

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
DECEMBER 14, 2015**

Planning Application 2014-7417

915 DeGuigne Drive & 936 E. Duane Avenue

Special Development Permit for the redevelopment of a 25.2 acre site with
450 residential townhouse units and a public park;

Vesting Tentative Map to allow 13 lots and 450 condominium units; and

Variance to allow concierge trash service

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. 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-3. 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-4. 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-5. 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-6. BMR OWNERSHIP HOUSING COMPLIANCE:

This project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code Chapter 19.67 and the BMR Program Guidelines, both as may be amended. Developer shall enter into a BMR Developer Agreement in a form provided by the City, to be recorded against the property before issuance of building permits or recordation of a final map, whichever occurs first. When dwelling units in the project are made available for sale, the project will provide 56 Below Market Rate dwelling units for sale and pay a fractional in-lieu fee of 0.3 units in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines. [SDR][HOUSING]

GC-7. RECREATION FACILITIES:

The recreation facilities (clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase. [COA] [PLANNING]

GC-8. 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-9. PUBLIC IMPROVEMENTS:

The developer is required to install all public improvements, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc. as required by the Director of Public Works, including street frontage improvements for the new public park. All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-10. 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-11. 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 13.08.60 and SMC 13.08.070)

GC-12. FINAL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a tentative map and recordation of a final map. The submittal, approval and recordation of the Final Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the

tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit issuance. [COA] [PUBLIC WORKS]

GC-13. MULTIPLE MAPS:

If multiple maps are filed, all public improvement plans shall be approved prior to first map recordation. All public improvements shall be completed prior to first building occupancy, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

GC-14. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the 915 DeGuigne Residential Project Environmental Impact Report. The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PUBLIC WORKS/PLANNING]

MITIGATION MEASURE

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. PARKING AND CIRCULATION PLAN:

Submit a revised parking and circulation plan subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. BMR STANDARD PERMIT CONDITION:

The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines]

PS-4. 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-5. SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis that complies with Appendix K of the East Sunnyvale Industrial-to-residential Project Environmental Impact Report, 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-6. STREETLIGHTS:

Prior to first off-site plan check submittal, the developer is required to provide a photometric analysis for E. Duane Avenue and De Guigne Drive 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 E. Duane Avenue and De Guigne Drive are:

1. Minimum Average Illuminance ≥ 1.1 fc
2. Uniformity Ratio (Avg/Min) ≤ 4.0
3. Max/Min ratio ≤ 20

Marked crosswalks at street intersections (E. Duane/De Guigne Drive and De Guigne Drive/Santa Real Avenue) should have a minimum average illuminance value ≥ 1.8 fc

The illuminance values required to be met for the mid-block crosswalk on E. Duane Avenue at San Miguel Avenue is:

1. Minimum Average Horizontal Illuminance ≥ 0.5 fc
2. Uniformity Ratio (Avg/Min) ≤ 4.0
3. Vertical Illuminance at 5 feet above pavement ≥ 0.2

Developer shall remove all existing streetlights and install new decorative streetlights, per the Sense of Place Plan, along the project frontage based upon City approved photometric analysis, unless otherwise directed by the City. The photometric analysis shall include all future proposed decorative streetlights on north side of E. Duane Avenue and south/east side of De Guigne Drive and new decorative streetlights along and adjacent to the project frontage, with streetlights being LED fixtures.

Developer shall comply with City street light design guidelines and plan check submittal requirements as provided by the City upon request. [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 and Mitigation Measures in the Mitigation Monitoring and Reporting Program (MMRP) 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 (COMPACTOR):

The building permit plans shall include details for the installation of the (compactor) recycling and solid waste enclosure that are consistent with SMC 19.38.030. The required solid waste and recycling enclosure 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, or as modified per the approved concierge service;
- g) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements.
- h) The hours of operation of the trash compactor is limited to 9:00 a.m. to 1:00 p.m.[COA][ENVIRONMENTAL SERVICES/PLANNING]

BP-6. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan, as described in the approved trash management plan (concierge trash service), 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 residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

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. PARK DEDICATION REQUIREMENT:

The park dedication requirement of 4.05 acres shall be satisfied with a combination of 0.79 acres land dedication and in-lieu fees for the remainder, provided the land proposed for dedication meets the City standard for park land dedication. If it the land does not meet the park land dedication standard then park dedication in-lieu fees shall be paid for the entire 4.05 acre requirement.

- a) If the 0.79 acres is accepted for park land dedication the dedication shall be accomplished with the final map and the in-lieu fee shall be paid at the land value in place at the time of final map, currently estimated at \$13,632,537.60.
- b) If the 0.79 acres is not accepted for dedication, the in-lieu fee shall be paid at the land value in place at the time of final map, currently estimated at \$16,936,128.00. [PLANNING/PUBLIC WORKS] [COA]

BP-9. SENSE OF PLACE FEE:

Prior to issuance of a building permit, provide a cash contribution towards sense of place improvements at the dollar amount, per unit, established in the fee resolution. This fee is currently estimated at \$2,295.42 per dwelling unit. Based on this rate, the total fee \$1,032,939.00 would be required. Credit may be given for off-site improvements included in the East Sunnyvale Sense of Place Plan, subject to the approval of the Director of Community Development. [PLANNING] [COA]

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. BMR DEVELOPMENT AGREEMENT:

Before issuance of building permits or recordation of a final map for the project, whichever occurs first, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must

be executed by both parties and recorded against the property, and will run with the land.

In the event that any Below Market Rate dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the BMR requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Administrative Guidelines]

BP-12. 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) All areas not required for parking, driveways or structures shall be landscaped.
- b) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- c) 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.
- d) Ground cover shall be planted so as to ensure full coverage 18 months after installation.
- e) Backflow device and other appurtenances are to include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located in the front yard landscape areas. Covers should be black, metal mesh with rounded top covers (e.g. “mailbox style”).
- f) Decorative paving shall be used on the drive aisles and on pedestrian walkways crossing streets/drive aisles. The paving design shall distinguish the pedestrian walkways from the vehicular drive aisles.
- g) Modifications from the approved entitlement plans will require a separate staff-level permit, subject to review and approval by the Director of Community Development.
- h) For each protected size Canary Island Pine trees (9), three 36” box trees (total of 27) along the E. Duane Avenue property frontage shall be planted. This ratio is based on 1 tree per 30 feet of property frontage, where Canary Island trees are located (approx. 800 feet). For each of the five remaining significant size trees, one

36" box tree (total of five) shall be planted along the E. Duane Avenue property frontage. The exact location of such trees along the property frontage is subject to review and approval by the Director of Community Development.

- i) The 21 street trees along De Guigne Drive as shown on the landscape plan shall be preserved and included in the approved tree protection plan.
- j) The project shall transplant 19 trees (identified in the arborists report as: 9, 123, 144, 145b, 169, 173, 176a, 176b, 176c, 176d, 176e, 176f, 179a, 179b, 182, 186, 189, 205, & 206) elsewhere on site and further explore additional replanting where possible [COA] [PLANNING]

BP-13. 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-14. PRE-APPROVED WATER-EFFICIENT LANDSCAPE PLANS:

The developer must install all common landscaping and irrigation per approved water-efficient landscape plans, and must submit a Landscaping Certificate of Completion, Irrigation Audit Report and Irrigation Schedule, and Landscaping Maintenance Schedule. Modifications to the pre-approved water-efficient landscape plan will require a separate staff-level 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) 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-16. 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-17. 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-18. 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-19. 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-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, including the adjacent residential areas. Light standards shall not exceed 8 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.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

BP-21. PHOTOMETRIC PLAN:

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. LIGHTING SPACING:

Installation of lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]

BP-23. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

A Parking Management Plan is subject to 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) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
- b) The property manager/homeowner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use..
- c) Clearly indicate that the property manager/homeowner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

BP-24. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum of 110 points (incentive to increase building height to 40 feet) on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project’s Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-25. 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-26. CONSTRUCTION MANAGEMENT PLAN:

The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:

- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
- b) Use ‘quiet’ models of air compressors and other stationary noise sources where such technology exists.

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- c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
 - e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
 - f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
 - g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
 - h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
 - i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
 - j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
 - k) Comply with Climate Action Plan and Dust Control measures contained in DC-3 and DC-4. [COA] [PLANNING]
- BP-27. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM: To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City, per City’s “Waste & Recycling Reporting Form” (electronic copy available) or a similar chart approved by the City. As part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report to the Department of Environmental Services, Solid Waste Division both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- BP-28. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:

- A detailed solid waste disposal and recycling design plan, as described in the approved trash management plan (concierge trash service), 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 residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-29. ON-SITE PRIVATE WATER METER(S)
Developer shall install individual private water meters for each residence, and for each ancillary building on-site. (COA) (BUILDING)
- BP-30. STORMWATER MANAGEMENT PLAN:
Submit two copies of a Stormwater Management Plan subject to review and approval by the Director of Community Development and third party certification, pursuant to SMC 12.60 prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]
- BP-31. 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-32. BUILDING PERMIT ISSUANCE:
The existing 26.5' Pacific Gas & Electric (PG&E) easement and the existing 2.5' nitrogen gas line easement shall be quitclaimed prior to certain building permit issuance for lots 6 and 7, unless otherwise approved by PG&E and/or Air Product.
- The existing 5' anchor easement and 5' wire clearance easement shall be abandoned with the final map or prior to certain building permit issuance for lots 1, 6, 7 and parcel B. [COA] [BUILDING/PUBLIC WORKS]
- BP-33. 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]

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

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- 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. 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. 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-3. EAST SUNNYVALE AREA SENSE OF PLACE PLAN:
This project is in the East Sunnyvale Area Sense of Place Plan area, therefore, the developer shall comply with any applicable design requirements as identified in the plan or as amended and approved by the City, including but not limited to, curb extensions (bulb-out) at E. Duane Avenue and San Miguel Avenue. [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, 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. Pursuant to City design standards, any proposed new laterals connecting to existing manholes would require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating to the existing manholes. [SDR] [PUBLIC WORKS]
- EP-6. UTILITY ABANDONMENT/RELOCATION:
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 shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. 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. 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 the 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-8. 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-9. WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS] (SMC 12.24.080(c))

EP-10. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain 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-11. PUBLIC FIRE HYDRANTS:

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

EP-12. DUAL CONNECTION WATER SERVICE SYSTEM:

Provide two service points of connections for the domestic water, with two separate radio-read domestic master water meters and two separate reduced pressure backflow preventer (RPBFP) in accordance with current City standards. Install a new isolation gate valve on the

mains as needed during plan check stage. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

EP-13. WATER METER:

Install new master radio-read domestic water meter(s) at each point of connection to the water main. Install reduced pressure backflow prevention devices on the discharge side of water service line on private property. For water meter size two (2) inch or larger, provide meter sizing calculations to Public Works Department for approve of meter size. [COA] [PUBLIC WORKS]

EP-14. IRRIGATION SERVICE LINE:

Install a separate irrigation water service line (separate from the domestic/fire water service line).

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. [COA] [PUBLIC WORKS]

EP-15. 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-16. 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-17. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:

This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviation would require additional analysis and 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] (SMC 18.12.110 (e))

EP-18. 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 main line shall be minimum 15 inches diameter in the public right-of-way. [COA] [PUBLIC WORKS]

EP-19. CATCH BASIN TRASH CAPTURE DEVICES:

Pursuant to SMC 12.60.130, install full trash capture devices 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]

EP-20. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach. 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-21. STREETLIGHTS

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 Downtown standard details and specifications, East Sunnyvale Area Sense of Place Plan 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-22. MID-BLOCK CROSS WALK AND IN-PAVEMENT WARNING LIGHTS:

Developer shall install a mid-block cross walk at E. Duane Avenue and San Miguel Avenue with bi-direction in-pavement warning lights and flashing pedestrian signs as per the East Sunnyvale Area Sense of Place Plan which includes but not limited to, advanced striped limit lines with shark teeth, and cross walk line stripe shall be installed per latest California MUTCD.

The subject mid-block cross walk requirement is contingent upon a warrant study performed by the City and paid by the developer. Developer shall pay a deposit in the amount of \$8,000 for the subject warrant study prior to Encroachment Permit issuance. The subject warrant study will be performed upon developer's notification to the City that 75% of buildings are occupied, unless otherwise approved by the Director of Public Works. Developer shall include the designs with and without the subject mid-block crosswalk requirement as part of the off-site improvement plans during the plan check stage. Developer shall include this item as part of the improvement securities. [SDR] [PUBLIC WORKS]

EP-23. 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 City standard details and specifications. All unused driveway approaches shall be replaced with

new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-24. STREETSCAPE IMPROVEMENTS:

Remove existing concrete curb, gutter and sidewalk and install new concrete curb and 2' gutter per current City standards along the entire project frontage. Install a 6' wide sidewalk with a 6' wide landscape strip along the entire project frontage. Installation of additional new trees may be required during the plan check stage. [SDR] [PUBLIC WORKS]

EP-25. DECORATIVE PAVEMENT:

Any and all proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [COA] [PUBLIC WORKS]

EP-26. PAVEMENT RESTORATION:

Developer shall be responsible to grind existing AC and install 2" AC overlay on E. Duane Avenue from lip of gutter to lip of gutter along project frontage, unless otherwise approved by the Director of Public Works, and install traffic striping based upon City's Road-Diet Project. [COA] [PUBLIC WORKS]

EP-27. SLURRY SEAL:

Developer shall be responsible to install Type II slurry seal on De Guigne Drive from lip of gutter to street centerline along project frontage. [COA] [PUBLIC WORKS]

EP-28. CITY STREET TREES:

The developer shall install required street trees in proposed 6' landscape strip within the public right-of-way along the project frontage as follows: E. Duane Avenue: Quercus frainetto (Italian Oak). De Guigne Drive: Quercus agrifolia (California Coast Live Oak) or as directed by the Director of Community Development. 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 along E. Duane Avenue shall be installed in compliance with Planning Permit #2014-7906. New street trees along De Guigne Drive shall be 36-inch box size or 20 gallon size and approximately 35' apart. No street trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-29. MAINTENANCE AGREEMENT:

Prior to encroachment permit issuance, developer shall execute a maintenance agreement for private improvements located in the public right-of-way, such as the walkways and landscaping at the northwest corner of De Guigne Drive and Santa Real Avenue.

EP-30. 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-31. 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. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-32. RECORD DRAWINGS:

Stamped and signed record drawings, including all off-site improvements 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] (SMC 13.08.160(a))

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP: The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. [COA] [PLANNING/PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [COA][PUBLIC WORKS]

TM-3. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be delineated on the final map or recorded concurrently with the map with a separate instrument. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements) Quitclaim deed is required for abandonment of private

easements prior to final map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [BUILDING/PUBLIC WORKS]

TM-4. EMERGENCY VEHICLE ACCESS EASEMENT:

This project requires a minimum 26'-wide dedication of an emergency vehicle ingress and egress easement on and over private roadways. The locations of the subject easement shall be consistent with City approved fire access exhibit. [COA] [PUBLIC SAFETY/PUBLIC WORKS]

TM-5. UTILITY COMPANY APPROVAL:

Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA][PUBLIC WORKS]

TM-6. PUBLIC WORKS DEVELOPMENT FEES:

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to map recordation or any 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]

TM-7. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:

The developer shall execute a subdivision agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. Provide an itemized engineer's estimate for all off-site public improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]

TM-8. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):

Any proposed deeds, covenants, conditions, restrictions and by-laws relating to the subdivision are subject to review and approval by the City. The CC&R's shall include the following provisions:

- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- b) The Homeowners Association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at

least 75% of the units, whichever comes first. (Subdivision Agreement)

- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. (SMC 12.60.200)
[COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-9. PUBLIC/PRIVATE STREETS:

All streets, both public and private, shall be shown on the Final Map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS] (SMC 18.12.190)

TM-10. PUBLIC PARK:

The developer shall dedicate to the City a public park located at the corner of E. Duane Avenue and De Guigne Drive with recordation of an "Offer of Dedication" concurrently with the final map. The public frontage improvements shall conform to the requirements noted above and the park improvements will be reviewed and approved by the City, unless otherwise approved by the Director of Public Works. Park improvements and project access to the park are subject to City's review and approval during the plan check process.

Developer shall comply with City's "Standards for Acceptance of Land for Park Purpose", including but not limited to completion of additional environmental testing upon demolition of existing buildings, submit testing results and perform any required remediation, and complete all required park and frontage improvements prior to City's acceptance of land for park purposes and prior to first building occupancy, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

TM-11. SIDEWALK EASEMENT:

The developer shall dedicate a 2'-wide sidewalk easement along the entire project frontage for public use purposes on the final map. Those dedications shall accommodate required streetscape improvements. [COA] [PUBLIC WORKS]

TM-12. BICYCLE AND PEDESTRIAN ACCESS EASEMENT:

The developer shall dedicate a bicycle and pedestrian access from E. Duane Avenue to De Guigne Drive for public use purpose as required by the East Sunnyvale Area Sense of Place Plan. The exact location and dimension shall be determined during plan check stage. The developer is responsible for perpetual maintenance of improvements within the easement in accordance with the provisions stipulated in a

recorded Maintenance Agreement. All easements shall be kept open and free from buildings and structures of any kind. [COA] [PUBLIC WORKS]

TM-13. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- d) The Homeowners Association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
- e) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Agreement)
- f) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- g) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. (SMC 12.60.200)
- h) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #**2014-7417**, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- i) The CC&Rs shall include the provisions of the Parking Management Plan as approved by the Director of Community Development.

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- j) The CC&Rs shall contain the following provisions:
- i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.
 - ii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - iii) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
 - iv) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
 - v) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.

- vi) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
- k) The Association may not discontinue use of the concierge trash service, as described in the approved trash management plan, without the prior approval by the City of Sunnyvale through a separate permit, which may require significant site modifications.
- l) Rights and responsibilities of residents and the Association to implement and maintain the concierge trash service, as described in the approved trash management plan, must be properly documented in the CC&Rs, including proper storage of trash and recycling bags (may not obstruct ability to park inside garages), staging during collection (may not obstruct driveway clearances and must not be visible from the public right-of-way), and available resources for bulk and hazardous waste removal. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-14. HOA CREATION:

The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-15. HOA TRANSFER:

At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]

TM-16. COMMON LOT:

Common lots shall be assigned a private street name in accordance with the official Street Name System, as selected by the Community Development Department, and be shown on the final map. The private street shall be designated as "Terrace". [COA] [PLANNING/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. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release of utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-4. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-5. IRRIGATION METERS:

For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]

PF-6. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
Mitigation Measure

PF-7. 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*

PF-8. BMR COMPLETION 60 ADVANCE DAY NOTICE:

The Developer/Owner must provide a written “Notice of Intent to Sell” to the Affordable Housing Manager for each BMR unit(s) to be provided in the development sixty days (60) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the Administrative Procedures and updated annually. The developer must also request and pass a site inspection by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-9 COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements, including park improvements as required and in accordance with City approved plans, prior to first building occupancy. [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]

DC-5. ENVIRONMENTAL MITIGATION MEASURES:

The project applicant and contractor shall maintain all construction equipment, debris and run-off prevention in compliance with the approved MMRP. [COA] [PLANNING] MITIGATION MEASURE

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. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]

AT-3. 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-4. UNENCLOSED STORAGE (PROHIBITED):

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

AT-5. OFF-STREET PARKING:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-6. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
- b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- c) Maintain all parking lot striping and marking.
- d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]

- AT-7. RECREATIONAL VEHICLE STORAGE PROHIBITED:
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-8. HOA REVIEW AND APPROVAL:
In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]
- AT-9. HOA RESPONSIBILITIES:
The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]
- AT-10. 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-11. 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]

Exhibit 1 - Mitigation Monitoring and Reporting Program follows on next page.

MITIGATION MONITORING OR REPORTING PROGRAM FOR THE 915 DEGUIGNE RESIDENTIAL PROJECT

1.1 MITIGATION MONITORING REQUIREMENTS

Public Resources Code Section 21081.6 mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a draft environmental impact report (EIR), a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

1.2 MITIGATION MONITORING PROCEDURES

The mitigation monitoring program (MMP) has been prepared for the project in compliance with Public Resources Code Section 21081.6. It describes the requirements and procedures to be

followed by the City of Sunnyvale (City) to ensure that all mitigation measures and conditions of approval adopted as part of the project will be carried out as described in the EIR.

As shown on the following pages, each required mitigation measure and condition of approval is listed and categorized by impact area. In addition, each of the following are identified for every required action:

- **Enforcement Agency:** The agency with the power to enforce the Mitigation Measure.
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made.
- **Monitoring Phase:** The phase of the Proposed Project during which the Mitigation Measure shall be monitored.
- **Monitoring Frequency:** The frequency at which the Mitigation Measure shall be monitored.
- **Compliance Action:** The action of which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure has been implemented.

The Project Applicant shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate enforcement agency as provided for herein. The substance and timing of each certification report that is submitted to City Planning shall be at the discretion of City Planning. Generally, each report will be submitted to City Planning in a timely manner following completion/implementation of the applicable Mitigation Measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. City Planning, in conjunction with the Project Applicant, shall assure that project construction occurs in accordance with the MMP. All departments listed below are within the City of Sunnyvale, unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted.

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made by the Project Applicant or its successor subject to the approval by the City. The City, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary in light of the prototypical nature of the MMP, and the need to protect the environment with a workable program. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The tables below list each of the Mitigation Measures and Conditions of Approval specified for the Proposed Project and the Maximum Build Out/Corner Mixed Use Scenario in the EIR and identifies the party or parties responsible for implementation and monitoring of each measure.

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.5 Noise						
Future residences on the project site located along Duane Avenue could be exposed to interior noise levels in excess of acceptable City standards.	<p>MM NOI 1-1: Consistent with Title 24 requirements, a design-level acoustical analysis shall be completed by the project developer for new residential uses where exterior noise levels would exceed 60 dBA Ldn. The analysis shall meet the following noise reduction requirements:</p> <ul style="list-style-type: none">Interior average noise levels shall be reduced to 45 dBA Ldn or lower to meet the local standard.Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all new units exposed to exterior noise levels greater than 60 dBA Ldn, so that windows could be kept closed at the occupant’s discretion to control noise.Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to East Duane Avenue. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, and acoustical caulking. <p>The specific determination of what treatments would be necessary shall be completed on a unit-by-unit basis during the final building design. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of building permits.</p>	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of building permit	Once prior to issuance of building permit	Approval of plans/issuance of permits
Students at the adjacent school could be exposed to interior and exterior noise levels in excess of	<p>MM NOI 2-1: Construct solid plywood fences (minimum eight feet in height) or erect noise control blanket barriers between the construction site and adjacent classrooms, school playgrounds, or sensitive interior spaces to reduce noise levels to the extent feasible.</p> <p>MM NOI 2-2: Equip all internal combustion engine driven equipment with intake and</p>	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspections during construction	Field inspection sign-off

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
acceptable City standards during construction.	<p>exhaust mufflers that are in good condition and appropriate for the equipment.</p> <p>MM NOI 2-3: Locate stationary noise generating equipment as far as possible from adjacent school receivers.</p> <p>MM NOI 2-4: Acoustically shield stationary equipment located near existing school receivers.</p> <p>MM NOI 2-5: Utilize "quiet" air compressors and other stationery noise sources where technology exists.</p> <p>MM NOI 2-6: The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses and the school so that construction activities can be scheduled to minimize noise disturbance.</p> <p>MM NOI 2-7: Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.</p>					
4.9 Biological Resources						
Implementation of the proposed development project or any	<p>MM BIO 1-1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.</p>	City of Sunnyvale Department of Community	City of Sunnyvale Department of Community	Prior to issuance of grading permits	Once prior to issuance of grading permit	Approval of plans/issuance of permits

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
future development under the proposed General Plan Amendments could result in the loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment	<p>MM BIO 1-2: If it is not possible to schedule demolition and construction between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist will inspect all trees and other possible nesting habitats (e.g., grasslands and 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 construction, the ornithologist, in consultation with CDFW, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that nests of bird species protected by the MBTA or State Code will not be disturbed during project construction.</p> <p>MM BIO 1-3: A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the issuance of grading permits.</p>	Development	Development			
4.10 Hazards and Hazardous Materials						
Even with implementation the proposed	MM HAZ-1.1: The Water Board is the lead regulatory agency responsible for directing the cleanup; the US EPA is the support regulatory agency. The project applicant and subsequent property owners shall cooperate with the Water Board, US EPA, and the	RWQCB; U.S. EPA; City of Sunnyvale	City of Sunnyvale Department	Prior to issuance of a grading	Once prior to issuance of grading	Approval of plans/issuance of permits

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
contamination remediation plan, redevelopment of the site with residential land uses could have a significant impact to future residents of the project site.	responsible parties for the on-going remediation/monitoring activities at the site. The site shall be developed in a manner that will allow access to the site for continued remediation and monitoring activities by the responsible parties.	Department of Community Development	of Community Development	permit	permit	
	MM HAZ-1.2: The project applicant or future site developer shall comply with the PPA. The PPA requires project developer to record a “new Covenant and Environmental Restriction on Property (Deed Restriction) in accordance with the requirements of California Civil Code Section 1471. The new deed restriction will prohibit extraction of groundwater for purposes other than monitoring and remediation and will require that activities that disturb the soil beneath the project site, such as grading, excavation or removal, shall be in accordance with the SMP.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits
	MM HAZ-1.3: Groundwater monitoring wells, extraction wells, conveyance piping, and grout walls are located on-site. Construction measures shall be implemented to protect these features during construction. The Water Board shall be notified in writing of construction activities in these areas and, at a minimum, these areas shall be cordoned off using delineators and caution tape, or similar materials by the general contractor. Upon completion of construction activities, the monitoring and extraction wells and associated piping shall be inspected by a qualified environmental professional to determine if they have been damaged. If these on-site features require decommissioning, the project developer shall obtain the written approval by the Water Board; permits also may be required. The project developer’s request to modify the groundwater remedy and monitoring infrastructure shall be submitted to the Water Board for their review and written approval. The Water Board’s written approval shall be submitted to the City.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit; construction	Once prior to issuance of grading permit; again upon the completion of construction	Approval of plans/issuance of permits and approval from RWQCB
	MM HAZ-1.4: The project developer shall provide the Water Board’s written approval of the Vapor Intrusion Investigation Work Plan and the VMP to the City.	RWQCB; City of Sunnyvale	City of Sunnyvale	Prior to issuance of a	Once prior to issuance of	Approval from

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
		Department of Community Development	Department of Community Development	grading permit	grading permit	RWQCB
	MM HAZ-1.5: The spray-applied vapor barrier membrane shall include a warranty of 30 years. In addition, the project developer shall provide financial assurances of adequate funds for long-term operation and maintenance if required by the VMP.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Construction; operation	Once prior to issuance of occupancy permit	Approval of occupancy permit; assurance of adequate funds if required by the VMP
	MM HAZ-1.6: Trichlorobenzene (TCB) isomers 1,2,4-trichlorobenzene and 1,2,3-trichlorobenzene were detected in a soil sample collected from a depth of approximately 8.5 feet within the PAD C excavation backfill at concentrations of 57 and 18 mg/kg, respectively. These concentrations exceed the residential RSL. The project developer shall obtain written Water Board approval to leave impacted (concentrations exceeding the lower of the then-current Water Board or US EPA residential screening levels) soil beneath residences. A deed restriction or land use covenant shall detail the location of these soils. This document shall include a map of these impacted soils; shall restrict future excavation in these areas; and shall require future excavation be conducted in these areas only upon written approval by the Water Board and in accordance with the SMP.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval from RWQCB
	MM HAZ-1.7: During construction activities, undocumented fill in former UST pits located beneath residential structures and in the park shall be removed and replaced as engineered fill. If an organic vapor meter detects vapors greater than background levels, discrete soil samples shall be collected of stockpiled soil and analyzed for contaminants	RWQCB; City of Sunnyvale Department of Community	City of Sunnyvale Department of Community	Construction; operation	Ongoing through construction phase; prior	Soil removal or remediation plus

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	of potential concern at a frequency of one sample per every 250 cubic yards (cy) for the first 1,000 cy and one sample every 500 cy thereafter. If concentrations of contaminants of potential concern are detected exceeding the lower of the then current Water Board or US EPA residential screening levels, this soil shall be appropriately disposed off-site and confirmation samples shall be collected in the excavation (one per each sidewall and two at the base of the excavation, and in areas of stained or odorous soil). If contaminant concentrations in the confirmation samples exceed residential screening levels, written approval shall be obtained from the Water Board to leave impacted soil in-place. Alternatively, this soil shall be remediated to the lower of the then-current Water Board or US EPA residential screening levels. If this soil is left in-place, a deed restriction or land use covenant shall detail the location of these soils. This document shall include a map of these impacted soils; shall restrict future excavation in these areas; and shall require future excavation be conducted in these areas only upon written approval by the Water Board and in accordance with the SMP.	Development	Development		to issuance of occupancy permit	recordation of deed restriction
	MM HAZ-1.8: Upon demolition of the existing building on Parcel 2, the project developer shall perform a geophysical survey to locate buried metallic debris indicative of a UST or fuel transfer piping. If encountered, these structures shall be removed under permit from the local CUPA; confirmation sample shall be collected per the requirements of the CUPA. If confirmation samples exceed residential screening levels, this soil shall be remediated to the lower of the then-current Water Board or US EPA residential screening levels. Any remaining ground water monitoring wells shall be properly destroyed under permit and in accordance with Santa Clara Valley Water District’s requirements.	CUPA; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a demolition permit for the building on Parcel 2	Once prior to issuance of demolition permit	Issuance of demolition permit and CUPA permit, if required
	MM HAZ-1.9: A Water Board approved Soil Management Plan (SMP) has been prepared by an Environmental Professional to establish management practices for	RWQCB; City of Sunnyvale	City of Sunnyvale	Prior to issuance of a	Once prior to issuance of	Approval from

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	<p>handling contaminated soil, soil vapor, ground water or other materials. The project developer shall comply with the provisions of the SMP. The project developer’s Environmental Professional shall assist in the implementation of the SMP and shall perform full-time observation services during demolition, excavation, grading and trenching activities. In addition to these requirements, the following protocols shall be established:</p> <ul style="list-style-type: none">• Prior to the start of any construction activity that involves below ground work (e.g., mass grading, foundation construction, excavating or utility trenching), information regarding Site risk management procedures (e.g., a copy of the SMP) shall be provided to the Contractors for their review, and each Contractor shall provide such information to its Subcontractors.• Protocols and procedures shall be prepared to protect the ground water remedy, including the slurry walls at the former Pad C excavation, which may appear similar to Site native soils.• During the removal of the buildings’ slabs, sumps and underground waste water piping, an Environmental Professional shall be present on-Site on a full time basis to observe soil conditions, to monitor vapors with a hand held meter, and to determine if additional soil sampling should be performed. Daily Field Reports (DFRs) shall be prepared by the Environmental Professional documenting: 1) the day’s activities; 2) vapor monitoring; 3) perimeter air monitoring; 4) soil and ground water sampling and associated analytical testing; 5) the source and quality of imported soil; 6) the installation of the vapor barrier system; and 7) variances with the SMP. Photographs shall be taken by the Environmental Professional to help document information entered in the DFR. When a photograph is taken, the following information shall be written in the daily field report: 1) Time, date, location, and, if appropriate, weather conditions; 2) Description of the subject photographed; and 3) Name of person taking the photograph.• Perimeter air monitoring shall be conducted at the site during any activity that significantly disturbs site soil (e.g., mass grading, foundation construction, excavating	Department of Community Development	Department of Community Development	grading permit	grading permit	RWQCB

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	<p>or utility trenching) to document the effectiveness of dust control measures. Real time monitoring of total dust (<10 µm diameter) shall be conducted daily throughout the duration of the project during activities that may significantly disturb impacted soil. The monitoring shall be performed using three DataRAM PDR-1000 particulate monitors, or equivalent. These meters log the detected airborne dust concentrations. The particulate meters shall be monitored by the Environmental Professional to evaluate if excessive dust is migrating off-site. On a daily basis, or more frequently if warranted by Site conditions, the differences between the average upwind dust concentration and the average downwind concentration shall be compared to the ambient air quality standard of 150 µg/m³ (8-hour average) for respirable dust. If this standard is exceeded, increased dust control measures shall be implemented.</p> <ul style="list-style-type: none">• If excavation dewatering is required, protocols shall be prepared to evaluate water quality and discharge/disposal alternatives; the pumped water shall not be used for on-site dust control or any other on-Site use. If long-term dewatering is required, the means and methods to extract, treat and dispose ground water also shall be presented to the Water Board for their written approval; this written approval shall be submitted to the City.• Decontamination procedures shall be established and implemented by the Contractor to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-Site transfer. During any construction activity that involves below ground work (e.g., mass grading, foundation construction, excavating or utility trenching), daily street sweeping of the public roadway entrances/streets shall be performed.• Procedures shall be developed to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted. Adequate documentation shall be required so it can be verified that the fill source is appropriate for the site by the Environmental Professional. The documentation shall					

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	<p>include detailed information on previous land use of the fill source, any environmental site assessments performed and the findings, and the results of any analytical testing performed. If no documentation is available or the documentation is inadequate, or if no analytical testing has been performed, samples of the potential fill material shall be collected and analyzed per the protocols established by DTSC. The analyses performed shall be based on the fill source and knowledge of the previous land use. The sample frequency for potential fill material shall be in accordance with that outlined in the technical document titled, “Information Advisory on Clean Imported Fill Material” (DTSC, October 2001).</p> <ul style="list-style-type: none">• Appropriate measures shall be implemented to reduce soil vapor and ground water migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill “plugs” at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below ground water shall be installed with water-tight fittings to reduce the potential for ground water to migrate into the conduits.• Because the site is known to have pollutants with the potential for mobilization, the Civil Engineer shall design the bottom and sides of the vegetated swales and water features (if incorporated into the building design) to be lined with a minimum 10-mil heavy duty plastic to help prevent Site infiltration.					
	<p>MM HAZ-1.10: Upon completion of construction activities, the Environmental Professional shall prepare a report documenting compliance with the SMP; it shall contain a summary of: 1) vapor monitoring; 2) perimeter air monitoring; 3) soil and ground water sampling and associated analytical testing; 4) the sources, quantity and quality of imported soils; 5) the installation of the vapor barrier system; and 6) variances to the SMP. This report shall be submitted to the Water Board and US EPA. Written approval of the completion report by the Water Board shall be provided to the City.</p>	<p>RWQCB; U.S. EPA; City of Sunnyvale Department of Community Development</p>	<p>City of Sunnyvale Department of Community Development</p>	<p>Construction</p>	<p>Once upon completion of construction</p>	<p>Approval from RWQCB and EPA</p>

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	MM HAZ-1.11: Some components encountered as part of the building demolition waste stream may contain hazardous materials. Universal wastes, lubrication fluids and CFCs and HCFC’s shall be removed before structural demolition begins. Materials that may result in possible risk to human health and the environment when improperly managed include lamps, thermostats, and light switches containing mercury; batteries from exit signs, emergency lights, and smoke alarms; lighting ballasts which contain PCBs; and lead pipes and roof vent flashings. Demolition waste such as fluorescent lamps, PCB ballasts, lead acid batteries, mercury thermostats, and lead flashings have special case-by-case requirements for generation, storage, transportation, and disposal. Before disposing of any demolition waste, the project developer and the demolition contractor shall determine if the waste is hazardous and shall ensure proper disposal of waste materials.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Construction	Prior to issuance of occupancy permit	Approval of occupancy permit
	MM HAZ-1.12: Significant quantities of asphalt concrete (AC) grindings, aggregate base (AB), and Portland Cement Concrete (PCC) will be generated during demolition activities. AC/AB grindings shall not be reused beneath building areas.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Construction	Prior to issuance of occupancy permit	Issuance of occupancy permit
	MM HAZ-1.13: The HASP will include: (i) provisions for vapor sampling in trenches to ensure a safe atmosphere for workers, and (ii) identification of conditions where a respirator may be required to protect against VOCs.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits
	MM HAZ-1.14: The SMP includes a map that identifies the areas where VOCs have been observed in soil and/or groundwater. In those areas, VOC monitoring will be required during excavation and trenching. The HASP will include action levels for	RWQCB; City of Sunnyvale Department of	City of Sunnyvale Department	Prior to issuance of a grading	Once prior to issuance of grading	Approval of plans/issuance of permits

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	VOCs that are detected by field instruments (a photoionization detector or PID) during work.	Community Development	of Community Development	permit	permit	
4.11 Cultural Resources						
Future development on the project site could impact as yet unrecorded subsurface cultural resources.	<p>MM CUL 1-1: Prior to the initiation of any ground disturbing activities or issuance of grading permits for the southwest corner of Parcel 1, a qualified professional archaeologist shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with CA-SC1-9 or other as yet unknown cultural resources at this location within the project site. The boundaries of the area to be tested within the southwest corner of Parcel 1 shall be determined by the archaeologist based on available records for site CA-SC1-9.</p> <p>Once the testing program is complete, the results shall be presented in a <i>Presence/Absence Testing Report</i> commensurate with the findings and submitted to the City for review. Any recommendations for treatment of a significant resource shall be presented in the report.</p> <p>MM CUL 1-2: Prior to the initiation of any construction that has the potential for ground-disturbing activities within the project site, the project proponent shall inform all construction personnel of the potential for exposing subsurface cultural resources and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.</p> <p>MM CUL 1-3: Archaeological monitoring on a full-time basis by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within and within a radius of 100 feet to CA-SC1-9. The archaeologist shall</p>	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Through grading and excavation	If unanticipated discoveries are found, submittal of a report and mitigation pan(s) by a qualified archeologist

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	<p>maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> <p>MM CUL 1-4: Archaeological monitoring on a less-than-full time basis with the frequency and duration to be determined by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within the East Sunnyvale ITR parcel. The archaeologist shall maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> <p>MM CUL 1-5: Excavation contracts for development shall contain provisions for stop-work in the vicinity of an archaeological find in the event of the exposure of significant cultural resources during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by permitting and regulatory agencies. In general, the appropriate construction conditions should be included within the <i>General Conditions</i> section of any contract that has the potential for ground disturbing operations.</p> <p>MM CUL 1-6: If any unanticipated prehistoric or significant historic era cultural materials including Native American burials are exposed during construction grading and/or excavation, operations should stop within a minimum of 50 feet of the find to avoid altering the cultural materials and their context and a qualified Professional Archaeologist retained for identification, evaluation and further recommendations. The Community Development Director of the City of Sunnyvale shall be notified of the discovery. Construction work shall not begin again within the find area until the archaeologist has been allowed to examine the cultural materials, assess their</p>					

Proposed Project – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
	<p>significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed. If the discovery is determined to be a unique archaeological or historical resource under the criteria of the <i>California Register of Historical Resources</i> after review and evaluation by a Professional Archaeologist, and if avoidance of the resource is not possible, the Professional Archaeologist shall develop plans for treatment of the find(s) and mitigation of impacts acceptable to the City of Sunnyvale. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The project proponent shall make every effort to insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed.</p> <p>If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the Santa Clara County Medical Examiner.</p>					

Source: City of Sunnyvale, 915 DeGuigne Residential Project Final Environmental Impact Report, October 2015.

All mitigation measures identified for the proposed project would be required under the Maximum Build Out/Corner Mixed Use Development Scenario. In addition to the previously listed mitigation measures, the Maximum Build Out/Corner Mixed Use Development Scenario would be required to implement the following mitigation measures.

Maximum Build Out/Corner Mixed Use Development Scenario – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.3 Air Quality						
Construction of the maximum build out/corner mixed-use development scenario could have a significant, temporary impact on nearby sensitive receptors.	MM AIR 1-1: A Health Risk Analysis shall be completed for the maximum build out/corner mixed-use development scenario prior to issuance of any demolition or grading permits for the project. The analysis shall be based on project specific construction data. If emissions are calculated to be above the BAAQMD thresholds, mitigation measures will be required to reduce emissions below BAAQMD thresholds during all phases of construction. Measures may include, but are not limited to: <ul style="list-style-type: none">• Use of newer or retrofitted construction equipment that has lower emissions rates than standard equipment;• Use of alternative fuel equipment;• Modification of construction techniques to avoid use of diesel-powered equipment; and• Phasing of construction activities.	City of Sunnyvale Department of Community Development BAAQMD	City of Sunnyvale Department of Community Development BAAQMD	Construction	Through grading, excavation, and construction	Issuance of demolition and grading permits
4.8 Hydrology and Water Quality						
If the final site plan of the maximum build out/corner mixed-use development scenario has a total impervious surface area greater than the existing conditions, the project could have a significant impact on	The project developer shall design the project to reduce directly connected impervious areas to ensure the flood design storm flows are maintained at or under the existing project flows.	City of Sunnyvale Departments of Community Development and Public Works	City of Sunnyvale Departments of Community Development and Public Works	Final site design and construction.	Once after project construction is complete	Issuance of Occupancy Permits

Maximum Build Out/Corner Mixed Use Development Scenario – Mitigation Measures						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
the existing storm drainage system.						
4.13 Utilities and Service Systems						
If the final site plan of the maximum build out/corner mixed-use development project has a total impervious surface area greater than the existing conditions, the project could have a significant impact on the capacity of the existing storm drainage system.	The project developer shall design the project to reduce directly connected impervious areas to ensure the flood design storm flows are maintained at or under the existing project flows.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Final site design and construction.	Once after project construction is complete	Issuance of Occupancy Permits

Source: City of Sunnyvale, 915 DeGuigne Residential Project Final Environmental Impact Report, October 2015.

All Conditions of Approval identified below apply to both the proposed project and the Maximum Build Out/Corner Mixed Use Development Scenario.

Conditions of Project Approval					
Conditions	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.2 Transportation					
The applicant will be required to provide a construction truck route plan to the Director of Public Works for review and approval prior to the issuance of any permits for the project. This plan will establish the designated truck routes and utilizing the most direct access to the freeways and avoiding residential streets.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits
The project will be required to implement the following improvement: <ul style="list-style-type: none">The project shall increase the green time for the northbound left turn movement or widen the bridge structure to increase the left turn capacity.	City of Sunnyvale Department of Public Works; CALTRANS	City of Sunnyvale Department of Community Development	Operation	Once, prior to issuance of certificate of occupancy	Issuance of certificate of occupancy
4.3 Air Quality					
The project will be required to implement the following BAAQMD dust control measures during all phases of construction: <ol style="list-style-type: none">All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.All haul trucks transporting soil, sand, or other loose material off-site shall be covered.All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.All vehicle speeds on unpaved roads shall be limited to 15 mph.All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible, as well, after grading unless seeding or soil	BAAQMD; City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspections during construction	Field inspection sign-off

binders are used. 6. Idling times shall 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]). Clear signage shall be provided for construction workers at all access points.					
Conditions	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.					
4.6 Visual and Aesthetics					
All outside lighting will be directed away from nearby residences so as not to cause significant glare or light spill over onto adjacent properties. Lighting at the proposed park on Parcel 2 would be required to be comparable to the lighting at Swegles Park and consistent with City design guidelines (AASHTO Roadway Lighting Design and IESNA RP-8-05 Standard) for public parks.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Operation	Once, prior to issuance of certificate of occupancy	Issuance of certificate of occupancy
4.7 Hydrology and Water Quality					
The project will be required to implement the following measures, consistent with the NPDES Municipal Permit and the Sunnyvale Municipal Code, for avoiding and reducing construction-related erosion impacts. • All construction sites shall implement effective erosion control, run-on and runoff control, sediment control, active treatment systems (as appropriate), good site management, and non-stormwater management through all phases of construction (including, but not limited to, site grading, building and finishing of lots) until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspection	Field inspection sign-off

<ul style="list-style-type: none">Grading shall be designed to minimize soil erosion, runoff and water waste. The grading shall avoid soil compaction in planted landscaped areas.Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days.Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate best management practices (BMPs), such as gravel bags, fiber rolls, and berms					
Conditions	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.8 Hydrology and Water Quality					
<p>The project will be required to implement the following measures, based on BMPs recognized by the RWQCB, to reduce construction-related water quality impacts.</p> <ul style="list-style-type: none">Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.Earthmoving or other dust-producing activities shall be suspended during periods of high winds.All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.All trucks hauling soil, sand, and other loose materials shall be covered or maintain at least two feet of freeboard.All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site shall be swept daily (with water sweepers).	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspection	Field inspection sign-off

<ul style="list-style-type: none">• Vegetation in disturbed areas shall be replanted as quickly as possible.• All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.					
<p>The following measures, based on the RWQCB’s Best Management Practices and the City requirements, will be implemented to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.</p> <ul style="list-style-type: none">• When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the RWQCB and the City of Sunnyvale by the project developer. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place for the project site.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Operation	Onset of project operations	Issuance of Certificate of Occupancy; Field inspection sign-off
Conditions	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
<ul style="list-style-type: none">• All post-construction Treatment Control Measures (TCMs) shall be installed, operated, and maintained by qualified personnel under the direction of the project sites home owners association (HOA). On-site inlets shall be cleaned out at a minimum of once per year, prior to the wet season.• The HOA shall keep maintenance and inspection schedules and records to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedules and records shall be provided to the City upon request and must be made available for inspection on-site at all times.					
4.9 Biological Resources					
<p>The project applicant will be required to replant replacement trees on-site to mitigate for the loss of trees. The number and species of replacement trees required will be determined by the Director of Community</p>	City of Sunnyvale	City of Sunnyvale	Prior to issuance of	Once prior to issuance of	Approval of plans/issuanc

Development. If it is determined by the Director of Community Development that it is not feasible to plant all required replacement trees on-site, the applicant will be required to pay for the planting of new trees in parks or other public areas of the City.	Department of Community Development	Department of Community Development	grading permits	grading permit	e of permits
Consistent with the mitigation measures in the <i>East Sunnyvale ITR Project Final EIR</i> , the project applicant will be required to prepare and submit a tree protection plan prior to issuance of demolition permits that demonstrates the tree protection measures that will be in place for the whole of the construction period. Pursuant to Section 19.94.120 of the Municipal Code, the tree protection plan will include the following measures: 1. Protective fencing shall be installed no closer to the trunk than the dripline and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of four feet in height and shall be set securely in place. The fence shall be of a sturdy but open material (i.e., chain link) to allow visibility to the trunk for inspections and safety. 2. The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the Director of Community Development. 3. Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree (the root system generally extends to the outermost edges of the branches). 4. Pruning that is necessary to accommodate a project feature, such as a building, road or walkway shall be reviewed and approved by the Department of Community Development and the Department of Public Works.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of grading permits; implementation of tree protection plan during construction	Once prior to issuance of grading permit; periodic inspection during construction	Approval of plans/issuance of permits; field inspection sign-off
Conditions	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
5. New landscaping installed within the dripline of an existing tree shall be designed to reproduce a similar environment to that which existed prior to construction. (Ord. 2623-99 § 1; prior zoning code § 19.81.130). If the off-site trees become damaged during construction activities, the trees would be replaced in accordance with the Director of Community Development’s requirements.					
4.10 Hazardous Materials					

<p>The project is required to conform to the following regulatory programs to reduce impacts due to the presence of ACMs and/or lead-based paint:</p> <ul style="list-style-type: none">• In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.• During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.• All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.• A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.• Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.	<p>City of Sunnyvale Department of Community Development</p> <p>Cal/OSHA</p>	<p>City of Sunnyvale Department of Community Development</p>	<p>During demolition</p>	<p>Periodically during demolition as mandated by Cal/OSHA</p>	<p>Issuance of grading permits</p>
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Conditions	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
The internal roadway layout of the site shall be required to meet the City’s emergency vehicle access requirements.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Final Site Design	On-going pursuant to inspection schedule	Issuance of Certificate of Occupancy; Field inspection sign-off
4.13 Utilities					
The project shall include a waste management plan to comply with the City’s Waste Management Plan, includes recommendations for waste management during construction and operation of the project. The project’s waste management plan will be submitted to the City for approval prior to issuance of occupancy permits and will include the following measures: <ul style="list-style-type: none">Describe the volume of waste to be generated during demolition and construction;Identify the weight of materials to be reused, recycled, or diverted from the landfill from the generated construction waste; andIdentify the waste disposal location for the remaining non-recycled construction waste/materials.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Operation	Once, prior to issuance of certificate of occupancy	Issuance of certificate of occupancy

Source: City of Sunnyvale, 915 DeGuigne Residential Project Final Environmental Impact Report, October 2015.

Maximum Build Out/Corner Mixed Use Development Scenario – Mitigation Measures for Cumulative Impacts						
Impact	Mitigation Measures	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
Transportation						
Under cumulative conditions, implementation of the maximum build out project would result in result in a degradation of LOS at the Fair Oaks Avenue/Duane Avenue intersection, trigger a signal warrant at the Wolfe Road/Maude Avenue intersection, and result in a degradation of LOS at the Lawrence Expressway/Duane Avenue intersection.	<p>MM CUM-2.1: If the maximum build out/corner mixed use development scenario is implemented, the project developer will be required to install traffic signals at the Wolfe Road/Maude Avenue intersections. Signalization of the intersection would be required prior to the issuance of occupancy permits for the residences.</p> <p>MM CUM-2.2: If the maximum build out/corner mixed use development scenario is implemented, the project developer will be required to restripe the eastbound approach to be three left-turn lanes, one through lane, and one right turn lane at the Lawrence Expressway/Duane Avenue intersection. This mitigation measure could not be implemented without the approval of Santa Clara County._Restriping of the intersection would be required prior to the issuance of occupancy permits for the residences.</p>	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Community Development	Operation	Once, prior to issuance of certificate of occupancy	Issuance of certificate of occupancy

Source: City of Sunnyvale, 915 DeGuigne Residential Project Final Environmental Impact Report, October 2015.

Project Design Features – Proposed Project					
Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.3 Air Quality					
Project Design Feature AQ-1: The project proposes construction protocols that will include BAAQMD CEQA Air Quality Guidelines “Best Management Practices,” (BMPs), including proper selection of construction equipment, techniques and scheduling that will be applied to construction activities that could generate fugitive dust and exhaust emissions that could affect nearby land uses.	BAAQMD; City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspections during construction	Field inspection sign-off
Project Design Feature AQ-2: The project will be constructed using equipment that meets EPA Tier 3 standards.	BAAQMD; City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspections during construction	Field inspection sign-off
4.4 Greenhouse Gas Emissions					
Project Design Feature GHG-1: The project proposes the following green building measures: <ul style="list-style-type: none">Drought tolerant landscapingUse of recycled water for irrigationDesign and shielding of outdoor lighting to reduce light pollution	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of building permits	Once prior to issuance of building permit.	Approval of plans/issuance of permits

<ul style="list-style-type: none">Energy efficient water heatersLow-flow fixturesEnergy-star rated appliances					
Project Design Feature GHG-2: To enhance bicycle and pedestrian access, a 10-foot wide multi-use bicycle and pedestrian path will bisect Parcel 1 of the project site, and either a 10-foot wide multi-use bicycle and pedestrian path, or a six-foot dedicated pedestrian sidewalk and a six-foot dedicated bicycle lane, will surround the perimeter of the entire project site (as noted in Section 2.1.1 of the EIR).	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of building permits	Once prior to issuance of building permit.	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.4 Greenhouse Gas Emissions					
Project Design Feature GHG-3: The proposed housing will utilize natural gas and only include natural gas fueled fireplaces	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of building permits	Once prior to issuance of building permit.	Approval of plans/issuance of permits
4.7 Geology and Soils					
Project Design Feature GEO-1: Title 16 of the Sunnyvale Municipal Code (Buildings and Construction) includes the 2013 California Building, Plumbing, Mechanical, Electrical, Existing Building, Historical Building, and Green Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Sunnyvale Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Prior to issuance of a grading permit and building permits	Twice: once prior to issuance of grading permit and once prior to issuance of building permits.	Approval of plans/issuance of permits
4.8 Hydrology and Water Quality					
Project Design Feature WQ-1: The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of Sunnyvale. Under provisions of the MRP, all redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists co-permittees, such as the City of Sunnyvale, to implement the provisions of the Municipal NPDES Permit. Conformance with the MRP requirements is illustrated in the Preliminary Stormwater Management Plan and will be finalized in the final	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a building permit	Once prior to issuance of building permit	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
Stormwater Management Plan at the Development Permit stage of the project. Plans will be certified by engineers to ensure incorporation of appropriate and effective site design, source control, and stormwater treatment using Low Impact Development (LID) features to prevent discharge of pollutants, reduce impervious surfaces, retain a percentage					
4.8 Hydrology and Water Quality					
<p>of runoff on-site for percolation, and incorporate treatment control measures to remove pollutants from runoff entering the storm drainage system. In order to meet the City’s and the NPDES requirements, the proposed project includes the following design features to reduce runoff pollutant loads:</p> <ul style="list-style-type: none">The pathways, driveways, surface parking lots and rooftop runoff would drain into bioretention areas located around the buildings, within landscaped areas, and along the borders of the site. <p>The proposed treatment facilities must be shown to have sufficient capacity to treat the stormwater runoff entering the storm drainage system. In addition, the project would be required to maintain all post-construction treatment control measures, as outlined below, throughout the life of the project.</p>					
Project Design Feature WQ-2: The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits
Project Design Feature WQ-3: The project site currently has soil contamination and proposes to leave some contamination on-site and cap it, as discussed in the project description and in Section 4.10.3.2 of the EIR. All contaminated soils left on-site will be placed under roadways or within concrete basements that will be capped. None of the contaminated soil will be located in proximity to the stormwater treatment areas so no cross contamination will occur as stormwater flows through the treatment areas or percolates through the soil.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits
Project Design Feature WQ-4: As a condition of project approval, the project will be required to implement the following measures, based on BMPs recognized by the RWQCB, to reduce construction-related water quality impacts. <ul style="list-style-type: none">Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspection	Field inspection sign-off

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
<p>from the drains.</p> <ul style="list-style-type: none">• Earthmoving or other dust-producing activities shall be suspended during periods of high winds.• All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.• Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.• All trucks hauling soil, sand, and other loose materials shall be covered or maintain at least two feet of freeboard.					

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.8 Hydrology and Water Quality					
<ul style="list-style-type: none">All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site shall be swept daily (with water sweepers).Vegetation in disturbed areas shall be replanted as quickly as possible.All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City. <p>All measures will be implemented prior to the start of earthmoving activities on-site and will continue until construction is complete.</p>					
<p>Project Design Feature WQ-5: Construction of the project would involve excavation that could temporarily interfere with groundwater flow in the shallow aquifer. The project proposes to implement the following project-specific measures from the geotechnical report (refer to <i>Section 4.7, Geology and Soils</i>, and Appendix D of the EIR) for encounters with the underground structures and groundwater:</p> <ul style="list-style-type: none">The floor slab shall be cored cleanly through with numerous holes roughly four inches in diameter. The holes should be utilized to assess the condition of the subgrade beneath the floor slab as well as provide a drainage pathway for equalization of groundwater levels following demolition and backfill.The basement retaining walls shall be removed to a depth of at least five feet below existing grades, or at least two feet below the depth of deepest proposed foundation or utility, whichever is deeper. If the lower portion of the walls are left in place, then demolition of the walls above the target cut-off elevation should be performed without damaging or moving the portions of the walls that will be left in place.After the upper portion of the walls are removed, an evaluation of wall backfill material shall be performed. Localized subexcavation of existing wall backfill behind the portions of the basement walls left in place will be necessary if the material is yielding and not deemed a suitable engineered fill material.Provided that the geotechnical evaluation of the subgrade and conditions encountered during	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Construction	Periodic field inspection	Field inspection sign-off

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
<p>demolition confirm the structure is suitable to be abandoned in place, the excavation may be backfilled with engineered fill.</p> <ul style="list-style-type: none">• If portions of existing structures are abandoned in place, the location of proposed lots shall be situated such that future structures do not straddle demolition excavations and native soil areas. Disclosure to future homeowners of information regarding the presence of former basement walls, floor slabs, and footing foundations shall be required.					

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.8 Hydrology and Water Quality					
All subsurface construction activities will implement the identified project-specific measures and shall adhere to all applicable laws and regulations, including the 2013 California Building Code.					
<p>Project Design Feature WQ-6: The following measures, based on the RWQCB’s Best Management Practices and the City requirements, will be implemented as a condition of project approval to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.</p> <ul style="list-style-type: none">When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the RWQCB and the City of Sunnyvale by the project developer. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place for the project site.All post-construction Treatment Control Measures (TCMs) shall be installed, operated, and maintained by qualified personnel under the direction of the project sites home owners association (HOA). On-site inlets shall be cleaned out at a minimum of once per year, prior to the wet season.The HOA shall keep maintenance and inspection schedules and records to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedules and records shall be provided to the City upon request and must be made available for inspection on-site at all times.	City of Sunnyvale Department of Public Works	City of Sunnyvale Department of Public Works	Operation	Onset of project operations	Issuance of Certificate of Occupancy; Field inspection sign-off
4.9 Biological Resources					
<p>Project Design Feature BIO-1: Pursuant to Municipal Code Section 19.94, the project applicant will be required to obtain tree removal permits for all protected trees. The minimum tree replacement size for protected trees is a 24-inch box size tree. The Director of Community Development has the authority to require larger or smaller replacement trees on a case by case basis. As a condition of approval, the project applicant will be required to replant replacement trees on-site to mitigate for the loss of trees. The number and species of replacement trees required will be determined by the Director of Community Development. If it is determined by the Director of Community Development that it is not feasible to plant all required replacement trees on-site, the applicant will be required to pay for the planting of new trees in parks or other public areas of the City.</p>	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of grading permits	Once prior to issuance of grading permit	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.9 Biological Resources					
<p>Project Design Feature BIO-2: There are trees on adjacent properties along the western and southern boundaries of the project site. While these trees are not on the project site, the root systems and/or canopies of these trees could be impacted by construction activities. As a condition of approval, consistent with the mitigation measures in the <i>East Sunnyvale ITR Project Final EIR</i>, the project applicant will be required to prepare and submit a tree protection plan prior to issuance of demolition permits that demonstrates the tree protection measures that will be in place for the whole of the construction period. Pursuant to Section 19.94.120 of the Municipal Code, the tree protection plan will include the following measures:</p> <ul style="list-style-type: none">6. Protective fencing shall be installed no closer to the trunk than the dripline and far enough from the trunk to protect the integrity of the tree. The fence shall be a minimum of four feet in height and shall be set securely in place. The fence shall be of a sturdy but open material (i.e., chain link) to allow visibility to the trunk for inspections and safety.7. The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels, as described in the tree protection plan, may be approved by the Director of Community Development.8. Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree (the root system generally extends to the outermost edges of the branches).9. Pruning that is necessary to accommodate a project feature, such as a building, road or walkway shall be reviewed and approved by the Department of Community Development and the Department of Public Works.10. New landscaping installed within the dripline of an existing tree shall be designed to reproduce a similar environment to that which existed prior to construction. (Ord. 2623-99 § 1; prior zoning code § 19.81.130). <p>If the off-site trees become damaged during construction activities, the trees would be replaced in accordance with the Director of Community Development’s requirements.</p>	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of grading permits; implementation of tree protection plan during construction	Once prior to issuance of grading permit; periodic inspection during construction	Approval of plans/issuance of permits; field inspection sign-off
4.10 Hazards and Hazardous Materials					
<p>Project Design Feature HAZ-1: Pesticide Mitigation Plan. The project proponent will prepare a pesticide mitigation plan (PMP) for approval by the Regional Water Quality Control Board (RWQCB) that will specify mitigation measures for soils containing organochlorine pesticides (OCPs) above residential environmental screening levels (ESLs). The</p>	RWQCB; City of Sunnyvale Department of	City of Sunnyvale Department	Prior to issuance of a grading	Once prior to issuance of grading	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
PMP will also include a RWQCB-approved, site specific cleanup level for OCPs for soils that can be buried and managed on-site. Soil from Parcel 2 that contains OCPs above Residential ESLs will be evaluated for burial on Parcel 1 and managed in accordance with the PMP. The proposed OCP mitigation measures identified for inclusion in the PMP for the project are described below:	Community Development	of Community Development	permit	permit	
4.10 Hazards and Hazardous Materials					
<ul style="list-style-type: none">OCP impacts are limited to the upper two feet of soil on both parcels.Soil from the upper two feet of Parcel 2 will be removed and stockpiled on Parcel 1.Approximately two feet of clean soil will be imported and placed on Parcel 2.Soil from the upper two feet of Parcel 1 will be removed, placed on asphalt or a visqueen liner, stockpiled on Parcel 1 with Parcel 2 soil, and profiled in accordance with the SMP as follows:<ul style="list-style-type: none">Soil with OCP concentrations above the Residential ESLs, but below the RWQCB-approved site specific cleanup level, will be buried in the existing 915 DeGuigne building basement and under roadways, but not where utilities will be constructed in accordance with the RWQCB-approved PMP.Soil with OCP concentrations above the RWQCB-approved, site-specific cleanup level will be disposed of off-site at a licensed disposal facility.Post soil removal confirmation sampling will be conducted using EPA-approved multi- increment sampling to verify that soil concentrations for OCPs are below Residential ESLs. <p>A deed restriction or other appropriate covenant will be placed on Parcel 1, if required by the RWQCB, detailing the location of the buried soils with OCP concentrations above the Residential ESLs. The covenant will include a map of the buried soils, restrict excavation in these areas, and require that excavation in the restricted areas be conducted in accordance with the SMP.</p>					
Project Design Feature HAZ-2: Vapor Mitigation Plan. After demolition of the existing structures and removal of asphalt, the project proponent will complete soil vapor sampling to evaluate the concentrations of volatile organic compounds (VOCs) in the residential areas of Parcel 1. Based on the findings of the vapor sampling, the project proponent will prepare and submit a vapor mitigation plan (VMP) for approval by the RWQCB in accordance with the Prospective Purchaser Agreement (PPA), as described below.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
<p>The VMP shall be prepared according to the PPA requirements to be consistent with Cal-EPA and U.S. EPA guidance, will use 10⁻⁶ cancer risk as the risk level, and will use the lower of the current RWQCB Residential ESLs and the U.S. EPA’s regional screening levels or a site-specific risk assessment to interpret the 10⁻⁶ cancer risk level. The VMP will include evaluation of risks to construction workers and shall be mitigated to a carcinogenic risk of one in a million and health hazard index of 1. If the evaluation of risk to human health exceeds this standard, or is otherwise required by the RWQCB, the VMP shall include discussion of site-specific measures to achieve this standard.</p> <p>The project, as proposed, shall install passive vapor barriers beneath all the residential buildings on Parcel 1. Installation of the passive barrier will include:</p>					
4.10 Hazards and Hazardous Materials					
<ul style="list-style-type: none">• A minimum two-inch layer of sand;• Within the two-inch layer of sand, horizontal ventilation piping will be evenly spaced throughout the building footprint, connected to a header, and directed through the building walls to the roof line;• The sand layer will be topped with a composite membrane comprised of a lower layer of approximately nine millimeter (mm) high density polyethylene (HDPE) liner welded at the seams, an over-coating of spray applied asphaltic material of a nominal 30 mm thickness covered by an optional geotextile membrane. All penetrations of the membrane shall be sealed above the top liner with asphaltic material; and <p>Verification of barrier effectiveness will be completed by a post-vapor barrier installation smoke test and sub-slab ventilation pipe vapor sampling.</p>					
<p>Project Design Feature HAZ-3: Underground Storage Tanks. All known underground storage tanks (USTs) have been removed from Parcels 1 and 2. If undocumented USTs are encountered during construction, the USTs will be removed, disposed of, and closed consistent with the City of Sunnyvale’s public safety standards. In areas of previously removed USTs, the soil shall be excavated, backfilled, and compacted as necessary. A geophysical survey and/or potholing (“Potholing” refers to the excavation of two-foot by four-foot trenches to a depth of approximately 10 feet below the ground surface to evaluate for the presence of USTs) will be completed on Parcel 2 after building demolition to determine whether the USTs on that site were removed or abandoned in place. If USTs are found on</p>	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
Parcel 2, the USTs will be removed. Any remaining groundwater monitoring wells on-site shall be removed in accordance with the Santa Clara Valley Water District (SCVWD) procedures and requirements.					
Project Design Feature HAZ-4: Soil Management Plan/HASP. The project proponent has a RWQCB approved Soil Management Plan (SMP) which addresses soil handling during construction activities. In accordance with the SMP, and based on the results of additional post-demolition sampling, if contaminants are encountered during demolition and grading above construction worker health risk levels, a licensed contractor with OSHA HAZWOPER trained personnel shall complete the intrusive subsurface activities in the contaminated areas. The trained personnel must have completed a 40-hour HAZWOPER training course. The general contractor for the project will prepare a health and safety plan (HASP) that addresses the safety and health hazards associated with all aspects of project construction in regards to worker safety. In addition, dust control, dust suppression, and air monitoring will be completed in accordance with the SMP and all applicable regulations throughout construction of the project. Haul routes for soil removed from the project site will be approved by the Public Works Director prior to commencement of off-haul activities.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.10 Hazards and Hazardous Materials					
<p>Project Design Feature HAZ-5: Grout curtain/cut-off walls are located near the former Pad C. As a condition of project approval, the following construction measures shall be implemented to protect these features during construction:</p> <ul style="list-style-type: none">Developer shall not damage the cut-off walls; if Developer needs to modify the cut-off walls, written approval shall be obtained from the Water Board prior to performing this work.Any damage to the cut-off walls shall be immediately repaired by the Developer under the oversight of the Water Board.	RWQCB; City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a grading permit	Once prior to issuance of grading permit	Approval of plans/issuance of permits
4.12 Energy					
<p>Project Design Feature ENG-1: The project proposes to meet the GreenPoint requirements, which is approximately equivalent to exceeding the State 2013 Title 24 California Energy Code requirements. GreenPoint measures a project’s sustainability through five main categories: community, energy efficiency, indoor air quality, resource conservation, and water conservation. A project must earn 80 points as a sum of the five categories to meet the City of Sunnyvale’s Green Building standards. The proposed project will implement the following green building measures:</p> <ul style="list-style-type: none">Drought tolerant landscapingUse of recycled water for irrigationDesign and shielding of outdoor lighting to reduce light pollutionEnergy efficient water heatersLow-flow fixturesEnergy-star rated appliancesA minimum of 65 percent diversion of construction and demolition wasteBest management practice methods for stormwater control including filtration and bio-retention featuresTrees to reduce the heat island effect.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a building permit; plan for diversion of construction and demolition waste prior to demolition permit (if issued prior to building permit).	Once prior to issuance of building permit; plan for diversion of construction and demolition waste prior to demolition permit (if issued prior to building permit); periodic inspection during construction.	Approval of plans/issuance of permits; field inspection sign-off

Design Features	Enforcement Agency	Monitoring Agency	Monitoring Phase	Monitoring Frequency	Compliance Action
4.13 Utilities and Service Systems					
Project Design Feature UTL-1: The site layout of the proposed residential development should be designed to allow the space and flexibility to store recyclable materials currently collected by the City programs as well as food waste and other materials that may be collected in the future as the City implements the Zero Waste Strategic Plan.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Prior to issuance of a building permit	Once prior to issuance of building permit	Approval of plans/issuance of permits
Project Design Feature UTL-2: As a condition of project approval, the project shall include a waste management plan to comply with the City’s Waste Management Plan, includes recommendations for waste management during construction and operation of the project. The project’s waste management plan will be submitted to the City for approval prior to issuance of occupancy permits and will include the following measures: <ul style="list-style-type: none">Describe the volume of waste to be generated during demolition and construction;Identify the weight of materials to be reused, recycled, or diverted from the landfill from the generated construction waste; andIdentify the waste disposal location for the remaining non-recycled construction waste/materials.	City of Sunnyvale Department of Community Development	City of Sunnyvale Department of Community Development	Operation	Once, prior to issuance of certificate of occupancy	Issuance of certificate of occupancy