

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
April 29, 2015**

Planning Application 2015-7154

155 S. Frances St.

Special Development Permit to allow a recreational and athletic facility within the ground floor of the Solstice development, located in the City's Downtown Specific Plan area.

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:

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

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 for the use 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. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all conditions of approval and requirements of planning application 2010-7493, including the following:

- a) The initial tenant improvement must comply with the requirements to achieve LEED Silver green building standard and comply with all CALGreen Mandatory Measures.
- b) At least 75% of the storefront must allow for visibility into the tenant space. No more than 25% of the tenant storefront may be obscured by opaque materials, product displays (e.g. display cases or shelving), or signage (temporary or permanent). No window film can reduce, obscure or block visibility into the tenant space. Operations of the recreational and athletic facility must comply with the approved Parking Management Plan. [PLANNING] [COA]

GC-5. DOWNTOWN PARKING MAINTENANCE DISTRICT:

The tenant space and use are subject to the provisions of the Downtown Parking Maintenance District requirements, with an annual fee based on parking demand. [PLANNING] [COA]

GC-6. SIGNS:

All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code and are subject to the Master Sign Permit for the site. [PLANNING] [COA]

BP: THE FOLLOWING 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. BUILDING SAFETY AND FIRE PREVENTION UPGRADES:

Upgrades to the existing building may be required, based on the proposed occupancy classification of the use. [COA] [BUILDING SAFETY]

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]

<p>PC: THE FOLLOWING SHALL BE ADDRESSED PRIOR TO COMMENCEMENT (OR AS NOTED IN THE CONDITION) OF THE APPROVED USE.</p>
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PC-1) NOISE VERIFICATION:

1. Tenant shall comply with all applicable noise policies as contained in the Noise Element of the City of Sunnyvale General Plan and provisions of the City of Sunnyvale Municipal Code. Should terms of the tenant's lease be more restrictive than City Code or policies, compliance with terms of tenant's lease agreement is required.
2. The tenant must provide adequate sound insulation and vibration isolation measures, so that noise intrusion into adjacent residences complies with the following standards:
 - a) Noise levels from the facility may not exceed 42 dBA within a dwelling unit located adjacent to the facility.
 - b) Noise levels may not exceed the existing ambient sound level by more than 6 dBC; in no case may local ambient sound level be considered less than 50 dBC.
 - c) Measurements must be taken from a position 4 feet above finished floor of the adjacent residential unit, with windows closed, to allow for

accurate assessment of noise sources generated from the recreational and athletic facility, including exercise those from exercise equipment, amplified sound, and recreational activity.

3. Walls, floors, and ceilings of tenant spaces must not transmit vibration determined to be objectionable to owners or occupants of residential units within the Solstice development as a result of audio, mechanical or electrical equipment operation associated with the recreational and athletic facility. If operations of the fitness facility exceed maximum sound or vibration levels described in the foregoing, then, at the owner's request and at the tenant's sole cost and expense, the noise or vibration must be reduced to achieve project goals by implementation of appropriate measures.
4. Prior to issuance of a building permit, a description of vibration control devices and systems must be submitted for review and approval by the Director of Community Development.
5. Prior to issuance of Building Permits and again prior to occupancy, an acoustical test must be submitted for review and approval by the Director of Community Development, in order to confirm compliance with the criteria listed above. All measures recommended by the acoustical engineer must be designed into the project. City staff must be present at the time of testing.
6. If, at any time, noise and vibration levels associated with the fitness facility are found to be out of compliance with City of Sunnyvale Municipal Code or standards referenced above, compliance must be achieved within 24 hours. City staff shall require additional noise tests be conducted and noise and vibration attenuation measures be applied to the tenant space in order to effect compliance with noise and vibration standards, should repeated complaints be received, or violations of any applicable standards be verified by City code enforcement personnel. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. 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 6:00 a.m. to 9:00 p.m. daily. Any proposed modification to hours of operation requires submittal of a separate staff-level permit application, subject to review and approval by the Director of Community Development.
- b) Staggering of class times is required, such that a minimum 15-minute gap separates each consecutive class. [COA] [PLANNING]

AT-2. RECYCLING AND SOLID WASTE:

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

AT-3. LOUDSPEAKERS PROHIBITED:

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

AT-4. PARKING MANAGEMENT:

On-site parking management shall conform to the parking management plan approved for the Solstice mixed-use development. [COA] [PLANNING]