

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
JUNE 13, 2016**

**Planning Application 2015-8138  
1271 Lawrence Station Road  
(APN 110-15-044, 045, 072)**

Site Development Permit: to allow a child care center for up to 84 students to occupy a vacant 4,894 square foot ground floor retail spaces in a mixed use residential/commercial building and convert an existing concrete plaza area into a 3,208 square foot outdoor play area.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

**GC-2. USE EXPIRATION:**

The approved Use Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

**GC-3. PERMIT EXPIRATION:**

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

**GC-4. INDEMNITY:**

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

**GC-5. NOTICE OF FEES PROTEST:**

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

**GC-6. COMPLIANCE WITH APPROVAL:**

Changes required as part of this planning application shall be completed within 60 days of the approval of this application. [COA] [PLANNING]

**GC-7. 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-8. SIGNS:**

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

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

**BP-1. CONDITIONS OF APPROVAL:**

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

**BP-2. RESPONSE TO CONDITIONS OF APPROVAL:**

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

**BP-3. NOTICE OF CONDITIONS OF APPROVAL:**

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

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

**BP-4. BLUEPRINT FOR A CLEAN BAY:**

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

**BP-5. 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-6. 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-7. 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-8. 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:

1. 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).
2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
3. 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.
4. 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-9. OUTDOOR PLAY YARD:**

An outdoor play area shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities on a secured area. The building permit plans shall include construction details for the play structures and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

**BP-10. 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:

1. Sodium vapor (or illumination with an equivalent energy savings).
2. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
3. Provide photocells for on/off control of all security and area lights.
4. All exterior security lights shall be equipped with vandal resistant covers.
5. Wall packs shall not extend above the roof of the building.
6. Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

**BP-11. PHOTOMETRIC PLAN:**

Prior 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-12. PARKING MANAGEMENT PLAN:**

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

1. Standard procedures/maps to drop-off and pick-up kids shall be included in the parent handbook.
2. The complex shall implement parking time limits for the parking spaces located within the courtyard so that they are available for parent drop-off and pick-up.
3. Clear signage shall be provided to display the time restrictions and crosswalk/walkway shall be striped clearly to enhance visibility.
4. Show and clearly stripe stalls that are reserved for resident and guest parking.

5. Employee parking locations shall be away from the building, in parking spaces that are the least used. [COA] [PLANNING]

BP-15. 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]

BP-16. PRESCHOOL PARKING AND CIRCULATION PLAN:

BP-17. VISION TRIANGLE:

The site shall be modified to comply with the requirements per Sunnyvale Municipal Code Section 19.34.060 for all driveways for driveway vision triangles.

BP-18. TRAFFIC IMPROVEMENTS:

1. The Permittee shall install and maintain an R3-18 sign (no left or u-turn sign) per California Manual of Uniform Traffic Control Devices standards and specifications immediately north of the southernmost driveway on Lawrence Station Road. The sign shall be within five feet west of the property line (outside the public right-of-way) and shall face northbound traffic.
2. The Permittee shall sign and mark the exit for the southernmost driveway as a right turn only driveway and a stop approach prior to the public right-of-way

BP-19. MITIGATION MEASURE #1 (HAZARDOUS MATERIAL):

WHAT: The applicant will be required to develop an Emergency Action Plan for the site addressing the risk presented to employees and students from surrounding industrial facilities. The plan shall include information on high-risk location within 1,000-feet of the project site and appropriate procedures to respond to accidental release of toxic or hazardous materials from these facilities and the follow components:

1. Contact information for nearby high-risk facilities (names and phone numbers of management/safety personnel).
2. Arrangements with nearby high-risk facilities for phone notification in the event of a hazardous materials release or potential release.
3. An initial and on-going safety training program for staff to ensure on-site personnel is familiar with the Emergency Action Plan.
4. Site plan and floor plan showing building exists, evacuation routes and interior areas of refuge (shelter in place), fire extinguishers and air handler shut-offs.

5. The plan shall be reviewed and updated annually and submitted to City Staff upon at the time of annual fire inspections.

WHEN: This mitigation measure will be converted into a condition of approval for the Special Development Permit prior to its review by the City's Planning Commission. The condition will become valid when the Special Development Permit is approved. Compliance with the mitigation measure is required to be demonstrated to the City by the applicant prior to occupancy of the site.

WHO: The applicant shall draft and submit an Emergency Action Plan as required by Mitigation Measure #1 for review and approval by the Fire Prevention Department and Director of Community Development. The applicant is solely responsible for implementation of this mitigation measure as well as demonstrating compliance to the City prior to occupancy of the site.

HOW: The project conditions of approval will require this mitigation measures if the project is approved.

This mitigation measure, combined with the implementation and enforcement of Federal, State and local regulations regarding the use, storage, transport and disposal of hazardous materials is expected to reduce the potential hazardous materials impacts to a less than significant level.

**BP-20. HAZARDOUS MATERISK RISK NOTIFICATION:**

The Permittee shall provide written disclosure to the parents or legal guardians of all children to be enrolled in the site's preschool facility informing them that the proposed use is located within proximity to industrial area that may result in high levels of noise, traffic, and exposure to hazardous materials. This disclosure shall be made prior to the enrollment of any child. Parents and legal guardians shall be provided a copy of the Emergency Action Plan. Written disclosure shall be provided in a format to be approved by the City prior to issuance of a building permit.

<b>DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.</b>
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**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:

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.
2. Construction equipment must be maintained per manufacturer's specifications.
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. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:



- a) The hours of operation are limited to 8:00 a.m. to 6:00 p.m. for standard hours of operation. Extended hours shall require separate approval by the City. Minor modifications may be approved by the Director of Community Development; major modifications may require approval at a public hearing. The Director of Community Development shall determine whether requested modifications are major or minor. [COA] [PLANNING]

AT-2. GOOD NEIGHBOR POLICIES:

Observe policies outlined in the “Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhoods” prepared by City of Sunnyvale Youth, Family & Child Care Resources and periodically engage neighbors to address operational concerns and issues for improvement.

AT-3. RECYCLING AND SOLID WASTE:

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

AT-4. LOUDSPEAKERS PROHIBITED:

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

AT-5. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. [COA] [PLANNING]

AT-6. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-7. PARKING MANAGEMENT:

On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

AT-8. UNENCLOSED STORAGE:

1. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure. [COA]

2. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

AT-9. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

1. Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
2. Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
3. Maintain all parking lot striping and marking.
4. 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-13 OPERATIONS:

1. At no point shall this site operate as a public or private educational institution recognized by the state education authority for one or more grades K through 12 or as otherwise defined by the State without the approval from Department of Public Works, Division of Transportation and Traffic. Such modification require an amendment to the SDP Permit and may require a traffic analysis (scoped by the City and funded by the applicant) as well as signing and striping improvements to be funded by the applicant.