
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
FEBRUARY 23, 2016**

Planning Application 2015-7539

845 W. Maude Avenue

Use Permit to allow construction of a 39,233 square foot four-story office/R&D building resulting in approximately 55% Floor Area Ratio (FAR).

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, and 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 to 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

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- 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. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):
The property owner (or designee) shall submit a TDM Plan to include a trip reduction program that results in a reduction of at least 20% total average daily trips and 25% peak hour trips, or as required by the future Specific Plan for Peery Park if in place at the time of creation of the final TDM Plan. This project shall not generate more than 63 AM trips and 101 PM trips during the morning and afternoon peak hours, respectively. This trip reduction is based on the estimated ITE Trip Generation Handbook [9th] Edition, Land Use Codes 701 and 760 (assumes 50% use of each). The TDM plan shall:
- a)** Be per the City's Transportation Demand Management (TDM) Program.
Include statements of the number of trips that need to be reduced during daily and AM and PM peak hours.
 - b)** Include statements of the number of allowable average daily and AM and PM peak hour trips.
 - c)** Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner once the project site reaches 75% occupancy.

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- d)** Include a penalty for non-compliance with the targeted reductions with the said penalty to be determined by the Director of Public Works.
 - e)** Be approved by the Director of Community Development and the Director of Public Works, or designees.
 - f)** Be adjusted, subject to the same approvals, if targeted reductions are not met.
 - g)** All future tenants must become members of a transportation association, if one is created for the Peery Park District. [COA] [PLANNING/TRANSPORTATION]
 - GC-6. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN ANNUAL REVIEW AND REPORTING:
The applicant shall comply with the Annual Review and Reporting requirements set forth in the approved TDM program per the Transportation Demand Management (TDM) Program, including applicable fees for the review. [COA] [PLANNING/TRANSPORTATION]
 - GC-7. TRANSPORTATION DEMAND MANAGEMENT (TDM) COMPLIANCE:
In order to measure compliance, the City will administer annual driveway trip counts. All costs associated with the counts will be paid for by the property-owner (or designee such as tenant, agent, property management; the City will invoice the owner or designee prior to the completion of the counts. The counts will be conducted per the Transportation Demand Management (TDM) Program at the City's discretion.
 - a) If the annual driveway trip counts result in more trips than allowable per this section, the property-owner/tenant may be given a six-month grace period to adjust their TDM program. At the end of the six-month grace period the City will administer new driveway trip counts at the cost of the property owner or designee. If the tenant continues to be non-compliant with the maximum allowable trips per this section, the property owner/tenant shall pay non-compliance penalties per this section; no additional grace periods will be granted. Such penalties shall be applied every year that the development is not in compliance with the maximum allowable trips generated. If there is a pattern of non-compliance no grace periods will be offered.
 - b) All non-compliance trips are subject to penalties per the City's Transportation Demand Management (TDM) Program.
 - c) Annual surveys of employees are not required to satisfy the monitoring requirement; however the surveys may provide insight into which programs are effective and which are not, or potentially identify extenuating circumstances unique to the site. [COA] [PLANNING/TRANSPORTATION]

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- 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 final certified Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-9. GREEN BUILDING:
The project shall meet the following green building requirements:
- a) Final plans shall incorporate a completed LEED green building checklist demonstrating the new building achieves a minimum LEED Gold level for Core and Shell, with efforts to achieve Platinum level, as verified by a qualified LEED consultant and shall be submitted to USGBC for formal certification.
 - b) Subsequent building permit plans for interior tenant improvements for the new buildings shall incorporate a completed LEED green building checklist demonstrating the project design achieves a minimum LEED Gold level for Commercial Interiors, with efforts to achieve Platinum level, as verified by a qualified LEED consultant and shall be submitted for USGBC for formal certification. [COA] [PLANNING]
- GC-10. BICYCLE PARKING:
Based on the 144 parking spaces shown, a total minimum of 8 bicycle parking spaces (6 Class I secured spaces and 2 Class II racks) shall be provided for the entire site. Secured bicycle spaces may include bicycle lockers per VTA Bicycle Technical Guidelines. As part of the building permit submittal, a site/floor plan shall be reviewed and approved by the Director of Community Development demonstrating compliance with this requirement and Citywide Design Guidelines. [COA] [PLANNING]
- GC-11. 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-12. ENCROACHMENT PERMIT:
Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-13. PUBLIC IMPROVEMENTS:

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

All public improvements shall be designed and constructed in accordance with 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-14. SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, Submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

GC-15. STORM DRAIN DESIGN

Prior to first off-site plan check submittal, 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 project impact to the existing storm drain main shall retain 1' below the lowest public street gutter flow elevation. [COA] [PUBLIC WORKS]

GC-16. STREETLIGHTS:

Prior to first off-site plan check submittal, provide photometric analysis for Maude Avenue to confirm if the street lighting along the project frontage is in accordance with the city's roadway lighting design criteria. Roadway, sidewalk, crosswalk illuminance calculations shall be calculated separate from each other. The limits of the photometric analysis shall be for the project frontage with all streetlights being led fixtures on both sides of the street. The photometric analysis shall identify if existing streetlights would need to be relocated and/or new streetlights would need to be installed for

the project frontage. For the photometric analysis, the LLF factor to use is 0.95. The LED fixture should have an efficiency of at least 90 lumens/watt and should have the international dark-sky association (IDA) fixture seal of approval (FSA) and be on their IDA-approved™ products list. Along with the photometric analysis, the developer shall provide cut sheets for proposed fixture, ies files used to perform analysis, test results from certified independent lab, and electronic copy of the photometric analysis in AGI32 format. All led fixtures shall have a 10 year warranty. [COA] [PUBLIC WORKS]

GC-17. SIGNS:

All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]

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. **REQUIRED REVISIONS TO PROJECT PLANS:**

The plans shall be revised to address comments from the City Council including the following, subject to review and approval by the Director of Community Development through a separate staff-level Miscellaneous Plan Permit:

- a) **More than 5 parking spaces must be pre-wired for electric car chargers,**
- b) **Incorporate an additional decorative pedestrian walkway between the easterly parking structure access and the office building,**
- c) **At least 12 bicycle lockers must be provided,**
- d) **Explore the option of incorporating a pedestrian cross access between the subject property and the two adjacent properties, prior to issuance of a tenant improvement for the building,**
- e) **Ensure all surface driveways and drive aisles are made of pervious pavers. [COA] [PLANNING]**

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

- EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:
A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]
- EP-2. 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][PPUBLIC WORKS]
- EP-3. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current city standards and are not specifically identified in the herein project conditions (such as backflow preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA] [PUBLIC WORKS]
- EP-4. PEERY PARK SPECIFIC PLAN:
This project is in the Peery Park Specific Plan (PPSP) area; therefore, the developer shall comply with any applicable design requirements as identified in the PPSP or as amended and approved by the City. [COA] [PUBLIC WORKS]
- EP-5. UTILITY CONNECTION:
This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]
- EP-6. UTILITY CONNECTION TO THE MAIN:
All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole. All storm drain lateral connecting to the main shall be with a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. [SDR] [PUBLIC WORKS]

EP-7. EXISTING UTILITY ABANDONMENT:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-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-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]

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

The re-use of any existing sanitary sewer lateral and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing sanitary sewer 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. Reuse of existing water laterals is not permitted. [COA] [PUBLIC WORKS]

EP-11. SEPARATE FIRE PROTECTION SERVICE LINE:

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

EP-12. WATER METER:

Install new radio-read water meter(s) for each point of connection to the water main. For water meter sizes three (3) inches or larger, provide dual meters per City's detail 12B-1 and meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. Install new reduced pressure backflow prevention device(s) on the discharge side of water

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- service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-13. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:
All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-14. SEWER MANHOLE:
Install new sewer manholes 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-15. 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-16. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-17. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:
Pursuant to SMC 12.60.130, install full trash capture device on the project site, prior to connecting to the City's storm drain collection system, the developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA][PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]
- EP-18. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

EP-19. DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-20. STREETLIGHTS:

Provide photometric analysis for Maude Avenue to confirm if the street lighting along the project frontage is in accordance with the City's Roadway Lighting Design Criteria. Roadway, Sidewalk, Crosswalk Illuminance calculations shall be calculated separate from each other. The limits of the photometric analysis shall be for the project frontage with all streetlights being LED fixtures on both sides of the street (or on one side of the street based upon existing pattern). The photometric analysis shall identify if existing streetlights would need to be relocated and/or new streetlights would need to be installed for the project frontage. For the photometric analysis, the LLF factor to use is 0.95. The LED fixture should have an efficiency of at least 90 lumens/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-Approved™ Products list. Along with the photometric analysis, the developer shall provide cut sheets for proposed fixture, ies files used to perform analysis, test results from certified independent lab, and electronic copy of the photometric analysis in AGi32 format. All LED fixtures shall have a 10 year warranty.

Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by Developer per latest City standard details and specifications and National Electrical Code. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

EP-21. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. The design plan shown on sheet A2.1 and other appropriate civil sheets dated 8/19/2015 is

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- subject to change during the plan check stage. [COA] [PUBLIC WORKS]
- EP-22. **STREETSCAPE IMPROVEMENTS:**
Remove existing concrete curb and 2' gutter and install new concrete curb and 2' gutter per current City standards along the entire project frontage. Install 5-foot wide attached sidewalk along the West Maude Avenue project frontage and a 5-foot minimum wide meandering sidewalk behind the existing trees. The design plan shown on sheet A2.1 and other appropriate civil sheets dated 8/19/2015 is subject to change during the plan check stage. [COA] [PUBLIC WORKS]
- EP-23. **ROOT BARRIER:**
Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR][PUBLIC WORKS]
- EP-24. **PUBLIC SIDEWALK EASEMENT:**
This project requires dedication of adequate easement to accomplish a new meandering public sidewalk. The sidewalk easement shall be executed in separate instrument. The design plan shown on sheet A2.1 and other appropriate civil sheets dated 8/19/2015 is subject to change during the plan check stage. [COA][PUBLIC WORKS]
- EP-25. **STREET PAVEMENT:**
Install type III slurry seal from lip of gutter to lip of gutter along project frontage on West Maude Avenue, unless otherwise approved by the Director of Public Works with alternatives.. [SDR] [PUBLIC WORKS]
- EP-26. **SIGNING AND STRIPING PLANS:**
Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. [SDR] [PUBLIC WORKS]
- EP-27. **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-28. **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

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- result of project construction to City's satisfaction by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-29. RECORD DRAWINGS:
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-30. DEFICIENT PUBLIC IMPROVEMENTS:
Any and all existing minor deficient public improvements (such as curb and gutter, sidewalk, backflow preventer, etc.) which are not in accordance to the latest city standards, and are not specifically identified in the project conditions, shall be upgraded to current city standards as required by the Director of Public Works as part of the off-site improvement plan review and approval. [COA] [PUBLIC WORKS]
- EP-31. PUBLIC WORKS DEVELOPMENT FEES:
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to 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]
- EP-32. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements for the entire project with. [COA] [PUBLIC WORKS]

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

- BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. TRANSPORTATION DEMAND MANAGEMENT:

A draft Transportation Demand Management (TDM) Program shall be submitted for review and preliminary approval by the Director of Community Development and the Director of Public Works Prior to issuance of a building permit for any structure within the approved project. [COA] [PLANNING]

BP-5. BLUEPRINT FOR A CLEAN BAY:

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

BP-6. RECYCLING AND SOLID WASTE ENCLOSURE:

The design plan shown on sheet A1.2, A2.1 and other appropriate sheets dated 8/19/2015 is subject to change during building plan review stage.

The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The required solid waste and recycling enclosures shall:

- a)** Match the design, materials and color of the main building;
- b)** Be of masonry construction;
- c)** Be screened from view;
- d)** All gates, lids and doors shall be closed at all times;
- e)** Shall not conflict with delivery/receiving areas;
- f)** Shall be consistent with the approved Waste and Recycling Management Plan;

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- g)** Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA][ENVIRONMENTAL SERVICES/PLANNING]
- BP-7. RECYCLING AND SOLID WASTE CONTAINER:**
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-8. SOLID WASTE DISPOSAL PLAN:**
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-9. ROOF EQUIPMENT:**
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-10. FEES AND BONDS:**
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) **TRANSPORTATION IMPACT FEE** - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$39,643.34, prior to issuance of a Building Permit (fee will be based on the fee in place at the time of payment). (SMC 3.50). [SDR] [PLANNING]
 - b) **HOUSING MITIGATION FEE** - Pay Housing Mitigation fee estimated at \$135,366.52, prior to issuance of a Building Permit. (SMC 19.22). [SDR] [PLANNING]
- BP-11. MECHANICAL EQUIPMENT (EXTERIOR):**
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units, including transformers, 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 units shall be placed underground, or be located beyond the face of the building with proper screening. [PLANNING] [COA]
- 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. 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 trees consistent with adopted Tree Replacement Standards.
- d) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- e) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- f) Compliance with water efficient landscaping provisions.

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. 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 within the project area 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 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.

- e) Any protected tree that is substantially damaged or destroyed as a result of construction activities shall be replaced with a minimum of 36-inch boxed specimen trees. [COA] [PLANNING/CITY ARBORIST]

BP-15. STORMWATER MANAGEMENT CALCULATIONS:

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

BP-16. STORMWATER MANAGEMENT PLAN:

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

BP-17. 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-18. STORMWATER - BEST MANAGEMENT PRACTICES:

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.

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- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
 - d) Covered trash, food waste, and compactor enclosures.
 - e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-19. MITIGATION MEASURE – CULTURAL RESOURCES:

Final construction drawings shall incorporate all mitigation measures related to cultural resources as set forth under "Mitigation Measures" in the approved environmental document and as noted below.

WHAT:

- 1) An archeological and Native American monitor must be present during any earth moving activities for the project.
- 2) A Native American monitor must be present during pre-construction testing that may involve ground disturbance.
- 3) If archeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations and walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

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- 4) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

WHEN: These mitigation measures shall be converted to conditions of approval for this Use Permit prior to final approval by the City Council. The conditions will become valid when the Use Permit is approved. Conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

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

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

BP-20. MITIGATION MEASURE – BIOLOGICAL RESOURCES:

Final construction drawings shall incorporate all mitigation measures related to biological resources as set forth under “Mitigation Measures” in the approved environmental document and as noted below.

WHAT: If construction and/or ground-disturbing activities are to commence within the primary nesting season (between February 15 and August 31), a qualified biologist must conduct a pre-construction bird nesting survey to be submitted to the City of Sunnyvale. If nests or either migratory birds or birds of prey are detected on or adjacent to the site, a no-disturbance buffer (generally 50 feet for passerines and 300 feet for raptors) in which no new site disturbance is permitted shall be observed until the nest has been abandoned. The size of the no-disturbance buffer shall be determined by the qualified biologist, and shall take into account local site features and existing source of potential disturbance. If more than 15 days elapses between the survey and the start of the construction, the survey shall be repeated.

WHEN: These mitigations shall be converted to conditions of approval for this Use Permit prior to final approval by the City Council. The conditions will become valid when the Use Permit is approved. These conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

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

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

BP-21. UNDERGROUND UTILITIES:

All utilities shall be placed underground, including boundary lines and service drops, in compliance with SMC requirements. The applicant shall provide a copy of an agreement with affected utility companies for undergrounding of any existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a building permit. [SDR] [PLANNING]

BP-22. BICYCLE SUPPORT FACILITIES:

Indoor shower and locker facilities shall be provided for men and women at the ratio of one shower for every 30 employees and individual lockers and shall be subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-23. CARPOOL PARKING:

A total of 8 preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]

BP-24. 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-25. BUILDING PERMIT ISSUANCE:

This project is subject to a partial vacation of an existing Public Utility Easement (per 328 M 17 and B0670 O.R. 309) during the building permit review stage. No building permit issuance for the parking structure prior to partial vacation of existing Public Utility Easement, unless otherwise approved by the Director of Community Development and the Director of Public Works. [COA] [PLANNING/PUBLIC WORKS]

BP-26. CONSTRUCTION MATERIAL AND STAGING:

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

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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. After landscaping and irrigation has been installed, an Irrigation Audit Report prepared by a certified professional, Landscaping Maintenance Schedule, and Certificate of Completion shall be submitted to the Planning Division. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:

All parking lot striping shall be striped as per the approved plans, Sunnyvale Municipal Code parking requirements, Citywide Design Guidelines, and Public Works standards. [COA] (PLANNING/ENGINEERING)

PF-3. MITIGATION MEASURES:

Documentation indicating that all environmental mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. [COA] [PLANNING]

PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:

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

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

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

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

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

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

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

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

DC-4. DUST CONTROL:

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

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

AT-1. RECYCLING AND SOLID WASTE:

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

AT-2. 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-3. PARKING LOT MAINTENANCE:

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

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

AT-4. STORMWATER 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-5. STORMWATER 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]

AT-6. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or

stored items shall not exceed the height of the enclosure [COA]
[PLANNING]

AT-7. TENANT LEASE AGREEMENTS:

Any new lease agreements shall include the following provisions:

- a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
- b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standards (with efforts to achieve LEED Platinum standards) and maintain facilities consistent with LEED Gold standards (or LEED Platinum if feasible) and USGBC certification. [COA]
[PLANNING]