

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS**
~~June 13, 2016~~ June 28, 2016

Planning Application 2016-7400
1184 N. Mathilda Avenue

Major Moffett Park Special Development Permit to demolish the existing surface parking and construct a new 248,259 square foot, five story office building over three stories of parking with additional rooftop and underground parking and reconfiguration of the surface parking lots within the office campus and including offsite, sustainability and other community benefits as shown in the project plans dated January 27, 2016 and written project description.

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, material 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; two separate one-year extensions may be requested through the filing of a miscellaneous plan permit prior to the permit's expiration. The extension may be granted at the discretion of the Director of Community Development. An extended, seven-year entitlement may be obtained by a non-refundable prepayment of at least 25% of the Transportation Impact Fee applicable to the project. [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 an 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 (OCA)]

GC-4. NOTICE OF FEE 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. STORMWATER MANAGEMENT:

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-6. 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-7. 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 13.08.060 and SMC 13.08.070)

GC-8. PUBLIC IMPROVEMENTS:

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

All public improvements shall be designed and constructed in accordance with current City design guidelines, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan with sheets C1.0 to C7.0 dated 7/7/15 is subject to change during the plan check process. [COA] [PUBLIC WORKS]

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

PS-1. COMMUNITY BENEFIT:

The project includes a number of sustainable design features and community benefits, as required in the Access Guidelines to the Development Reserve on pages 77-78 of the Moffett Park Specific Plan. Funds for community services are one of the Community Benefits. Prior to issuance of a building permit for any vertical construction, the developer shall provide the City a one-time payment of \$2,000,000 for funding staffing of three Public Safety Officer positions at Fire Station #5. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. WATER HYDRAULIC MODELING:

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

Upgrade of existing water main by the developer may be required as determined by the City and shall be incorporated into first off-site improvement plan check submittal. Developer shall receive fair-share credit as determined by the City if upgrades of water main are required. Contact Environmental Services Department/Water Operations at 408-730-2744 for more information. [COA]
[ENVIRONMENTAL SERVICES/PUBLIC WORKS]

PS-4. SANITARY SEWER ANALYSIS:

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

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

PS-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 25 percent reduction goal for total average daily trips and 30 percent reduction goal for peak hour trips of the entire office campus including the proposed project and existing office buildings at 1184, 1194 and 1220 N. Mathilda Avenue. Due to the existing leases for 1184, 1194 and 1220 N. Mathilda Avenue, compliance with the full reduction goal may be phased-in to coincide with the termination of the leases, or when a new tenant takes occupancy of the buildings, whichever occurs first. Interim goals for the entire site shall be based on the full requirement for the new building and the TDM reduction

goals included in the prior Use Permits approved for the site: 1998-1288 and 2000-0712.

- a) The new building trip reduction share shall not generate more than 212 AM trips and 186 PM estimated 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 Code(s) [760].
- b) At full implementation, the four building office campus shall not generate more than 575 AM trips and 505 PM estimated 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 Code(s) [760].
- c) The TDM plan shall:
 - i) Be consistent with the City's Transportation Demand Management (TDM) Program.
 - ii) Include statements of the number of trips that need to be reduced during daily and AM and PM peak hours.
 - iii) Include statements of the number of allowable average daily and AM and PM peak hour trips.
 - iv) 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.
 - v) Include a penalty for non-compliance with the targeted reductions with the said penalty to be determined by the Director of Public Works.
 - vi) Be approved by the Director of Community Development and the Director of Public Works, or designees.
 - vii) Be adjusted, subject to the same approvals, if targeted reductions are not met.

PS-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.

PS-7. TRANSPORTATION DEMAND MANAGEMENT PLAN (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, etc.); 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 Condition PS-5, 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 Condition PS-5, the property owner/tenant shall pay non-compliance penalties; 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.

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING 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. GREEN BUILDING:

- a) **New Building.** The plans submitted for building permits for the core and shell shall achieve a minimum of 70 points with USGBC certification; any tenant improvements to that building shall demonstrate the project achieves a minimum LEED Gold level with USGBC certification. The project plans shall be accompanied with a letter from the project's LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]
- b) **Existing Buildings.** Plans submitted for building permits for tenant improvements to the first three buildings (1184, 1194 and 1220 N. Mathilda Avenue) shall achieve the following LEED standards:
 - i) Tenant Improvement Plans submitted prior to January 1, 2017: projects shall comply with the Citywide Green Building Program. The project plans shall be accompanied with a letter from the project's LEED AP verifying the project is designed to achieve the required points.
 - ii) Tenant Improvement Plans submitted after January 2, 2017: projects shall achieve a minimum LEED Gold level. The project plans shall be accompanied with a letter from the project's LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

BP-6. 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 shall be uniform and compatible with the area, and shall not exceed 8 feet. 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-7. 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-8. 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-9. RECYCLING AND SOLID WASTE ENCLOSURE:

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

- a) Match the design, materials and color of the main building;
- b) Be of masonry construction;
- c) Be screened from view;
- d) All gates, lids and doors shall be closed at all times;
- e) Shall not conflict with delivery/receiving areas;
- f) Shall be consistent with the approved Waste and Recycling Management Plan;
- g) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA][ENVIRONMENTAL SERVICES/PLANNING]

BP-10. 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 illuminating compliance with this condition. [COA] [PLANNING]

BP-11. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-12. 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 \$1,379,575.26, prior to issuance of a Building Permit. (SMC 3.50) [SDR] [PLANNING]
- b) HOUSING IMPACT FEE - Pay Housing Impact fee estimated at \$2,418,042.66, prior to issuance of a Building Permit. (SMC 19.75). [SDR] [PLANNING]
- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the office building core and shell (SMC 19.52.0309 (b)) will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]
- d) FREEWAY FAIR SHARE CONTRIBUTION – The applicant shall pay a onetime fair share contribution of \$185,000.00 to mitigate project impacts to existing freeway segments (VTP 2040 express lanes on Hwy 237 between Mathilda Avenue and HWY 85).

BP-13. 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) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced per the City’s standards.
- c) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- d) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas. Details shall be provided prior to issuance of building permits.
- e) Provide a minimum fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalks.
- f) 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 or green, metal mesh with rounded top covers (e.g. “mailbox style”).

[COA] [PLANNING]

BP-14. 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-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 on adjacent properties within 10 feet of the property lines, 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 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. STREETLIGHTS:

Prior to first off-site plan check submittal, the developer is required to provide a photometric analysis for 5th Avenue so as to determine that the street lighting meets current City's Roadway Lighting Design Criteria. Roadway, sidewalk and crosswalk Illuminance calculations shall be calculated separately from each other.

The roadway and sidewalk illuminance values required to be met for 5th Avenue are:

1. Minimum Average Illuminance ≥ 0.9 fc
2. Uniformity Ratio (Avg/Min) ≤ 4.0
3. Max/Min ratio ≤ 20

Marked crosswalks at street intersection should have a minimum average illuminance value ≥ 2.2 fc.

Illuminance values for marked midblock crosswalk are as follows:

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

The developer shall upgrade all existing streetlight fixtures along 5th Avenue to LED fixtures. Developer shall relocate existing streetlights or install new ones along 5th Avenue based upon City approved photometric analysis, unless otherwise directed by the City.
[COA] [PLANNING]

BP-19. BUILDING PERMIT ISSUANCE:

Prior to Lot Line Adjustment and building permit issuance for the building, the existing private ingress/egress easements in favor of Parcel A and the existing private ingress/egress easement in favor of Parcel B shall be quitclaimed in its entirety, not a partial quitclaim, by separate instrument.

Prior to Lot Line Adjustment and building permit issuance for the building, the existing private storm drain easement shall be quitclaimed by separate instrument.
[COA] [PLANNING/PUBLIC WORKS]

BP-20. LOT LINE ADJUSTMENT

This project is subject to, and contingent upon the approval and recordation by separate instrument of a Lot Line Adjustment. All

existing and proposed property lines, easements, dedications shown on the lot line adjustment are subject to Public Work's technical review and approval process prior to any grading or building permit issuance. [COA] [Public Works]

BP-21. EMERGENCY VEHICLE ACCESS EASEMENT:

Developer shall dedicate a minimum 26'-wide emergency vehicle access easement over the surface parking areas delineated for fire apparatus access.

City will accept the dedication upon completion and acceptance of subject on-site improvements with recordation of Easement Deed(s) prior to building occupancy, unless otherwise approved by the Director of Public Works. [COA][PUBLIC SAFETY/PUBLIC WORKS]

BP-22. PUBLIC ACCESS EASEMENT FOR BICYCLE AND PEDESTRIAN ACCESS:

Developer shall dedicate a minimum 50-foot wide easement along 5th Avenue for purposes of public bicycle and pedestrian access.

City will accept the easement upon completion and acceptance of subject on-site improvements with recordation of Easement Deed(s) prior to building occupancy, unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]

BP-23. PRIVATE UTILITY AND INGRESS/EGRESS EASEMENTS:

Prior to building occupancy, private utility and ingress/egress for establishment of private easement shall be established. Developer shall provide recorded documentation. [COA] [PUBLIC WORKS]

BP-24. BICYCLE SPACES:

Provide a minimum of 146 Class I and 12 Class II bicycle parking spaces as approved by the Director of Community Development. [COA] [PLANNING]

BP-25. 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.
- 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. [COA] [PLANNING]

BP-26. INTERIOR 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:

MITIGATIONS-Ground-borne Vibration Related Noise

WHAT: Prior to issuance of a demolition, grading or building permit, the project applicant shall submit a demolition/construction plan for review and approval that would provide means to avoid unduly impact sensitive receptors from ground borne vibration from the operation of heavy construction equipment. Receiving land uses within 20 feet of

the project construction limits shall be indicated on the demolition/construction plan. Viable means of vibration reduction may include but are not limited to restrictions on the type of equipment that may operate within 25 feet of the property line and digging a trench along the property line that would interrupt the ground borne vibration wave to off-site receptors. The applicant shall submit an engineering report and demolition/construction plan and means of compliance with the engineering recommendations to the city for review and approval.

WHEN: The mitigation shall be incorporated into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The condition will become valid when the Permit is approved and prior to building permit issuance.

WHO: The property owner is responsible for completing the mitigation measure.

HOW: Prior to issuance of a demolition, grading or building permit, the project applicant shall submit a demolition/construction plan for review and approval.

BP-27. CONSTRUCTION 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:

WHAT: In order to mitigate construction noise impacts to a less than significant level, the following sound reduction measures are required:

- a) The developer and contractor must secure a temporary power service from the utility service in lieu of a generator.
- b) The majority of all buildings will be wrapped in plywood, which will reduce noise transmission as construction workers complete their work inside the building.
- c) The contractor must construct all applicable construction workers to keep compressors, etc. as close to the interior portions of the buildings as reasonably possible.
- d) Staging of concrete trucks must occur off-site so there will not be multiple concrete trucks onsite.
- e) Back-up beepers will be used only when required by law or as required to provide a safe work environment. Spotters or flaggers will be used in lieu of back-up beepers to direct backing operations when allowable.
- f) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g. improved mufflers,

- equipment redesigned, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- g) Construction-related traffic must be routed along major roadways and away from sensitive receptors where feasible.
 - h) Construction equipment shall be well maintained and used judiciously to be as quiet as practical.
 - i) The developer shall require all subcontractors to make efforts to mitigate sound transmission to the neighboring properties through the use of mufflers or other deadening methods.
 - j) All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
 - k) Unnecessary idling of internal combustion engines will be prohibited when feasible.
 - l) "Quiet" models of air compressors and other stationary noise sources shall be used where the technology exists.
 - m) Hydraulically or electrically-powered equipment shall be used and pneumatically-powered equipment shall be avoided where feasible. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, wherever feasible.
 - n) Stationary noise-generating equipment shall be located as far as possible from sensitive receptors when adjoining construction sites. Temporary noise barriers or partial enclosures will be constructed to acoustically shield such equipment wherever feasible.
 - o) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the on-site complaint and enforcement manager, and the City's noise enforcement officer, in the event of problems.

WHEN: The mitigation shall be incorporated into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Permit is approved and prior to the building permit issuance.

WHO: The developer is responsible for completing the mitigation measure.

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

BP-28. CULTURAL RESOURCES:

Final construction drawings shall incorporate all cultural resource mitigation measures as set forth under "Mitigation Measures" in the

approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING]

MITIGATION MEASURE:**WHAT:**

- 1) If a significant archaeological resource is identified during grading or construction, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:
 - Planning construction to avoid the archaeological site.
 - Incorporating the site within a green space; or other open space element;
 - Covering the site with a layer of chemically stable soil; or
 - Deeding the site into a permanent conservation easement.
- 2) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Information Center [CEQA Guidelines section 15126.4(b)].

Provide documentation that construction staff has been informed of the following requirement by a qualified archaeologist. In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be temporarily halted in the vicinity of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist 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 or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells privies.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

WHEN: These mitigation measures shall be converted into conditions of approval prior to final approval by the Planning Commission. The conditions will become valid when the entitlement is approved. Conditions will be applicable during the grading and construction of this project.

WHO: The property owner is responsible for instructing construction teams for completing the mitigation measure.

HOW: The conditions of approval require these mitigation measures to be incorporated into the grading and construction plans.

BP-29. TRANSPORTATION AND TRAFFIC

MITIGATIONS-Traffic

WHAT: Prior to occupancy, the project applicant shall, to the satisfaction of the Public Works Director, provide evidence that a fair share payment has been made to the City of Sunnyvale for intersection improvements via payment of the City's Traffic Impact Fee (TIF):

The following intersections require fair share payment under the Background Plus Project and Cumulative Plus Project traffic conditions:

- Mathilda Avenue and Moffett Park Drive
- Bordeaux Drive and Moffett Park Drive

WHEN: The mitigation shall be incorporated into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The condition will become valid when the Permit is approved and prior to building permit issuance.

WHO: The property owner is responsible for completing the mitigation measure

HOW: Payment of the TIF fee.

BP-30. 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]

BP-31. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks along the street frontages or as approved by the Art Commission. The applicant may post the required art bond while developing the art proposal. The project will not be finaled or occupancy released until the art has been installed or in-lieu fee paid. [COA] [PLANNING]

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

PF-1. 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. ARTWORK:

Artwork shall be installed as approved by Arts Commission. [SDR] [PLANNING]

PF-3. PARKING LOT STRIPING:

All parking lot striping shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING]

PF-4. GREEN BUILDING VERIFICATION:

Prior to final building inspection and occupancy, a qualified building professional shall provide evidence of adequate green building compliance or documentation to the Director of Community Development to satisfy the requirements of the standards for compliance for review and approval. This information shall include, but is not limited to:

- 1) Documentation that verifies incorporation of the design and construction related credits specified in the project approval;
- 2) A letter from the qualified green building professional that certifies that the covered project has been constructed in accordance with the approved green building project checklist;

- 3) Any additional documentation that would be required by the LEED™ reference guide for LEED certification (if required); and
- 4) Any additional information that the applicant believes is relevant to determining that a good faith effort has been made to comply with this chapter. [COA] [PLANNING]

PF-5. COMPLETION OF PUBLIC IMPROVEMENTS:

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

PF-6. NEW PUBLIC EASEMENTS LOCATED ON-SITE

Any new easements required for public use purpose shall be shown on a separate recorded Easement Deed deemed necessary by the Director of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]

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, and restriping of pedestrian crosswalks at Mathilda Avenue and 5th Avenue, 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](http://SUNNYVALE.CA.GOV/DEPARTMENTS/PUBLICWORKS/BENCHMARKS.RECORDMAPSANDRECORDDRAWINGS.ASPX) [COA][PUBLIC 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. MOFFETT PARK SPECIFIC PLAN:

This project is in the Moffett Park Specific Plan (MPSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the Specific Plan 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] (SMC 18.08.030 and SMC 12.08.010)

EP-6. WATER METER:

For water meter sizes two (2) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. Install new reduced pressure backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-7. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service line (separate from the domestic water service line) with a meter and reduced pressure backflow prevention device. Install backflow preventer enclosure where applicable. Irrigation water service line shall be connected from the reclaimed water line.

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

EP-8. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of any existing City utility 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-9. SEPARATE AND INDEPENDENT WATER UTILITY SERVICE LINES:

Each building shall have separate and independent water utility service lines tapped to the water main. [COA] [PUBLIC WORKS]

EP-10. SEPARATE FIRE PROTECTION SERVICE LINE:

Provide separate fire from domestic water service lines to each building. Install reduced pressure detector assembly (RPDA) behind

the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-11. 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 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 devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-12. RECLAIMED WATER LINE EXTENSION:

This project requires extension of the existing 8" reclaimed water line currently located in Mathilda Avenue south of the property, up to the northern property line of the project site (approximately 1850 feet). Precise limits of extension are subject to approval by the Director of Public Works as part of the off-site improvement plan review process [COA] [PUBLIC WORKS]

EP-13. 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-14. STORM DRAIN DESIGN

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

EP-15. 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-16. CURB RAMPS:

Remove and replace existing curb ramps, located at the northeast and southeast corner of N Mathilda Ave and 5th Ave, and install new curb ramps in accordance with current City design guidelines, standard

details and specifications, and American with Disabilities Act (ADA) requirements at street corners fronting project site. [COA] [PUBLIC WORKS]

EP-17. STREET PAVEMENT:

Apply Type II slurry seal across the entire width of the travel lane(s) for the reclaimed water installation fronting 1184 North Mathilda Avenue frontage.

Apply Type II slurry seal, from lip of gutter to the median curb, fronting 1194 North Mathilda Avenue frontage, or as directed by the Director of Public Works. [SDR] [PUBLIC WORKS]

EP-18. 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-19. 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-20. 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-21. APPROVAL FROM OTHER AGENCIES:

This project may require a VTA permit for work within VTA light rail tracks. [COA] [PUBLIC WORKS]

EP-22. RECORD DRAWINGS:

Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. Upon completion of the streetlight improvements, developer shall provide record drawings to the City in AutoCAD format. [COA] [PUBLIC WORKS]

EP-23. 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-24. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]
- EP-25. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]
- EP-26. VTA COORDINATION:
Developer shall notify VTA of the proposed plans to determine if any VTA bus lines will be impacted during construction. Developer shall coordinate directly with VTA for temporary bus stop location or bus rerouting as approved by VTA prior to Encroachment Permit. VTA contact is Rodrigo Carrasco, Service & Operations Planning (408) 321-7072.
- EP-27. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s) and ingress/egress easement(s) necessary for the project site, including 5th Avenue pedestrian and bicycle easement, shall be recorded with a separate instrument, unless otherwise approved by the Director of Public Works. Quitclaim deed is required for abandonment of private easements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements.
[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. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
- a) Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.
 - b) Construction equipment must be maintained per manufacturer's specifications.
 - c) Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
 - i. Substitute electrified or hybrid equipment for diesel- and gasoline powered equipment where practical.
 - ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - iv. Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]
- DC-3. 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.

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

- AT-1. DELIVERY HOURS:
- Delivery hours for the approved use shall comply with SMC 19.42.030:
- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
 - b) Nighttime delivery (period from 10:00 p.m. to 7:00 a.m. daily) is prohibited.
 - c) Delivery hours shall not conflict with the trash pickup schedule. [SDR] [PLANNING]
- AT-2. RECYCLING AND SOLID WASTE:
- All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

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. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

- a) Parking garage shall be maintained at all times so as to allow for parking vehicles.
- b) Maintain all parking lot striping and marking.
- c) 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-5. WATER BMP MAINTENANCE:

The project applicant, owner, or landlord 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. [COA] [PLANNING]

AT-6. STORMWATER BMP RIGHT OF ENTRY:

The project applicant, owner, or landlord 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 stormwater treatment best management practices contained in the approved Stormwater management Plan. [SDR] [PLANNING]

AT-7. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure areas. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

END OF CONDITIONS