

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS**

Planning Application 2015-7253
1249 Birchwood Drive

Use Permit to allow a new auto repair and painting facility within a 12,084-square foot industrial building.

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.
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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 Use 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. 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. RECYCLING AND SOLID WASTE ENCLOSURE:

Prior to an Occupancy Permit, construction of the proposed solid waste enclosure shall be completed. The enclosure shall be utilized and maintained at all times. [COA] [PLANNING]

GC-7. SIGNS:

Any proposed signage (ground sign or wall signs) shall require separate approval by the City prior to installation. [COA] [PLANNING]

GC-8. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements. Plans and application are to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

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. BUILDING PERMITS:
Obtain any required building permits for tenant improvements including installation of tools and equipment prior to start of auto-repair activities. [SDR] [PLANNING]
- BP-2. 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-3. 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-4. RECYCLING AND SOLID WASTE CONTAINERS:
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-5. WATER POLLUTION CONTROL:
Car washing is not allowed. If in the future this activity is desired, a separate permit from the City's Environmental Services shall be obtained. All operations on-site must comply with the city's best management practices for waste water management. [SDR] [PLANNING]
- BP-6. BEST MANAGEMENT PRACTICES:
The site 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.

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- 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-7. 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-8. PROPOSED/REQUIRED SITE IMPROVEMENTS

- a. 15-gallon Arbutus Marina shall be planted as street trees with spacing of 30 feet between each tree. These trees are replacement trees for trees that were removed from the public right-of-way.
- b. All striping of the parking stalls shall be completed prior to occupancy.
- c. All other off-site and on-site service related work shall be completed as required by Public Works.

BP-9. RECYCLING AND SOLID WASTE ENCLOSURE

- a. The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The required solid waste and recycling enclosures shall:
 - i. Match the design, materials and color of the main building;
 - ii. Be of masonry construction;
 - iii. Be screened from view;
 - iv. All gates, lids and doors shall be closed at all times;
 - v. Shall not conflict with the approved Waste and Recycling Management Plan; and
 - vi. Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements.
- b. The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. Concrete stress pad, 10' x 20' in dimension, is to be located at the location of trash pick-up.
- c. The property will need to have an enclosure adequate for storage of all recycling and solid waste containers needed to hold the waste produced regardless of who collects it. [COA] [PUBLIC WORKS/PLANNING]

BP-10. BICYCLE SPACES

Provide 1 bicycle rack for this project per the City of Sunnyvale Municipal Code requirements. [COA] [PLANNING]

BP-11. SOLID WASTE DISPOSAL PLAN

A detailed recycling and solid waste disposal plan including but not limited to size of enclosure, location and stress pad, number of containers and enclosure distance to existing fence shall be submitted for review and approval by the Director of Community Development prior to issuance of the building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for projects. [COA] [PUBLIC WORKS]

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 for the auto repair use are limited to 6:00 a.m. to 8:00 p.m. daily.

AT-2. OUTDOOR REPAIR:

All vehicle repair and service activities shall occur within the interior of the building. No unenclosed or outdoor repair is permitted. [COA] [PLANNING]

AT-3. VEHICLE STORAGE:

All temporary storage of operational vehicles shall be confined within the building or in the rear yard area. No such storage shall be in the front or side. The front and side parking spaces shall be kept accessible for customers and employees. [COA] [PLANNING]

AT-4. SECURITY GATE:

The security gate in the back shall be kept open during business hours. Provide adequate lighting and knock box for emergency access.

AT-5. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. No unenclosed storage is permitted on the site. Bins shall be stored with their lids closed, and shall be kept within enclosures at all times with enclosure doors closed. Recycling and solid waste bins shall not be stored within the interior of the building. [COA] [PLANNING]

AT-6. LOUDSPEAKERS PROHIBITED:

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

AT-7. NOISE:

The approved use shall comply with the requirements of the City's noise ordinance at all times. [SDR] [PLANNING]

AT-8. PARKING LOT MAINTENANCE:

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

- a. Clearly mark all employee and customer parking spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b. Maintain all parking lot striping and marking.
- c. Require signs to direct vehicles to parking spaces on-site, as needed.
- d. The proposed gate shall remain open during office hours to allow for spill-over customer parking. [COA] [PLANNING]

AT-9. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:

- a. Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.
- b. Construction equipment must be maintained per manufacturer's specifications.
- c. Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
 - i. Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
 - ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - iv. Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]

AT-10. 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]

END OF CONDITIONS