

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
ZONING ADMINISTRATOR HEARING ON SEPTEMBER 14, 2016**

**Planning Application 2016-7436  
1212 Bordeaux Drive  
(APN 110-25-040)**

Minor Moffett Park Design Review permit to allow a new 100,091 square foot two-story office building with a partial mezzanine and a total Floor Area Ratio (FAR) of 50 percent on a 4.6 acre site. The existing 79,091 sq. ft. one-story industrial building is proposed to be demolished.

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

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

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

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

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

**GC-2. USE EXPIRATION:**

The approved Minor Moffett Park Design Review permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

**GC-3. PERMIT EXPIRATION:**

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

**GC-4. 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/signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan is subject to change during the plan check process.

The developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy, or to the satisfaction of the Public Works Department.

[COA] [PUBLIC WORKS]

**GC-5. 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. Off-site improvement plans are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

**GC-6. 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-7. 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-8. 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-9. 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]

<p><b>PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.</b></p>
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**PS-1. EXTERIOR MATERIALS REVIEW:**

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

**PS-2. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):**

The property owner (or designee) shall submit a TDM Plan to include a trip reduction program that results in a reduction of at least 20% total average daily trips and 30% peak hour trips. This trip reduction

is based on the estimated ITE Trip Generation Handbook [9th] Edition, Land Use Code(s). The TDM plan shall:

- a) Be per the City's Transportation Demand Management (TDM) Program.
- b) Include statements of the number of trips that need to be reduced during daily and AM and PM peak hours.
- c) Include statements of the number of allowable average daily and AM and PM peak hour trips.
- d) 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.
- e) Include a penalty for non-compliance with the targeted reductions with the said penalty to be determined by the Director of Public Works.
- f) Be approved by the Director of Community Development and the Director of Public Works, or designees.
- g) Be adjusted, subject to the same approvals, if targeted reductions are not met.

**PS-3. WATER HYDRAULIC MODELING:**

Prior to first off-site improvement plan check submittal, developer shall pay City a fee for Water System Hydraulic Modeling analysis to be conducted 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 the 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, 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. Sewer flow data may be required as needed. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

PS-5. STREETLIGHTS:

The developer shall upgrade all existing streetlight fixtures along the project frontage (both sides of the street and/or median, if present) to LED fixtures. All LED fixtures shall be manufactured by GE, Phillips, or approved equal and meet the current City of Sunnyvale LED roadway lighting specifications.

Developer shall test LED fixtures to ensure that replacement fixture is operable, if not, all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards. As part of the off-site improvement plan set, developer shall show project limits with roadway names, Right-of-Way lines, existing poles, streetlights, pull boxes, conduits, service pedestals and appurtenances. Developer shall obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. Upon completion of the streetlight improvements, developer shall provide record drawings to the City in AutoCAD format. [COA] [PUBLIC WORKS]

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); the City will invoice the owner or designee prior to the completion of the counts. The counts will be conducted per the Transportation Demand Management (TDM) Program at the City's discretion.

- a) If the annual driveway trip counts result in more trips than allowable per this section, the property-owner/tenant may be given

a six-month grace period to adjust their TDM program. At the end of the six-month grace period the City will administer new driveway trip counts at the cost of the property owner or designee. If the tenant continues to be non-compliant with the maximum allowable trips per this section, the property owner/tenant shall pay non-compliance penalties per this section; no additional grace periods will be granted. Such penalties shall be applied every year that the development is not in compliance with the maximum allowable trips generated. If there is a pattern of non-compliance no grace periods will be offered.

- b) All non-compliance trips are subject to penalties per the City's Transportation Demand Management (TDM) Program.
- c) Annual surveys of employees are not required to satisfy the monitoring requirement; however the surveys may provide insight into which programs are effective and which are not, or potentially identify extenuating circumstances unique to the site.

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR BUILDING SUPERSTRUCTURE PERMIT AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT.**

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. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:

- a) Match the design, materials and color of the main building.
- b) Be of masonry construction. [COA] [PLANNING]

BP-6. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-7. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-8. 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-9. 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 **\$161,979.74** prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at **\$162,750.00**, prior to issuance of a Building Permit. (SMC 19.75). [SDR] [PLANNING]

- c) ART IN PRIVATE DEVELOPMENT - Pay Art in Private Development bond, prior to issuance of a Building Permit. The fee will be estimated prior to the issuance of the building permits [SDR] [PLANNING]
- d) ART IN PRIVATE DEVELOPMENT BOND - If an artwork is proposed, bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire shopping center development project will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

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. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-12. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third



party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-13. 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-14. 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-15. 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-16. 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-17. COMPACT SPACES:**

Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

**BP-18. BICYCLE SPACES:**

Provide 13 OF Class I and 4 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

**BP-19. 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-20. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:**

A detailed solid waste disposal and recycling design 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-21. SOLID WASTE AND RECYCLING 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 solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City's latest guidelines. The required enclosures shall:
- d) Match the design, materials and color of the main building;
  - e) Be of masonry construction;
  - f) Be screened from view;
  - g) All gates, lids and doors shall be closed at all times;
  - h) Shall not conflict with delivery/receiving areas;
  - i) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
  - j) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-22. 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-23. 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-24. INGRESS & EGRESS AND PRIVATE WATER LINE EASEMENT:  
Existing IEE and PWLE easements are to be abandoned prior to the issuance of the Building permit.
- BP-25. PGE&E EASEMENT:

Existing PG&E easement is to be abandoned prior to the issuance of the Building permit. Provide a letter from PG&E (on PG&E letterhead) indicating that the abandonment and/or replacement of existing easement.

BP-26. DRIVEWAY:

Driveway approaches are to be 18' wide maximum. A "NO EXIT" legend is to be painted on the asphalt parking lot near the entrance. Arrows indicating the path of travel in the parking lot are to be painted on the asphalt for the entire route and "ONE WAY" signs are to accompany the arrows in the parking areas to better facilitate circulation. [COA] [PUBLIC WORKS]

BP-27. BUILDING PERMIT ISSUANCE:

Prior to building permit issuance, the multiple existing private easements shall be quitclaimed by separate instruments and a recorded/conformed copy provided to the City. [COA] [PUBLIC WORKS]

BP-28. DUAL PLUMBING:

With the first Building plan check submittal, the developer shall prepare and submit to the City for review by the City and the State Water Board an Engineering Report for the use of reclaimed water for dual plumbing purposes. Contact Environmental Services Department/Water Operations at 408-730-2744 for further information. [COA] [ENVIRONMENTAL SERVICES]

BP-29. CONSTRUCTION MATERIAL AND STAGING:

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

BP-30. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves 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]

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

EP-1. 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 MPSP or as amended and approved by the City. [COA] [PUBLIC WORKS]

EP-2. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, including street improvement plans, streetscape plans, streetlight plans, signing/striping plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. [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 preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]

EP-4. BENCHMARKS:

The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website. NGVD 29 conversion will not be accepted. <http://sunnyvale.ca.gov/Departments/PublicWorks/BenchMarks,RecordMapsandRecordDrawings.aspx> [COA] [PUBLIC WORKS]

EP-5. EASEMENT DEEDS:

This project requires a minimum of 7.5' wide storm drain easement measured along the northern property line and a 15' wide storm drain easement measured along the easterly property line. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-6. UTILITY CONNECTION:

This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]

EP-7. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be at a new sanitary sewer manhole. All storm drain laterals

connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing downstream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]

EP-8. EXISTING UTILITY ABANDONMENT/RELOCATION:

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

EP-9. 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-10. 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 any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-11. WET UTILITIES:

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

EP-12. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of existing City water service lines is not allowed. Re-use of existing City sanitary sewer and storm drain service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the

existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. Off-site improvement plans are subject to change during the plan check process. [COA] [PUBLIC WORKS]

EP-13. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:

Provide separate fire and domestic 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-14. PUBLIC FIRE HYDRANTS:

Remove and replace the existing fire hydrant barrel(s) along Bordeaux Drive with current City standard Clow-Rich 865. 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-15. WATER METER:

Each building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. 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. If the buildings water demand requires a water meter 3" or larger, installation of dual meters and a cut-in tee are required per City standard detail 12B and 12B-1. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) for each point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

This project requires connection to city's existing reclaimed water system for irrigation purpose. Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

- Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code.
- EP-17. RECLAIMED WATER:  
The use of reclaimed water requires a Recycled Water Permit from the City. Contact Environmental Services Department/Water Operations at 408-730-2744 for further information.[SDR] [PUBLIC WORKS]
- EP-18. SANITARY SEWER AND STORMDRAIN MANHOLES:  
Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-19. SANITARY SEWER VIDEO:  
The contractor shall make a video copy of the interior of the new sanitary sewer mainline installed prior to it is put into service. [COA] [PUBLIC WORKS]
- EP-20. 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 Department 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-21. 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 project impact to the existing storm drain main shall retain 1' below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter.
- EP-22. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:  
Pursuant to SMC 12.60.130, install full trash capture devices on each of 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]



## EP-23. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

## EP-24. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. Southerly driveway approach is to be designated as "IN-ONLY". Northerly driveway approach is to be designated as "OUT-ONLY". Appropriate signage for no entry is to be provided. [COA] [PUBLIC WORKS]

## EP-25. STREETSCAPE IMPROVEMENTS:

Remove existing sidewalk and install new 4-foot landscape strip and 6-foot detached sidewalk along Bordeaux Drive excepting a portion of approximately 130' located in front of existing olive trees #478, 480, 482. Provide sidewalk transition to terminate at the property line on the north end. The sidewalk near the south access ramp is to tie into and conform to the 4' park-strip, 6' sidewalk streetscape.

The sidewalk in front of existing olive trees #478, 480, and 482 is to be removed and new 6' wide monolithic sidewalk is to be installed or as approved by the Director of Public Works. [COA] [PUBLIC WORKS]

## EP-26. BIKE PATH:

Bike path may connect to city sidewalk provided a pedestrian access easement is provided. [COA] [PUBLIC WORKS]

## EP-27. STREET PAVEMENT:

2" grind and overlay at area of utility tie in from Bordeaux Drive's easterly lip of gutter to centerline between the southerly property line and the center line of 5<sup>th</sup> Avenue as shown on sheet C2.

The rest of the project frontage excepting the 2" grind and overlay shall be crack sealed and type II slurry sealed from lip of gutter to lip of gutter or as approved by Department of Public Works. [SDR] [PUBLIC WORKS]

## EP-28. OFF-SITE PARKING

Employee bus or shuttle must load/unload on-site. Street parking, loading, unloading is not permitted along property frontage.

## EP-29. 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. Limit line and STOP legend is to be installed on 5<sup>th</sup> Avenue near the STOP sign at the 5<sup>th</sup> and Bordeaux intersection. [SDR] [PUBLIC WORKS]

## EP-30. TRAFFIC CONTROL PLAN:

Submit a traffic control plan with the off-site improvement plans for review and approval. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

## EP-31. STREET TREES:

The developer shall install required street trees along the project frontage. Developer shall propose several tree species for city review and approval. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15 gallon size. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

## EP-32. 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-33. 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 Department 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-34. APPROVAL FROM OTHER AGENCIES:

This project requires approval letter/permit from the Santa Clara Valley Water District for bike path connection to the West Channel. [COA] [PUBLIC WORKS]

## EP-35. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department 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]

EP-36. RECORD DRAWINGS:

Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]

EP-37. 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-38. 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-39. OFF-SITE IMPROVEMENT COST ESTIMATE:

Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [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. COMPACT SPACES:

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

**PF-3. 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-4. HISTORIC AND CULTURAL RESOURCES**

The project would include the following measures to reduce or avoid potential impacts to prehistoric resources, should they be encountered during construction. With implementation of these measures, impacts to archaeological resources would be reduced to less than significant.

- a) Prior to the ground disturbance, conduct further study to adequately assess locations of the proposed project that have the potential to disturb sensitive landforms. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geo-archaeological analyses as well as other common methods used to identify the presence of buried archaeological resources. This report should also contain “next-step” recommendations. Refer to the list of consultants who meet the Secretary of Interior’s Standards at <http://www.chrisinfo.org/>.
  - Archeological Resource Plan: If archeological resources are encountered during excavation, grading, construction, then the applicant and City 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 park, 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.
- b) 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.

- c) 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 Regional Information Center [CEQA Guidelines section 15126.4(b)].
- d) 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 stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above.
- e) If human remains are found, special rules set forth in California Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

WHEN: These mitigations shall be converted into conditions of approval for this Development Permit prior to its final approval by the City's Zoning Administrator. The conditions will become valid when the Minor Moffett Park Design Review permit 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. [COA] [PLANNING]

**PF-5. CONSTRUCTION NOISE:**

- PF-1. The developer and contractor must secure a temporary power service from the utility service in lieu of a generator.
- PF-2. The majority of all buildings will be wrapped in plywood, which will reduce noise transmission as construction workers complete their work inside the building.
- PF-3. The contractor must construct all applicable construction workers to keep compressors, etc. as close to the interior portions of the buildings as reasonably possible.
- PF-4. Staging of concrete trucks must occur off-site so there will not be multiple concrete trucks onsite.
- PF-5. 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.
- PF-6. 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).

WHEN: These mitigations shall be converted into conditions of approval for the Minor Moffett Park Design Review permit prior to its final approval by the City's Zoning Administrator. The conditions will become valid when the Minor Moffett Park Design Review permit is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

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

PF-7. DUAL PLUMBING – ENGINEERING REPORT

The Engineering Report shall be approved by the City and the State Water Board prior to Building Occupancy issuance. [COA] [ENVIRONMENTAL SERVICES]

PF-8. NEW PUBLIC EASEMENTS LOCATED ON-SITE:

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

PF-9. COMPLETION OF PUBLIC IMPROVEMENTS:

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

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

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

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

OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes

(as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

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

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

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

DC-4. DUST CONTROL:

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

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

AT-1. 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-2. RECYCLING AND SOLID WASTE:

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

- AT-3. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-4. 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-5. 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-6. PARKING MANAGEMENT:  
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-7. 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]