

**RECEOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
8/23/2016**

Planning Application 2015-7399

777 Sunnyvale-Saratoga Road

Special Development Permit to allow an approximately 11,600 square foot new commercial building (grocery store) on an existing commercial site.

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:

<p>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</p>

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior

to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. INDEMNITY:

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

GC-4. NOTICE OF FEES PROTEST:

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

GC-5. STORMWATER MANAGEMENT PLAN:

Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

GC-6 OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site 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]

GC-8 PUBLIC IMPROVEMENTS:

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.

The developer is required to complete the installation of all public improvements and other improvements as deemed necessary by the Director of Public Works, prior to building occupancy or to the satisfaction of the Director of Public Works. [COA] [PUBLIC WORKS]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

Provide additional storefront windows or design elements to the recessed portions of the south and east elevations in the form of an additional material, color or other enhancement, subject to review and approval by the Director of Community Development.

PS-2. 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] (***modified by the Planning Commission on February 22, 2016***)

PS-3. REVISED CIRCULATION PLAN:

Alternative A:

Submit a revised circulation plan that restores one-way vehicular access north to south from the drive aisle at the northeast corner of the site to the parking area subject to review and approval by the Director of Community Development. [COA] [PLANNING] (***added by the Zoning Administrator on July 15, 2015***) or;

Alternative B:

Continue to evaluate and implement a revised circulation plan that restores two-way vehicular access north to south from the drive aisle at the northeast corner of the site between the project site and the site adjacent to the north, subject to review and approval by the Director of Community Development. [COA] [PLANNING] (***recommended by***

staff after the Zoning Administrator hearing. This alternative is also recommended by the Planning Commission).

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 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-5. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of solid waste and recycling 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) Be 13' wide by 13.5' deep (interior dimensions);
 - e) Have a 10' by 20' concrete stress pad in front;
 - f) Have an automatic fire sprinkler system if within 5' of a structure;
 - g) Have all gates, lids and doors closed at all times;
 - h) Not conflict with delivery/receiving areas;
 - i) Be consistent with the City's Design Guidelines for Solid Waste and Recycling Facilities;
 - j) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements.
- [COA][ENVIRONMENTAL SERVICES/PLANNING]

BP-6. SOLID WASTE DISPOSAL PLAN:

A detailed solid waste and recycling 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-7. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-8. 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 **\$18,619.66**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

BP-9. 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) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- d) Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- f) As designed on the approved site plan, a minimum 15-foot decorative paving band shall be incorporated along two driveways off Sunnyvale-Saratoga Road.
- g) ***Landscaping islands with the parking lot shall be added along the south property line (per Zoning Administrator Hearing decision on July 15, 2015).***
- h) ***A pedestrian walkway shall be added from the parking lot area to the entrance of the building (per Planning Commission decision on February 22, 2016).***
- i. ***Increase the landscape percentage of the site as much as possible while maintaining the minimum parking requirement by removing 18 spaces (per Planning Commission decision on February 22, 2016).*** [COA] [PLANNING]

BP-10. 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-11. 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/PUBLIC WORKS]

BP-12. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

BP-13. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.

- iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-14. CITY STREET TREES:

The landscape plan shall including street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]

BP-15. EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- 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.
- g) A minimum one foot-candle of light at all locations on the site shall be provided (per Zoning Administrator Hearing decision on July 15, 2015). [COA] [PLANNING]**

BP-16. 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-17. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

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

- a) Employee parking locations shall be away from the building, in parking spaces that are the least used.

- b) Specify the location and term of short-term parking.
- c) Allow the use of valet parking when appropriate on sites with limited parking.
- d) Employees shall be required to park on the site.
- e) Provide adequate signage to direct traffic and pedestrians [COA] [PLANNING]

BP-18. BICYCLE SPACES:

Provide 15 (12 Class I and 3 Class II) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-19. 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-20 FIRE FLOW:

An approved water supply capable of supplying the required fire flow for fire protection and firefighting operations shall be provided to the premises via a separate fire service main (SFC 507.1). Require fire flow for new building is 1500 GPM (50% reduction) out of one off site hydrant, for a minimum 1500 gpm for 2 hours. [COA] [FIRE PREVENTION]

BP-21. HISTORIC AND PREHISTORIC RESOURCES:

WHAT:

1) If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. Consultation shall also include any Native American group that the archaeologist determines is culturally affiliated with the find. The parties shall determine whether preservation in place is feasible. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space (i.e. landscaping); or capping and covering the resource. If avoidance is not feasible, as determined by the City, a qualified archaeologist, in consultation with the City, shall prepare and implement a detailed treatment plan. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of

(but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

2) Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery, the City of Sunnyvale Community Development Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If any find is determined to be significant, representatives from the City and the paleontologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. Work may proceed on other parts of the project site while mitigation for paleontological resources is being carried out.

3) If human skeletal remains are uncovered during construction, the construction contractor shall immediately halt work within 50 feet of the find, contact the Santa Clara County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the project applicant shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the construction contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the project

applicant has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City Council. The conditions will become valid when the SDP is approved. Conditions will be applicable during the construction of the project.

WHO: The property owner and contractor will be 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.

BP-22. AIR QUALITY:

The project will require grading of the site, including demolition and removal of the existing hardscape. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. Nearby residents could be affected by the change in air quality if mitigation is not implemented. Through the City's implementation of the municipal code's construction regulations and the bay area air quality management district (BAAQMD) regulations, this impact will be lessened to a less than significant level during construction. This could be accomplished through the following mitigation measures.

WHAT:

- 1) Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following BMPs that are required of all projects:
 - a. Water all active construction areas to maintain 12 percent soil moisture.
 - b) All grading shall be suspended when winds exceed 20 miles per hour.
 - c) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- d) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - e) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - f) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (including but not limited to dirt, sand, or gravel.)
 - g) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - h) Wind breaks and perimeter sand bags shall be used to minimize erosion.
 - i) The amount of simultaneously disturbed surface shall be minimized as much as possible.
 - j) Site access points from public roadways shall be paved or treated to prevent track-out.
 - k) Replace vegetation in disturbed areas as quickly as possible.
 - l) All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - m) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - n) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points.
 - o) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - p) Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- 2) Prior to issuance of any Grading or Demolition Permit, the applicant shall submit to the satisfaction of the City Engineer or Chief Building Official, evidence that project contractors only operate construction equipment with Tier 3 engines or CARB-certified Level 3 Verified Diesel Emission Control System (VDECS), such as a diesel particulate filter (DPF), installed on Tier 3

equipment. Level 3 DPFs remove at least 85 percent of diesel particulate matter. DPF installation can also results in co-benefits for other criteria air pollutants, such as nitrogen oxides (NOx) and reactive organic gases. At a minimum, these Tier 3 protections shall be implemented on all skip loaders, loaders, forklifts, and air compressors used by contractors. Contractors shall be restricted to a two-minute idling limit on all construction equipment. As an alternative, the project shall achieve a performance standard of not exceeding the BAAQMD thresholds relating to NOX, which shall be demonstrated to the satisfaction of the City by a qualified air quality consultant.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City Council. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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.

BP-23. GEOLOGY AND SOILS:

Prior to the issuance of a grading permit or improvement plans in lieu of a grading permit, and building plans the applicant shall demonstrate to the satisfaction of the City Engineer, that the recommendations of the project geotechnical report have been incorporated into the project grading and building plans.

BP-23. NOISE REDUCTION:

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

WHAT: Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Sunnyvale Community Development Department that the proposed project complies with the following:

- a) Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

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- b) Property owners and occupants located within 100 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Sunnyvale Community Development Department, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.
 - c) The Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Department. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.
 - d) Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the Community Development Department that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.
 - e) Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
 - f) During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
 - g) Pursuant to the Municipal Code Chapter 16.08, construction activities shall occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 7:00 a.m. and 5:00 p.m. on

Saturdays, and shall be prohibited on Sundays and holidays.

BP-25. BIOLOGICAL RESOURCES

WHAT: Prior to the issuance of Grading Plans or improvement plans, the Project applicant shall demonstrate to the satisfaction of the Director of Community Development that the following notes are shown on the grading and improvement plans: All tree and building removal and initial grading of the site shall occur outside of the migratory bird and raptor breeding season (September 16 through January 31) unless the following requirements are implemented:

a) If construction activities are scheduled to occur during the breeding season for non-special-status species (generally between February 1 to September 15)), a qualified wildlife biologist shall be retained to conduct the following focused nesting surveys, as follows:

1. Tree surveys shall be conducted within the Project site to look for nesting non-special-status migratory birds and raptors.
2. Surveys of all buildings shall be conducted to look for nesting non-special-status migratory birds and raptors.
3. The surveys shall be conducted between February 1 and September 15) and within one week prior to initiation of vegetation removal and ground disturbing activities.

b) A summary report of the survey findings shall be submitted to the satisfaction of the Director of Community Development. If no active nests are detected during surveys, then no additional mitigation is required.

c) If construction activities are scheduled to occur during the breeding season (generally between February 1 to September 15), and if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season, or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers shall be determined by a qualified wildlife biologist

and shall depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed in order to make an appropriate decision on buffer distances. A summary report of the survey findings with the location of the active nests and required buffer distances shall be submitted to the satisfaction of the City's Community Development Director.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City Council. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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.

BP-26. HAZARDOUS MATERIALS

WHAT: Prior to the issuance of a grading permit or improvement plans, the Project Applicant shall prepare and submit, to the satisfaction of the Community Development Director, a plan to test stockpiled soils prior to their export from the project site. The plan shall provide that soils samples shall be collected using industry-standard practices, tested for organochlorinated pesticides (OCPs) by EPA Method 8081 and for California Title 22 (CAM 17) Metals by EPA Method 6010, and disposed of only at a qualified facility, all as recommended by the applicant's environmental site assessment professional (Moore Twining Associates, Inc.) This plan, the conditions of which shall be incorporated into the first permit that includes ground disturbance, shall establish and describe procedures including, but not limited to: appropriate site control, sampling, remediation (if necessary), and disposal in accordance with applicable State and local requirements. In the event testing reveals unanticipated contaminants of concerns that exceed the California Human Health Screening Levels (CHHSLs) provided by the California Environmental Protection Agency, special handling procedures shall be implemented as directed by the environmental site assessment professional, which measures may include the use of dust masks during construction, dust control, and stockpile covering. The plan shall be amended, as necessary, to maintain the equivalent level of

environmental protection, in the event new information becomes available that could affect the implementation of the plan.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City Council. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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.

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][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 water meters, backflow preventers, sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA][PUBLIC WORKS]

EP-4. EXISTING UTILITY ABANDONMENT:

- Developer is responsible for researching 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-5. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:
Developer is required to pay for all changes or modifications to existing City utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]
- EP-6. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]
- EP-7. 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-8. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:
Each building shall have separate and independent utility service lines tapped to the main. [COA] [PUBLIC WORKS]
- EP-9. 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 main for on-site fire hydrants. Install reduced pressure detector assembly (RPDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-10. PUBLIC FIRE HYDRANTS:
Remove and replace the existing fire hydrant barrels along Mathilda Avenue with City standard Clow-Rich 865 and Sunnyvale-Saratoga with City standard Clow-Rich 75. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-11. WATER SYSTEM HYDRAULIC MODELING:

Upon City's conditional approval of the project and prior to first off-site improvement plan check submittal, Developer shall pay City a Water System Hydraulic Modeling fee in the amount to be determined by the City to ensure that water main servicing the proposed project would meet various City design guidelines and other statutory requirements for fire, domestic and irrigation flows in terms of pipe size, demands, pressure and velocity. Upgrade of existing water main by the developer may be required as determined by the City and shall be incorporated into first off-site improvement plan check submittal. Developer shall receive fair-share credit as determined by the City if upgrades of water main are required. Contact Environmental Services Department/Water Operations at [408-730-2744](tel:408-730-2744) for more information. [COA] [PUBLIC WORKS]

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

EP-13. SANITARY SEWER ANALYSIS:

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.

[COA] [PUBLIC WORKS]

EP-14. SANITARY SEWER CONNECTION TO MAIN:

Install a separate sanitary sewer lateral for the proposed building. All sanitary sewer laterals connecting to the existing public main line shall be with a new sanitary sewer manhole. Install sanitary sewer manholes at the property lines for all existing and proposed 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. STORM DRAIN TRIBUTARY PATTERN:

This project is required to follow the existing 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 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. DRIVEWAY APPROACHES:

Remove and replace existing driveways along Sunnyvale-Saratoga Road and Mathilda Avenue to comply with current City standards and the Americans with Disabilities Act (ADA) requirements. Sidewalk easements may be required to accommodate current standards. All driveways shall be City standard driveway cuts. Curb-return style driveways are not permitted. **~~Driveway throat depth for all driveways on Sunnyvale-Saratoga should be a minimum of 50 feet measured from face of curb (revised per Z.A. Hearing decision on July 15, 2015).~~** [COA] [PUBLIC WORKS]

- EP-21. **EXTENDED DRIVEWAY VISION TRIANGLE:**
Structures and vegetation must not exceed the height requirements within the extended driveway vision triangle per Municipal Code 19.34.060. [COA] [PUBLIC WORKS]
- EP-22. **STREETLIGHTS:**
Provide a photometric analysis for Mathilda Avenue and Sunnyvale-Saratoga Road to determine that the street lighting meets the City's Lighting Design Criteria. The photometric analysis shall include all streetlights along the project frontage on Sunnyvale-Saratoga to be upgraded to LED. The illuminance values required to be met for both Mathilda Avenue and Sunnyvale-Saratoga Road are: Minimum Average Illuminance = 1.3 fc or above and Uniformity Ratio (Avg./Min.) = 3.0 or below. The photometric plan shall also show the Luminaire schedule and the calculation summary. Remove existing street light fixtures and replace with new LED fixtures. [SDR] [PUBLIC WORKS]
- EP-23. **STREETSCAPE IMPROVEMENTS:**
Remove and replace broken and/or uplifted curb, gutter and sidewalk near the Orchard Supply Hardware sign and driveway along Mathilda Avenue. [COA] [PUBLIC WORKS]
- EP-24. **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-25. **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-26. **DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:**
Developer shall be responsible to rectify any damages to the existing public improvements fronting and adjacent to the project site caused by the project's construction activities to the satisfaction of the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-27. **PUBLIC WORKS FEES:**
Pay all applicable Public Works development fees associated with the project, including but not limited to, utility connection fees, technology surcharge fee, off-site improvement plan check fee, and inspection fee prior to any permit issuance. Fees are subject to change per fiscal year fee schedule.

EP-28. 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]

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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:

All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING/ENGINEERING]

PF-3. IRRIGATION METERS:

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

PF-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:

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. HOURS OF OPERATION:

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

- a) The hours of operation are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

AT-3. RECYCLING AND SOLID WASTE:

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

AT-4. LOUDSPEAKERS PROHIBITED:

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

AT-5. EXTERIOR EQUIPMENT:

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

AT-6. LANDSCAPE MAINTENANCE:

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

AT-7. AWNINGS:

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

AT-8. PARKING MANAGEMENT:

- On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-9. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee, customer, and compact 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.
 - e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-10. BMP MAINTENANCE:
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-11. BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]