to measure compliance, the city will administer annual driveway trip counts. All costs associated with the counts will be paid for by the property-owner(or designee such as tenant, agent, Property management); the city will invoice the owner or designee prior to the completion of the counts. The counts will be conducted per the Transportation Demand Management (TDM) program at the City's discretion.

- a) If the annual driveway trip counts result in more trips than allowable per this section, the property-owner/tenant may be given a six-month grace period to adjust their TDM program. At the end of the six-month grace period the city will administer new driveway trip counts at the cost of the property owner or designee. If the tenant continues to be non-compliant with the maximum allowable trips per this section, the property owner/tenant shall pay non-compliance penalties per this section; no additional grace periods will be granted. Such penalties shall be applied every year that the development is not in compliance with the maximum allowable trips generated. If there is a pattern of non-compliance no grace periods will be offered.
- b) All non-compliance trips are subject to penalties per the city's Transportation Demand Management (TDM) program.
- c) Annual surveys of employees are not required to satisfy the monitoring requirement; however the surveys may provide insight into which programs are effective and which are not, or potentially identify extenuating circumstances unique to the site.

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

**DC-2. TREE PROTECTION:**

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

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

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

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

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

- a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
- b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
- d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]

**DC-4. DUST CONTROL:**

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

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

**AT-1. RECYCLING AND SOLID WASTE:**

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

AT-2. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA]  
[PLANNING]

AT-3. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-4. 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-5. PARKING LOT MAINTENANCE:

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

- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
- e) Clearly mark all compact spaces as per approved plans. [COA]  
[PLANNING]

AT-6. 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-7. 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]