

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
OCTOBER 12, 2015**

Planning Application 2014-7633
861 E. El Camino Real

SPECIAL DEVELOPMENT PERMIT: to allow a 162 room hotel.

DESIGN REVIEW PERMIT: to allow new construction

VARIANCE: to allow solar shading to exceed the maximum 10% on an adjacent commercial 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.

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. 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-7. 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-8. 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]

GC-9. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the City, 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 current City design guidelines, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC WORKS]

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

PS-1. 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]

PS-2 WATER HYDRAULIC MODELING:

Prior to first off-site improvement plan check submittal, developer shall coordinate with the City for a Water System Hydraulic Modeling analysis to ensure that water main servicing the proposed project would meet various City design guidelines and other statutory requirements for fire, domestic and irrigation flows in terms of pipe size, demands, pressure and velocity.

Upgrade of existing water main by the developer may be required as determined by the City and shall be incorporated into first off-site improvement plan check submittal. Developer shall receive fair-share credit as determined by the City if upgrades of water main are required. Contact Environmental Services Department/Water

Operations at [408-730-2744](tel:408-730-2744) for more information. [COA]
[ENVIRONMENTAL SERVICES/PUBLIC WORKS]

PS-3 SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, developer shall submit a focused sanitary sewer analysis, to be reviewed and approved by the City, 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. Any mitigation improvements needed shall be incorporated in the first plan check submittal.
[COA] [PUBLIC WORKS]

PS-4 STORM DRAIN DESIGN:

Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full. The new storm drain service line shall be minimum 12 inches diameter in the public right-of-way.

Sheet C2 of the Storm Drainage Plan dated 09/08/2015 is subject to change as a result of the storm drain analysis. [COA] [PUBLIC WORKS]

PS-5 STREETLIGHTS:

Prior to first off-site plan check submittal, the developer shall provide a photometric analysis for El Camino Real as well as Wolfe Road along project frontage so as to determine that the street lighting meets current City's Roadway Lighting Design Criteria. Roadway, sidewalk and crosswalk Illuminance calculations shall be calculated separately from each other.

The roadway and sidewalk illuminance values required to be met for El Camino Real and Wolfe Road are:

1. Minimum Average Illuminance ≥ 1.2 fc
2. Uniformity Ratio (Avg/Min) ≤ 3.0
3. Max/Min ratio ≤ 20

The limits of the photometric analysis shall be for the project frontage with all streetlights being LED fixtures on both sides of the street (on Wolfe Rd.) and at the median island (on El Camino). The photometric

analysis shall identify if existing streetlights would need to be relocated and/or new streetlights would need to be installed for the project frontage.

The developer shall upgrade all existing streetlight fixtures along the project frontage to LED fixtures. All LED fixtures shall be of the same make and model. Developer shall also relocate existing streetlights or install new ones along the project frontage based upon City approved photometric analysis, unless otherwise directed by the City.

Replace all existing streetlight conduits, wires and pull boxes with new ones along Wolfe Road project frontage (between pull boxes) per City's current standards.

Developer shall comply with City street light design guidelines and plan check submittal requirements as provided by the City upon request.

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [COA] [PUBLIC WORKS]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include

a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-5. 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-6. 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-7. 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-8. 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-9. 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 \$82,839, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

BP-10. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

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. 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:

- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) 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 size.
- g) Provide a ten-foot wide landscape buffer along the northern property line.
- h) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- j) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [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. LANDSCAPE BUFFER:

Install and maintain a (HEIGHT: 6 or 8) foot solid (wood fence/decorative masonry wall), along the (FENCE DIRECTION) property lines(s), measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

BP-14. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. 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) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) 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-15. STORMWATER MANAGEMENT CALCULATIONS:

Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

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) 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-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. CITY STREET TREES (SUBDIVISION):

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

BP-21. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) Employee parking locations shall be away from the building, in parking spaces that are the least used.
- b) Specify the location and term of short-term parking.
- c) Allow the use of valet parking when appropriate on sites with limited parking.
- d) Employees shall be required to park on the site.
- e) Provide adequate signage to direct traffic and pedestrians [COA] [PLANNING]

BP-22. BICYCLE SPACES:

Provide (NUMBER OF SPACES) OF (SELECT ONE: Class I/Class II) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-23. NOISE REDUCTION:

Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures" in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**

BP-24. CULTURAL RESOURCES:

Final construction drawings shall incorporate all cultural resource mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**

BP-25. HAZARDOUS MATERIALS MITIGATION:

Final construction drawings shall incorporate all hazardous mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**

BP-26. FIRE DEPARTMENT:

Comply with all applicable requirements of the Sunnyvale Municipal Code (SMC), California Fire Code (CFC), Title 19 California Code of Regulations, and Sunnyvale Fire Prevention procedures/requirements.

- a. An approved water supply capable of supplying the required fire flow for fire protection and firefighting operations shall be provided to the premises via a separate fire service main. (SFC 507.1)
Provide construction type and square feet of building for calculation.
- b. One double check valve for the fire service lateral can be allowed to serve the sprinkler and onsite hydrants. See DPS bulletin 101, for approved configurations. All new hydrants shall be the Clow 865. Provide location of fire water supply line, backflow device and onsite hydrants.
- c. Where a portion of the facility or building (including surface parking areas) is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided. Plan shall show all existing and proposed hydrants within 300 feet of the project site and onsite.
- d. Adhere to Sunnyvale Fire Prevention fire department fire apparatus access standards.
- e. Buildings or facilities exceeding 30 feet above the lowest level of fire department access, or three stories in height, shall have at least two fire apparatus access roads for each structure.
- f. Each access road shall have a minimum unobstructed width of 26 feet and a minimum inside turning radius of 25 feet.
- g. Approved fire apparatus access roads shall be asphalt, concrete or another approved all weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 90,000 pounds. (SMC 503.2.3).

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- h. Construction plans shall include a Fire Apparatus Access Road and Hydrant Plan page that clearly:
 - a. identifies the location, number and type of all existing and proposed public and onsite hydrants within 300 feet of the site,
 - b. identifies the location and dimensions of all fire apparatus access roads, including turning radius and turnarounds, and,
 - c. illustrates that every portion of the facility and every portion of the exterior walls of the first floor of every building is within 150-feet of an approved fire apparatus access road. Provide hose reach diagram
 - i. A fully automatic fire sprinkler system, fire alarm system, Class III standpipe system, smoke detection system, carbon monoxide detection system and occupant notification system are required.
 - j. Activation of the fire alarm system shall initiate an occupant notification system in accordance with CFC 907.6.
 - k. Comply with NFPA 72 18.4.5.3 for low frequency sounders in sleeping areas.
 - l. New buildings four or more stories in height above grade plane are required to be provided with an approved stairway to the roof in accordance with Section 1009.13 of the CFC. Exception: Buildings having a roof slope greater than 33.3 percent. (2010 CFC 504.3)
 - m. Provide details related to building services and systems, including but not limited to, commercial kitchen hoods, fuel-fired equipment (generators, fire pumps, etc), mechanical refrigeration (chiller rooms), elevator recall, and stationary battery systems.
 - n. Provide required number of approved fire extinguishers, smoke detectors, and carbon monoxide detectors.
 - o. Designated public assembly areas shall comply with requirements for Group A occupancies.
 - p. Commercial kitchen exhaust hoods shall comply with CFC Section 609.
 - q. Liquid carbon dioxide systems (e.g. beverage dispensing), including piping, shall comply with Chapter 53 of the CFC and NFPA 55.
 - r. Pool use and storage of hazardous materials shall comply with local and state requirements.
 - s. The parking structure shall be equipped throughout with an approved automatic sprinkler system and standpipe system.
 - t. Public garages consisting of two or more floors, including below grade levels, are required to be equipped throughout with approved emergency call boxes in accordance with the following:
 - a. A dedicated phone line is required for each call box.
 - b. Call boxes shall be located at exit discharges - exterior of stairwells and approximately every 100 feet of travel distance (200' apart) for areas between exit discharges.

- u. All buildings shall have approved radio coverage for emergency responders in accordance with Section 510 of the California Fire Code and local standards. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for additional details. (SMC 510.1)
- v. Wherever a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure is required to provide and install radio retransmission equipment necessary to restore communication capabilities. Such equipment shall be located in an approved space or area within the new structure. (SMC 510.1.1)
- w. Trash enclosures, within 5 feet of building exterior walls or overhangs require fire sprinkler protection.
- x. Knox boxes (key boxes) will be required in accordance with Sunnyvale Fire Prevention guidelines.
- y. Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- z. Required means of egress during construction. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls and windows are in place. Exception: In new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purpose of stairway construction (i.e. installation of gypsum board, painting, flooring, etc.). [SMC 1411.1]
- aa. Provide a written Fire Protection Construction Plan.
- bb. Provide an approved electronic "Pre-Fire Survey" map prior to Public Safety Department final recommendation for Certificate of Occupancy.

BP-27 RECYCLING AND SOLID WASTE ENCLOSURE:

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:

- 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][ENVIRONMENTAL SERVICES/PLANNING]

BP-28 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. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-29 STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

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BP-30 STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:

Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]

BP-31 CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [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. COMPACT SPACES:

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

PF-3. 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)

Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]

PF-4. MITIGATION MEASURES:

Documentation indicating that the following mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities:

MM 1 – Noise: Documentation that a 65 Ldl has been achieved for the specified areas of the project (Acoustical Engineer).

Refer to the building permit plans for the Mitigation Monitoring Plan or Negative Declaration, attached to the approved building permit plans. [COA] [PLANNING] *Mitigation Measure*

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 signal 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 EASEMENT DEEDS:

This project requires an additional 5-foot wide street dedication in the form of easement to facilitate a total of 13' street right-of-way measured from the face of the curb. This project also requires a 2-foot wide pedestrian realm easement from the new right-of-way to facilitate a total of 15' pedestrian realm area measured from the face of the curb. Additionally, the project requires a 7-foot wide street dedication in the form of easement along the Wolfe Road project frontage to accommodate future bike lane.. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements.

- Developer shall execute the easement deeds prior to encroachment permit issuance. [COA][PUBLIC WORKS]
- EP-3 EASEMENT ABANDONMENT:
The existing landscape easement along El Camino Real shall be abandoned prior to encroachment permit sign off. [COA] [PUBLIC WORKS]
- EP-4 BENCHMARKS
The off-site improvement plans shall be prepared by using City's latest benchmarks available on City's website <http://sunnyvale.ca.gov/Departments/PublicWorks/BenchMarks,RecordMapsandRecordDrawings.aspx> [COA][PUBLIC WORKS]
- EP-5 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 sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA] [PUBLIC WORKS]
- EP-6. PRECISE PLAN FOR EL CAMINO REAL:
This project is in the Precise Plan for El Camino Real area; therefore, the developer shall comply with any applicable design requirements as identified in the Precise Plan or as amended and approved by the City. [COA] [PUBLIC WORKS]
- EP-7. 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-8. 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-9. 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-10. 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]

EP-11. WET UTILITIES:

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

EP-12. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service lines are not allowed. Developer's contractor shall expose the existing sanitary sewer and/or storm drain laterals 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-13. DUAL CONNECTION WATER SERVICE SYSTEM:

Install two domestic water service taps and laterals with two separate domestic radio-read water meters and two separate reduced pressure backflow prevention devices (RPBFP). [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

EP-14. SEPARATE FIRE PROTECTION SERVICE LINE:

Provide separate fire from domestic water service lines to the building. Install reduced pressure detector assembly (RPDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-15. WATER METER:

Install new radio-read water meter(s) for each point of connection to the water main. For water meter sizes two (2) 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 RPBFP on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service tap lateral (separate from the domestic water service line) with a meter and RPBFP. Install backflow preventer enclosure where applicable.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. [SDR] [PUBLIC WORKS]

EP-17. STORM DRAIN MANHOLE:

Install new storm drain manhole at the right-of-way lines for all proposed storm drain lines to be used for the project. [SDR] [PUBLIC WORKS]

EP-18. SEWER MANHOLE:

Install new sewer manhole at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

EP-19. 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-20. 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-21. CATCH BASIN TRASH CAPTURE DEVICE:

Pursuant to SMC 12.60.130, install full trash capture device on the project site, prior to connecting to the City's storm drain collection system, the developer shall be responsible for perpetual maintenance of those trash capture devices. [COA][PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-22. 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-23. 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-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. STREETSCAPE IMPROVEMENTS:

Along El Camino Real project frontage: Remove existing concrete curb, gutter and sidewalk and install new concrete curb, 2' gutter and 12-foot wide sidewalk (excluding the 0.5' curb) with tree wells. Along Wolfe Road project frontage: Remove existing concrete curb, gutter and sidewalk and install the new curb and gutter along Wolfe Road are to be installed at their existing location. A new 7-foot wide parkstrip (excluding the new 0.5' curb) shall be installed behind the new curb and gutter and the new 10-foot wide sidewalk with tree wells shall be installed behind the parkstrip along Wolfe Road. Provide ADA compliant sidewalk transition to conform to existing sidewalk at project limits. [COA] [PUBLIC WORKS]

EP-26. STREET PAVEMENT:

Apply Type II slurry seal along the project frontages on Wolfe Road from lip of gutter to street centerline, unless otherwise approved by the Director of Public Works with alternatives. [SDR] [PUBLIC WORKS]

EP-27. 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. [SDR] [PUBLIC WORKS]

EP-27. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: El Camino Real: Shumard Oak; Wolfe Road: Columbia Sycamore. 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. No trees are to be planted within 10 feet of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-28. PROTECTION OF EXISTING TREES:

- No utility trench shall be allowed within a 15-foot 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-29. 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-30. APPROVAL FROM OTHER AGENCIES:
This project requires an encroachment permit from Caltrans for roadway improvements along El Camino Real. [COA] [PUBLIC WORKS]
- Developer shall also coordinate and implement any improvements required by VTA, including but not limited to new bus stop location, shelter, concrete pad and temporary bus stop location during construction, as part of the encroachment permit process. The VTA contact is Michael Catangay, Service & Operations Planning (408) 321-7072. [COA] [PUBLIC WORKS]
- EP-31. UNDERGROUND OVERHEAD LINES:
The project is required to underground the existing overhead lines along the Wolfe Road project frontage. [COA] [PUBLIC WORKS]
- EP-32. 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. Upon completion of the streetlight improvements, developer shall provide record drawings to the City (in AutoCAD format.) [COA] [PUBLIC WORKS]
- EP-33. 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 any permit issuance. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- EP-34. 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 prior to any permit issuance. [COA] [PUBLIC WORKS]

EP-35. OFF-SITE IMPROVEMENT COST ESTIMATE:

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

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]

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 COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements in accordance with City approved plans, prior to building occupancy. [COA] [PUBLIC WORKS]

AT: THE FOLLOWING CONDITIONS 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 midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. 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-3. RECYCLING AND SOLID WASTE:

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

AT-4. LOUDSPEAKERS PROHIBITED:

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

AT-5. 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-6. 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-7. AWNINGS:

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