

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
PLANNING COMMISSION: NOVEMBER 14, 2016
CITY COUNCIL: DECEMBER 13, 2016**

**Planning Application 2015-7576
1250 Lakeside Drive**

(APNs 216-43-035 and 216-43-036)

SPECIFIC PLAN AMENDMENT: to the Lakeside Specific Plan to revise the land use configuration, increase the height allowance, and make other miscellaneous updates.

SPECIAL DEVELOPMENT PERMIT: for development of an existing vacant site with two new buildings and associated site improvements - a six-story, 263-room hotel with an attached 3,000 sq. ft. restaurant and an attached three-level above grade parking structure; and a five-story, 250-unit apartment building over a two-level, above-grade podium parking garage

PARCEL MAP: to subdivide the site into two lots for each land use.

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 hotel use with restaurant and bar facilities shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION:

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

GC-4. INDEMNITY:

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

GC-5. NOTICE OF FEES PROTEST:

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

GC-6. ON-SITE AMENITIES:

Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-7. ALCOHOL BEVERAGE CONTROL (ABC):

If alcohol service is proposed within the hotel, the project applicant shall obtain all appropriate and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of use approved as part of this permit. [COA] [PLANNING]

GC-8. USE AND ABC COMPLIANCE:

Non-compliance with the Conditions of Approval for this planning application or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either reconsideration (discretionary review of new application) of the SDP and the imposition of additional Conditions of Approval or the initiation of the revocation process by the Director of Community Development. [COA] [PLANNING]

GC-9. BELOW MARKET RATE PROGRAM/CONDO CONVERSION:

Any future conversion of this apartment project into 8 or more condominium units for sale to individual home buyers will require compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]

GC-10. RECREATION FACILITIES:

The recreation facilities (pool and clubhouse) shall be installed in connection with the residential building construction and included on the building permit plans for the first phase. [COA] [PLANNING]

GC-11. PROJECT PHASING:

The project shall not be phased during construction. The residential portion of the project shall be constructed at substantially the same time as the hotel portion of the project. [COA] [PLANNING]

GC-12. RECIPROCAL ACCESS:

The hotel and residential portions of the project shall have the following reciprocal features. These services shall be available at a reasonable cost to the residents and hotel guests [COA] [PLANNING]

- a) Fitness and recreation area use - The hotel's fitness and recreation areas shall be available for resident use.
- b) Room cleaning services - A house cleaning services program shall be offered to residents at a reasonable market rate. This program is intended to be a typical weekly, bi-weekly, or monthly cleaning service.
- c) Car Rental - Hotel car rental services shall be offered to residents at a reasonable market rate.
- d) Airport Shuttle from Hotel - Hotel shuttle shall be offered to residents and employees at a reasonable market rate.
- e) Bicycles - The feasibility of a shared bicycle program for the apartments shall be explored and made accessible for rent by hotel guests at a reasonable market rate.

- f) Lake access - Access to the lake shall remain open to residents and hotel guests along the full lake frontage length of the project.
- GC-13. 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-14. ENVIRONMENTAL MITIGATION MEASURES:
The project shall comply with all mitigation measures required in the project Supplemental Environmental Impact Report. The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations. [COA] [PLANNING/PUBLIC WORKS]
- GC-15. 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 signs, striping, street lights, etc.
- All public improvements shall be designed and constructed in accordance with current City design guidelines, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The off-site improvements shown on site development plan on sheets C1.1 to C5.3 dated 10/6/16 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 of the first building, or to the satisfaction of the Public Works Department. [COA] [PUBLIC WORKS]
- GC-16. OFF-SITE IMPROVEMENT PLANS:
Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. [SDR] [PUBLIC WORKS]
- GC-17. 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-18. LAKE ACCESS EASEMENT:

There shall be recorded a public access easement to allow formal access to the lake and the pathway leading around the portion of the lake on the subject parcels, that includes the following conditions:

- a) The trail shall remain open to the public.
 - b) Access to the portion of the trail leading directly behind the hotel can be blocked periodically during hotel events, such as wedding or photo shoots. During this time, pedestrian traffic shall be directed to an alternative route around the lake.
 - c) At no time shall the path behind the hotel and the bridges leading across the lake be simultaneously blocked from public access.
- [COA] [PUBLIC WORKS]

GC-19. SIDEWALK EASEMENT:

This project requires a sidewalk easement along Lakeside Drive to accommodate a meandering sidewalk to save existing street trees. [COA] [PUBLIC WORKS]

GC-20. RECORDATION OF PARCEL MAPS:

This project is subject to, and contingent upon recordation of one or more parcel maps. The submittal, approval and recordation of the parcel map(s) shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Parcel map(s) shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding parcel map. [COA] [PUBLIC WORKS]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The final construction plans shall include the following information:

- a) Concrete Stress Pads - The stress pad for the residential solid waste staging area shall have minimum dimensions of 12' x 20' or alternative as determined by the Director of Environmental Services. The stress pad for the hotel solid waste loading area shall have minimum dimensions of 14'2.5" x 20' or alternative as determined by the Director of Environmental Services.
- b) Per Planning Commission direction, the number of electric vehicle charging spaces for the residential building shall be increased from 63

spaces to the capacity of the existing infrastructure onsite, and not more than 90 spaces.

- c) Per Planning Commission direction, the tree planting palette shall incorporate more native species with a significant quantity of estate-sized genetic species trees. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

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]

PS-3. GEOTECHNICAL INVESTIGATION:

Per the geology and soils planning considerations in the project Supplemental Environmental Impact Report (SEIR), a detailed design-level geotechnical investigation shall be completed and the project design and construction shall follow the recommendations of the investigation. The design-level investigation shall include subsurface exploration at the site (to address the liquefaction potential at the site) and evaluation of appropriate foundation systems for proposed structures, as well as site preparation and pavement design.

If deep foundation systems are proposed, the foundations shall incorporate measures to help reduce the potential for the downward migration of contaminated groundwater. The investigation shall also address any need for dewatering during construction. If dewatering is required, the report shall identify the amount and depth of dewatering and the specifics regarding disposal of the water. [COA] [PLANNING/BUILDING]

PS-4. SOIL MITIGATION AGENCY COORDINATION:

Per the hazards and hazardous materials planning considerations in the project Supplemental Environmental Impact Report (SEIR), the Santa Clara County Department (DEH) of Environmental Health or the Department of Toxic Substances Control (DTSC) shall be contacted to evaluate potentially required soil mitigation measures. All required mitigation measures shall be completed under the oversight of an appropriate regulatory agency. Additional soil sampling may be required to better characterize the lateral and vertical distribution of chlordane and heptachlor at the site.

Common and potentially applicable remedial measures may include: 1) excavation and off-site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above.

If excess soil is generated during site development activities, the impacted soil should be segregated for on-site capsulation or off-site

disposal at a permitted facility. Soil capped on-site would likely require agency concurrence; may require disclosure to future site owners/occupants; and may require a Land Use Covenant/Soil Management Plan or similar document for the long-term management of the capped soil. Soil that would be disposed of off-site shall require additional sampling to facilitate selection of the appropriate facility. [COA] [PLANNING]

PS-5. ONSITE WELL CLOSURE:

Per the hazards and hazardous materials planning considerations in the project Supplemental Environmental Impact Report (SEIR), on-site wells that are no longer in use shall be properly destroyed in accordance with Santa Clara Valley Water District Ordinance 90-1. Wells that are still in use shall be protected to avoid damage during construction activities; this work should be coordinated with Texas Instruments Incorporated. [COA] [PLANNING]

PS-6. ENVIRONMENTAL MITIGATION MEASURES:

Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures contained in these Conditions of Approval [COA] [PLANNING]

Mitigation Measure

PS-7. HYDRAULIC ANALYSIS:

Prior to first off-site improvement plan check submittal, developer shall obtain a Hydraulic Analysis by paying a Water System Hydraulic Modeling fee in the amount to be determined by the City to ensure that water main servicing the proposed project meets various City design guidelines and other statutory requirements for fire, domestic and irrigation flows in terms of pipe size, demands, pressure and velocity. Contact Environmental Services Department/Water Operations at 408-730-2744 for more information. [COA] [ENVIRONMENTAL SERVICES/PUBLIC WORKS]

PS-8. 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. Any mitigation

improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

PS-9. STREETLIGHTS:

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

The roadway and sidewalk illuminance values required to be met for Lakeside Drive are:

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

Developer shall install new streetlights and remove and replace/upgrade conduits, wires, pull boxes, and conductors (to current City standards) along the project frontage based upon City approved photometric analysis, unless otherwise directed by the City. All LED fixtures shall be of the same make and model (current approved manufacturers are GE and Phillips).

For photometric analysis: LLF factor to be used is 0.95. The LED fixture should have an efficiency of at least 90 lumen/watt and should have the International Dark-Sky Association (IDA) fixture seal of approval (FSA) and be on their IDA-Approved™ Products list. Along with the photometric analysis the developer shall provide cut sheets for proposed fixture, (i.e. files used to perform analysis), test results from certified independent lab, and electronic copy of the photometric analysis in AGi32 format. All LED fixtures shall have a 10 year warranty.

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [COA] [PUBLIC WORKS]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR FOUNDATION BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S). THESE CONDITIONS SHALL ALSO BE COMPLIED WITH DURING CONSTRUCTION APPROVED UNDER ANY SUBSEQUENT SUPERSTRUCTURE PERMITS, IF APPLICABLE.

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. ADDRESS:

An addressing monument shall be erected which is illuminated during the hours of darkness and positioned so as to be readily readable from the street. Numbers that are a minimum height of 12" are recommended. Each individual building and unit shall be clearly marked with the appropriate building number and address. [SDR] [PUBLIC SAFETY]

BP-6. FIRE PREVENTION DIVISION REQUIREMENTS:

- a) 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) Provide construction type, occupancy and square feet of each building for calculation. Fire flow requirements R-2, 25% reduction, IIIB, 436, 043 sqft , 5,050 gpm out of 3 offsite and 2 onsite hydrants for 4 hours. Each hydrant shall flow 1000 gpm at 20 psi minimum.
- b) A fully automatic fire sprinkler system, fire alarm system, Class III standpipe system, smoke detection system, carbon monoxide detection system and occupant notification system are required.

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- c) Activation of the fire alarm system shall initiate an occupant notification system in accordance with CFC 907.6.
 - d) If proposing an R2 occupancy, comply with CFC 907.5.2.3.4 for prewire for visual notification devices.
 - e) Comply with NFPA 72 18.4.5.3 for low frequency sounders in sleeping areas.
 - f) New buildings four or more stories in height above grade plane are required to be provided with an approved stairway to the roof in accordance with Section 1009.13 of the CFC. Exception: Buildings having a roof slope greater than 33.3 percent. (2010 CFC 504.3)
 - g) Rooftop gardens shall comply with CFC 317 and CFC 905.3.8.
 - h) Provide details related to building services and systems, including but not limited to, commercial kitchen hoods, fuel-fired equipment (generators, fire pumps, etc), mechanical refrigeration (chiller rooms), elevator recall, and stationary battery systems.
 - i) Provide required number of approved fire extinguishers, smoke detectors, and carbon monoxide detectors.
 - j) Designated public assembly areas shall comply with requirements for Group A occupancies. Commercial kitchen exhaust hoods shall comply with CFC Section 609.
 - k) Liquid carbon dioxide systems (e.g. beverage dispensing), including piping, shall comply with Chapter 53 of the CFC and NFPA 55.
 - l) Pool use and storage of hazardous materials shall comply with local and state requirements.
 - m) The parking structure shall be equipped throughout with an approved automatic sprinkler system and standpipe system.
 - n) Public garages consisting of two or more floors, including below grade levels, are required to be equipped throughout with approved emergency call boxes in accordance with the following:
 - i. A dedicated phone line is required for each call box.
 - ii. Call boxes shall be located at exit discharges - exterior of stairwells and approximately every 100 feet of travel distance (200' apart) for areas between exit discharges.
 - iii. Call boxes shall be accessible for all users.
 - o) All buildings shall have approved radio coverage for emergency responders in accordance with Section 510 of the California Fire Code and local standards. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for additional details. (SMC 510.1)
 - p) Wherever a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure is required to provide and install radio retransmission equipment necessary to restore communication capabilities. Such equipment shall be located in an approved space or area within the new structure. (SMC 510.1.1)
 - q) Trash enclosures, within 5 feet of building exterior walls or overhangs require fire sprinkler protection.

- r) Knox boxes (key boxes) will be required in accordance with Sunnyvale Fire Prevention guidelines.
- s) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- t) Required means of egress during construction. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls and windows are in place. Exception: In new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purpose of stairway construction (i.e. installation of gypsum board, painting, flooring, etc.). [SMC 1411.1]
- u) Provide a written Fire Protection Construction Plan.
- v) Provide an approved electronic "Pre-Fire Survey" map prior to Public Safety Department final recommendation for Certificate of Occupancy. [SDR] [FIRE PREVENTION]

BP-7. 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:

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

BP-8. 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-9. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City

requirements and guidelines for non-residential projects. [COA]
[PLANNING/ENVIRONMENTAL SERVICES]

BP-10. ROOF EQUIPMENT:

All rooftop equipment shall be screened from public view in all directions per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof or screening structure. [COA] [PLANNING]

BP-11. PARK DEDICATION REQUIREMENT:

The park dedication requirement of 2.25 acres shall be satisfied with a combination of land dedication in the form of an easement and with in-lieu fees, provided the land proposed for dedication meets the City standard for park land dedication. If the land does not meet the park land dedication standard then park dedication in-lieu fees shall be paid for the entire requirement prior to building permit issuance, currently estimated at \$12,643,290. The final fee rate is calculated at time of building permit submittal.

If the land proposed for dedication meets the City standard for park land dedication, the City may give credits for 25% per acre of the emergency vehicle access (EVA) area at the public park and 50% per acre of the remaining on and off-site public park areas. No credits may be given to unusable areas (e.g. bioswales). Park dedication credits are contingent on the following conditions:

- a) The public park area (on and off-site) shall be open to the public and shall not be restricted in use. The public park area shall be dedicated in the form of an easement, included on the final map, and maintained in perpetuity by the property owner and the association responsible for maintaining the off-site lake area. Public access easements are required throughout the public park (on and offsite), with the final locations to be determined by the Director of Public Works and Director of Community Development.
- b) The final public park area design shall be reviewed and approved by the Director of Public Works prior to building permit issuance.
- c) Prior to final occupancy, the property owner and association shall enter into a joint use and maintenance agreement acceptable to the City.
- d) The public park area shall be Americans with Disabilities Act (ADA)-compliant throughout the on and offsite areas. Prior to final occupancy, the property owner shall provide an ADA compliance report to the satisfaction of the City Engineer.
- e) Public parking for public park use shall be provided at the project site.
- f) Public seating shall be provided throughout the public park area.
- g) Public pathways shall be a minimum of five feet wide, or as determined by the City.
- h) The dog park shall be included within the public park area.

- i) Other properties within the association are not permitted to obtain park dedication credit for the same public park area improvements provided as part of this project.
[COA][PLANNING/PUBLIC WORKS]
- BP-12. GREEN BUILDING:
- The plans submitted for building permits shall demonstrate the project achieves the following green building measures in addition to CALGreen mandatory measures:
- a) **Residential** - A minimum of 80 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points.
 - b) **Hotel** - 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]
- BP-13. 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 **\$686,001.00**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
 - b) HOUSING MITIGATION FEE - Payment of a housing mitigation fee per SMC 19.75 is not required since the project was deemed complete prior to the ordinance effective date of housing mitigation fee payments for rental housing projects. [SDR] [PLANNING]
 - c) PARK IN-LIEU - Pay Park In-lieu fees per Condition BP-11, prior to approval of the Final Parcel Map. The final rate is calculated at the time of final map completeness. (SMC 18.10). [SDR] [PLANNING]
 - d) ART IN PRIVATE DEVELOPMENT PERMIT - Pay Art in Private Development permit estimated at **\$3,631**, prior to issuance of a Building Permit. [SDR] [PLANNING]
 - e) ART IN PRIVATE DEVELOPMENT BOND - A bond, letter of credit, cash deposit or other similar security instrument for 1% of the project construction valuation 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-14. MECHANICAL EQUIPMENT (EXTERIOR):
- Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior

- to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]
- BP-15. ART IN PRIVATE DEVELOPMENT REVIEW:
An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide publicly visible artwork. The applicant may post the required art bond while developing the art proposal. The project will not be finalized or occupancy released until the art has been installed or in-lieu fee paid. [COA] [PLANNING]
- BP-16. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):
The multi-family residential use shall participate in the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). A final TDM plan shall be approved by the Director of Community Development prior to issuance of building permits.
- BP-17. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways or structures shall be landscaped.
 - b) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced per the City’s Tree Replacement Standards.
 - c) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - d) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
 - e) Backflow device and other appurtenances are to include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located in the front yard landscape areas. Covers should be black, metal mesh with rounded top covers (e.g. “mailbox style”).
 - f) Modifications from the approved entitlement plans will require a separate staff-level permit, subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-18. 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-19. 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-20. OFFSITE TREE REMOVALS:

Approved offsite tree removals shall be accompanied with written permission by the property owner or association prior to removal. [COA] [PLANNING]

BP-21. STORMWATER MANAGEMENT CALCULATIONS:

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

BP-22. 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-23. 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-24. 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-25. CITY STREET TREES:

The landscape plan shall include 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-26. 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, or as otherwise deemed appropriate.
- 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) Installation of lights at a minimum of 50 feet intervals along private driveways, or as otherwise deemed appropriate. [COA] [PLANNING]

BP-27. 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-28. PARKING MANAGEMENT PLAN (RESIDENTIAL):

A Parking Management Plan is subject to 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) A clear definition of “guest” as proposed by the property manager and subject to review and approval by the Director of Community Development.
- b) The property manager may specify that 25% to 75% of unassigned spaces be reserved for guest use.
- c) Clearly indicate that the property manager shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans.
- g) All entrances to parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removal of vehicles at the property owners/managers request. [PLANNING] [COA]

BP-29. PARKING MANAGEMENT PLAN (HOTEL):

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) Employee parking shall be provided on the site.
- e) Provide adequate signage to direct traffic and pedestrians [COA] [PLANNING]

BP-30. COMPACT SPACES:

Compact spaces are prohibited for nonresidential uses and may be considered for residential uses per SMC 19.46. 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-31. BICYCLE SPACES:

The final construction plans shall demonstrate that at least 80 Class I secured bicycle parking spaces are provided for the residential use and 18 Class II bicycle parking spaces are provided for the hotel use (per SMC 19.46 and VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-32. FENCES/WALLS:

Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development prior to issuance of building permits. [SDR] [PLANNING]

BP-33. TEMPORARY TRAILERS:

Any temporary trailers required during demolition or construction shall be shown on a submitted plan, shall be subject to approval by the Director of Community Development with a separate staff-level planning permit. [SDR] [PLANNING]

BP-34. 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-35. 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-36. CONSTRUCTION MANAGEMENT PLAN

The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:

- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
- b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
- c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
- e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
- g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
- h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
- j) Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the

construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING]

BP-37. INTERIOR NOISE REDUCTION/FORCED-AIR MECHANICAL VENTILATION:

Per the noise and vibration planning considerations in the project Supplemental Environmental Impact Report (SEIR), a qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the Director of Community Development, along with the building plans and approved design, prior to issuance of building permits.

A suitable form of forced-air mechanical ventilation shall be provided for all hotel rooms and residential units on the project site so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standard of 45 dBA Ldn. [COA] [PLANNING]

BP-38. EXTERIOR NOISE REDUCTION – HOTEL OUTDOOR DINING AREA:

Per the noise and vibration planning considerations in the project Supplemental Environmental Impact Report (SEIR), a sound barrier shall be located around the perimeter of the outdoor dining area along the northern and western sides and attach to the proposed hotel in the northeastern corner. The sound barrier shall be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three pounds per square foot. The noise barrier shall be five feet tall, which would be sufficient for reducing noise levels to 60 dBA Ldn or less. Each barrier height shall be measured relative to the elevation of the respective outdoor use areas. [COA] [PLANNING]

BP-39. AIR FILTRATION DEVICES:

Per the air quality planning considerations in the project Supplemental Environmental Impact Report (SEIR), final construction drawings shall demonstrate that air filtration systems are to be installed in the residential building. Air filtration devices shall be rated with a minimum efficiency reporting value (MERV) 13 or higher. To ensure adequate health protection to sensitive receptors, the project ventilation system should meet the following minimum design standards:

- A MERV-13, or higher, rating that represents a minimum of 80 percent efficiency to capture small particulates;
- At least one air exchange(s) per hour of fresh outside filtered air; and
- At least four air exchange(s) / hour recirculation.

An authorized air quality consultant should review and verify the adequacy of any proposed modifications to the above measures. [COA] [PLANNING]

BP-40. HEALTH AND SAFETY PLAN:

Per the hazards and hazardous materials planning considerations in the project Supplemental Environmental Impact Report (SEIR), a Health and Safety Plan (HSP) shall be developed to establish appropriate protocols for working in contaminated materials. The HSP shall include protocols for air monitoring during all site work. Each contractor shall be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines. [COA] [PLANNING]

BP-41. SITE MANAGEMENT PLAN:

Per the hazards and hazardous materials planning considerations in the project Supplemental Environmental Impact Report (SEIR), a Site Management Plan (SMP) shall be developed to establish management practices for handling contaminated soil, soil vapor, ground water, or other materials. Prior to the start of any construction activity that involves below ground work (e.g., mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures, including copies of the HSP and SMP, shall be provided to the contractors for their review, and each contractor shall provide such information to its subcontractors. The SMP measures shall be incorporated into the project design documents. The SMP should include a discussion of the following:

- a) Site control procedures to control the flow of personnel, vehicles and materials in and out of the site.
- b) Measures to minimize dust generation, storm water runoff and tracking of soil off-site.
- c) Dewatering protocols, if dewatering is anticipated, including methods to evaluate water quality and discharge/disposal alternatives; the pumped water should not be used for on-site dust control or any other on-site use. If long-term dewatering is required, the means and methods to extract, treat and dispose ground water also shall be presented and shall include treating/discharging ground water to the sanitary sewer under a Publicly Owned Treatment Works permit or treating/discharging ground water to the storm drain system pursuant to a California Regional Water Quality Control Board – San Francisco Bay Region NPDES permit.

- d) Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handling procedures shall be described.
- e) Perimeter air monitoring for dust during any activity that significantly disturbs site soil (e.g., mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures.
- f) Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.
- g) Protocols to characterize/profile soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with ground water shall be assumed contaminated. All soil excavated and transported from the site shall be appropriately disposed at a permitted facility.
- h) Stockpiling protocols for “clean” and “impacted” soil; the contractor may require temporary stockpiling adjacent to excavation areas.
- i) Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer.
- j) Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
- k) Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Protocols shall be developed and implemented in the event elevated VOC vapors are released during excavation activities.
- l) Measures to reduce soil vapor and ground water migration through trench backfill and utility conduits. Such measures should include placement of low-permeability backfill “plugs” at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below ground water shall be installed with water-tight fittings to reduce the potential for ground water to migrate into the conduits.
- m) Because the site is known to have pollutants with the potential for mobilization, the project civil engineer shall design the bottom and sides of the vegetated swales and water features (if incorporated into building designs) to be lined with a minimum 10-mil heavy duty plastic to help prevent site infiltration.
- n) Measures to help reduce the potential for downward migration of contaminated groundwater. [COA] [PLANNING]

BP-42. PARCEL MAP:

This project is subject to, and contingent upon recordation of one or more parcel maps to remove the existing property line. The submittal,

approval and recordation of the parcel map(s) shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Parcel map(s) shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding parcel map. [COA] [PUBLIC WORKS]

BP-43. BUILDING PERMIT ISSUANCE:

Prior to building permit issuance, the existing private easement shall be quitclaimed on the parcel map. [COA] [PLANNING/PUBLIC WORKS]

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

EP-1. LAKESIDE SPECIFIC PLAN:

This project is in the Lakeside Specific Plan LSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the LSP 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, streetlight plans, streetscape plans, traffic signing and striping plans, traffic control plans, photometrics, erosion control 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. BENCHMARKS:

The off-site improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website <http://sunnyvale.ca.gov/Departments/PublicWorks/BenchMarks,RecordDrawings.aspx>. Plans based on NAVD29 will not be accepted. [COA] [PUBLIC WORKS]

EP-4. LAKE ACCESS EASEMENT:

~~There shall be recorded a public access easement to allow formal access to the lake and the pathway leading around the portion of the lake on the subject parcels, that includes the following conditions:~~

- ~~1) The trail shall remain open to the public at all times.~~
- ~~2) Access to the portion of the trail leading directly behind the hotel can be blocked periodically during hotel events, such as wedding or photo shoots. During this time, hotel staff must be present to redirect pedestrian traffic to an alternative route around the lake.~~

~~3) At no time shall the path behind the hotel and the bridges leading across the lake be simultaneously blocked from public access.~~

Revised per Planning Commission direction to be consistent with wording in Condition GC-18

There shall be recorded a public access easement to allow formal access to the lake and the pathway leading around the portion of the lake on the subject parcels, that includes the following conditions:

- a) The trail shall remain open to the public.
- b) Access to the portion of the trail leading directly behind the hotel can be blocked periodically during hotel events, such as wedding or photo shoots. During this time, pedestrian traffic shall be directed to an alternative route around the lake.
- c) At no time shall the path behind the hotel and the bridges leading across the lake be simultaneously blocked from public access. [COA] [PUBLIC WORKS]

EP-5. SIDEWALK EASEMENT:

This project requires a project requires a sidewalk easement along Lakeside Drive to accommodate a meandering sidewalk to save existing street trees. Easement shall be dedicated on the parcel map. [COA] [PUBLIC WORKS]

EP-6. 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-7. 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-8. 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 down-stream 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-9. EXISTING UTILITY ABANDONMENT:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed 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-10. 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-11. 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-12. 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-13. 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. Sheets C4.1 and C4.2 of the Preliminary Utility Plan dated 10/6/16 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-14. 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 any on-site fire hydrants. Install reduced pressure detector assembly (RPDA) behind the street right-of-way for the domestic service line and a double check detector assembly (DCDA) behind the street right-of-way for the fire

service line. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-15. PUBLIC FIRE HYDRANTS:

Remove and replace the existing fire hydrant barrel(s) along Lakeside Drive with current City standard Clow-Rich 865. New fire hydrant location shall be per current City standard detail 2B and 2B-2. 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-16. WATER METER:

The residential building shall have dual points of domestic water service connection to the water main with a radio-read master meter at each point of connection with a cut-in tee gate valve between the two service hot taps and reduced pressure backflow prevention devices per current City standards.

For the hotel, provide a separate domestic water service connection to the water main with a radio-read meter and backflow prevention device. 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 hotel 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 all 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-17. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service line (separate from the domestic water service line) with a radio-read 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. [COA] [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 and proposed storm drain 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. [COA] [PUBLIC WORKS]

EP-22. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:

Pursuant to SMC 12.60.130, install full trash capture devices on each on-site storm drain inlet 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]

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. [COA] [PUBLIC WORKS]

EP-25. STREETScape IMPROVEMENTS:

Remove existing gutter, curb and sidewalk and install new 2' gutter, curb and attached 6' wide sidewalk (measured from the back of curb) along Lakeside Drive. Install a detached 6' meandered sidewalk where existing trees are removed (per a City approved Arborist report). Provide

sidewalk transition to conform to existing sidewalks at project limits. Provide sidewalk easements as needed. [COA] [PUBLIC WORKS]

EP-26. STREET PAVEMENT:

Grind 2" of existing asphalt concrete from lip of gutter to lip of gutter, along the entire project frontage, and overlay with 2" of new asphalt concrete as a result of the multiple utility trenches/cuts in the street. [SDR] [PUBLIC WORKS]

EP-27. 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. Newly installed travel and bike lane lines shall be replaced at current locations, or as directed to by the Department of Public Works. [SDR] [PUBLIC WORKS]

EP-28. 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-29. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: Lakeside Drive: (to be provided to the developer at a later date). 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-30. 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-31. 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-32. 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-33. 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 fiscal year fee schedule rate at the time of fee payment. [COA] [PUBLIC WORKS]

PM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

PM-1. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the parcel map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements. [COA] [PUBLIC WORKS]

PM-2. LAKE ACCESS EASEMENT:

~~There shall be recorded a public access easement to allow formal access to the lake and the pathway leading around the portion of the lake on the subject parcels, that includes the following conditions:~~

- ~~1) The trail shall remain open to the public at all times.~~
- ~~2) Access to the portion of the trail leading directly behind the hotel can be blocked periodically during hotel events, such as wedding or photo shoots. During this time, pedestrian traffic shall be redirected to an alternative route around the lake.~~
- ~~3) At no time shall the path behind the hotel and the bridges leading across the lake be simultaneously blocked from public access.~~

Revised per Planning Commission direction to be consistent with wording in Condition GC-18

There shall be recorded a public access easement to allow formal access to the lake and the pathway leading around the portion of the lake on the subject parcels, that includes the following conditions:

- a) The trail shall remain open to the public.
- b) Access to the portion of the trail leading directly behind the hotel can be blocked periodically during hotel events, such as wedding or photo

shoots. During this time, pedestrian traffic shall be directed to an alternative route around the lake.

- c) At no time shall the path behind the hotel and the bridges leading across the lake be simultaneously blocked from public access. [COA] [PUBLIC WORKS]

PM-3. 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 delineated on the map or recorded concurrently with the map with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements prior to map recordation. 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]

PM-4. UTILITY COMPANY APPROVAL:

Obtain approval letters from various utility companies for the parcel map in regards to any existing or new easements associated with the project. [COA] [PUBLIC WORKS]

PM-5. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:

Developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to parcel map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

PM-6. OFF-SITE IMPROVEMENT COST ESTIMATE:

Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

PM-7. FINAL MAP COMPLIANCE WITH TENTATIVE MAP:

The final map shall be substantially the same as the tentative map. Any alteration of the tentative map after the tentative map is approved is subject to additional approval by the City and may require a public hearing. [COA] [PLANNING/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. COMPLETION OF PUBLIC PARK AREA IMPROVEMENTS:

All public park area improvements shall be completed prior to final occupancy of the residential building or as determined by the Director of Community Development. [COA] [PLANNING]

PF-2. COMPLETION OF PUBLIC IMPROVEMENTS:

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

PF-3. LANDSCAPING AND IRRIGATION:

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

PF-4. LANDSCAPING IRRIGATION AUDIT:

A landscaping irrigation audit shall be conducted and an irrigation audit report shall be submitted to the Director of Community Development prior to occupancy. The irrigation audit report shall be prepared by a third party certified professional, and not by the entity who designed or installed the landscaping. The irrigation audit report shall include, but not be limited to: inspection, system tune-up, system test with distribution uniformity, correction of any overspray or runoff that causes overland flow, and preparation of an irrigation schedule. [COA] [PLANNING]

PF-5. LANDSCAPING MAINTENANCE SCHEDULE:

A landscaping maintenance schedule shall be submitted to the Director of Community Development for review and approval prior to occupancy. The maintenance schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost; replenishing mulch; fertilizing; pruning; weeding in all landscaped areas; and removing obstructions to irrigation spray heads or other emission devices. Landscaping shall be maintained in accordance with the approved maintenance schedule. [COA] [PLANNING]

PF-6. 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-7. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished residential units and hotel rooms. Additionally, tests shall demonstrate that conditionally acceptable levels per the City's General Plan are not exceeded for the useable open spaces. Such test results shall be furnished to the Director of Community Development prior to occupancy of the residential units and hotel rooms. [COA] [PLANNING]

PF-8. COMPACT SPACES:

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

PF-9. 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-10. ARTWORK:

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

PF-11. GREEN BUILDING VERIFICATION:

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

- 1) Documentation that verifies incorporation of the design and construction related credits specified in the project approval;
- 2) A letter from the qualified green building professional that certifies that the covered project has been constructed in accordance with the approved green building project checklist;
- 3) Any additional documentation that would be required by the LEED reference guide for LEED certification (if required); and
- 4) Any additional information that the applicant believes is relevant to determining that a good faith effort has been made to comply with this chapter. [COA] [PLANNING]

PF-12. MASTER SIGN PROGRAM:

A Master Sign Program (MSP) per the City's Sign Code is required with a separate permit prior to building occupancy. Per Planning Commisison direction, the MSP is recommended to include wayfinding signage for pedestrian walkways, intersections, and building entrances. [COA] [PLANNING]

PF-13. COMPLETION PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements in accordance with City approved plans, prior to 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. PUBLIC PARK AREA – DAYTIME PARKING:

The project shall allow a minimum of five daytime onsite parking spaces for the public use for access to the public park area. The final location shall be approved by the Director of Public Works in

consultation with the Director of Community Development. These spaces shall be available to park guests from dawn to dusk. Residents, guests, or hotel patrons may park in the stalls overnight. The property owner shall be responsible for enforcement. Appropriate signs shall be installed and included in the parking management plan, subject to review and approval by the Director of Community Development. [COA][PLANNING/PUBLIC WORKS]

AT-2. HOURS OF OPERATION FOR PUBLIC RESTAURANT AND BAR(S):

The public restaurant and bar(s) within the hotel use 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. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-3. 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. Nighttime delivery shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [SDR] [PLANNING]

AT-4. HOTEL SHUTTLE SERVICE:

The hotel use shall provide a shuttle service to local airports and major transit stops. Per Planning Commission direction, the shuttle service shall be available to onsite employees.[COA] [PLANNING]

AT-5. RECYCLING AND SOLID WASTE:

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

AT-6. LOUDSPEAKERS:

Out-of-door loudspeakers may only be used for special events, which shall be reviewed by the City with a separate permit. [COA] [PLANNING]

AT-7. 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-8. 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-9. AIR FILTRATION MAINTENANCE:

All landscaping As part of implementing the required air filtration devices, an ongoing maintenance plan for the residential buildings' HVAC air filtration system shall be implemented by the property owner and/or manager. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM2.5 exposures are predicted.

The lease agreement and other property documents shall: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

An authorized air quality consultant shall review and verify the adequacy of any proposed modifications to the above measures. [COA] [PLANNING]

AT-10. 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-11. PARKING MANAGEMENT:

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

AT-12. 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-13. UNENCLOSED STORAGE (REVIEW REQUIRED):

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

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

- AT-14. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises.
[COA] [PLANNING]
- AT-15. UNENCLOSED STORAGE:
Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-16. OFF-STREET PARKING:
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-17. RECREATIONAL VEHICLE STORAGE PROHIBITED:
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-18. 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-19. BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]
- AT-20. MAINTENANCE OF EMERGENCY VEHICLE ACCESS EASEMENT (EVA):
The Emergency Vehicle Access Easement (EVA) shall be maintained onsite in accordance with its recorded easement document. [COA]
[PLANNING]
- AT-21. BIRD-SAFE OPERATIONAL MEASURES:

The following measures from the City's Bird-Safe Design Guidelines shall be part of the project operations:

- a) Place signs at several locations near building with the telephone number an authorized bird conservation organization or museum to aid in species identification and to benefit scientific study
- b) Monitoring efforts shall include a bird-safe program developed by the project owner of the methods to ensure necessary steps are taken to reduce bird strikes. These efforts would include how each dead bird will be handled and donated to scientific study, providing a yearly inventory to the City of the number of birds found and locations, and the steps necessary to resolve any consistent location's bird deaths. Options include shades to reduce transparency and night lighting, fritted glass, netting, stickers, etc.
- c) Turn building lights off at night or incorporate blinds into window treatment to use when lights are on at night [COA] [PLANNING]

AT-22. TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES:
The multi-family residential use shall participate in the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC).

Exhibit 1 – Mitigation Monitoring and Reporting Program follows on next page.

Exhibit 1
Mitigation Monitoring and Reporting Program

1250 Lakeside Drive Hotel and Residential Project
SCH# 2016022035



P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On December 13, 2016, the City Council certified the Supplemental Environmental Impact Report for the 1250 Lakeside Drive Hotel and Residential project. The Final EIR concluded that the implementation of the project could result in significant impacts on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
TRANSPORTATION				
<p>Impact TRAN-1: The project would result in a significant impact at the intersection of Lawrence Expressway and Oakmead Parkway during the PM peak hour under background plus project conditions.</p> <p>Significant and Unavoidable Impact</p>	<p>The project shall pay the City's standard Transportation Impact Fee and implement the following mitigation measure:</p> <p>MM TRAN-1.1: The Santa Clara County Expressway Plan 2040 includes a near-term Tier 1 improvement would change the southbound HOV lane to a general purpose lane. This change improves the background plus project PM peak hour level of service from LOS F to LOS E, which would mitigate the project's impact. The project shall pay its fair-share contribution towards this improvement.</p>	<p>Prior to the issuance of building permits for the project, fair-share fees shall be paid by the project applicant to the City.</p>	<p>Payment of fair-share contribution fees to the City.</p>	<p>Community Development Director.</p>
<p>Impact TRAN-2: The project would result in significant cumulative impacts at the intersections of Lawrence Expressway/US 101 southbound off-ramp</p>	<p>The project shall implement MM TRAN-1.1 above and the following mitigation measure:</p> <p>MM TRAN-2.1: Lawrence</p>	<p>Prior to the issuance of building permits for the project, fair-share fees shall be paid by</p>	<p>Payment of fair-share contribution fees to the City.</p>	<p>Community Development Director.</p>

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
during the PM peak hour, Lawrence Expressway/Oakmead Parkway during the AM peak hour, and Central Expressway/Oakmead Parkway during the AM peak hour under cumulative plus project conditions. Significant and Unavoidable Cumulative Impact	Expressway/US 101 southbound off-ramp – Pay a fair share contribution to construct an additional right turn lane at the southbound off-ramp, which would improve the PM Cumulative Plus Project operations from an unacceptable LOS F to an acceptable LOS D. <i>Note: There is no feasible mitigation for Central Expressway/Oakmead Parkway.</i>	the project applicant to the City.		
AIR QUALITY				
IMPACT AIR-3: Construction activities related to the proposed project would result in significant short-term air quality impacts. Less Than Significant Impact with Mitigation Incorporated	MM AIR-1: The project shall implement the following best management practices identified by BAAQMD to reduce fugitive dust emissions that contribute to localized elevated concentrations of PM ₁₀ and PM _{2.5} to a less than significant level: <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times 	Prior to construction, the project applicant shall be responsible for printing these measures on all construction documents, contracts, and project plans.	All measures shall be printed on all construction documents, contracts, and project plans, and reviewed by the Community Development Director prior to	Community Development Director.

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>per day or covered.</p> <ul style="list-style-type: none">• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.• 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. The use of dry power sweeping is prohibited.• All vehicle speeds on unpaved roads shall be limited to 15 mph.• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage explaining this rule shall be provided for	<p>During construction, the project applicant and contractor shall be responsible for implementing these measures.</p>	<p>issuance of grading and building permits.</p>	

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>construction workers at all access points.</p> <ul style="list-style-type: none">• 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.• Post a publicly visible sign with the telephone number and name of an individual working for the construction contractor who can be contacted regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.			
Impact AIR-1: Construction toxic air contaminant	MM AIR-1: See above.	See MM AIR-1 above.	See MM AIR-1 above.	See MM AIR-1 above.

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
emissions would result in significant health risks at nearby sensitive receptors. Less Than Significant Impact with Mitigation Incorporated	<p>MM AIR-2: All mobile diesel-powered construction equipment larger than 50 horsepower and operating on site for more than two days continuously shall meet USEPA particulate matter emissions standards for Tier 2 engines or equivalent. Equipment retrofitted with CARB Level 3 Verified Diesel Emissions Control Strategy would exceed this standard.</p> <p>MM AIR-3: All stationary or portable diesel-powered construction equipment larger than 50 horsepower and operating on site for more than two days continuously (including building cranes) shall meet USEPA particulate matter emissions standards for Tier 4 engines or equivalent. Equipment retrofitted with CARB Level 3 Verified Diesel Emissions Control Strategy would meet this standard.</p>	<p>Prior to issuance of grading and building permits, the project applicant shall submit the operations plan to the City for review and approval.</p> <p>Measures shall be implemented by the project contractor during grading and construction activities.</p>	The project applicant shall submit a construction operations plan for review and approval by the Community Development Director. This plan shall demonstrate compliance with the measures.	Community Development Director.

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	Note that other measures may be used to minimize construction diesel emissions, such as use of alternative-powered equipment, alternative fuels, added exhaust devices, or a combination of measures. Any measures substituted for those defined in MM AIR-2 and MM AIR-3 shall be reviewed and verified by a qualified air quality consultant.			
BIOLOGICAL RESOURCES				
IMPACT BIO-1: Construction activities during the nesting season may result in the disturbance or destruction of breeding raptors or their nests. Less Than Significant Impact with Mitigation Incorporated	MM BIO-1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31. If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall	Construction activities shall avoid the nesting season to the extent feasible. Pre-construction surveys shall occur prior to the start of construction activities according to the timelines in MM	Construction shall be scheduled to avoid the nesting season to the extent feasible. If construction cannot be avoided during nesting season, the project applicant shall	Community Development Director.

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that nests of bird</p>	BIO-1. Any construction buffer zone must be implemented and maintained during construction activities.	<p>retain a qualified ornithologist to complete pre-construction surveys pursuant to MM BIO-1.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted by the applicant to the Director of Community Development prior to the start of grading or tree removal.</p>	

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>species protected by the MBTA or State Code shall not be disturbed during project construction.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.</p>			
<p>IMPACT BIO-2: The proposed project could result in the removal of up to 206 trees, some of which are of significant size.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>MM BIO-2: The project shall conform to the City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94). At the discretion of the Director of Community Development, significant trees that are to be removed shall be replaced, replanted, or relocated (Municipal Code, Sections 19.94.080, 19.94.090, and 19.94.100).</p> <p>MM BIO-3: A tree protection plan shall be completed. The plan shall demonstrate how tree protection shall be provided during and after construction</p>	<p>Prior to issuance of grading permits, the project applicant shall submit the tree protection plan to the City for review and approval.</p> <p>Project contractors shall conform with the tree protection plan and City's Tree Preservation</p>	<p>All tree protection and preservation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director.</p>

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	and shall include any of the protective measures set forth in Section 19.94.120 of the Municipal Code.	Ordinance during the construction.		
CULTURAL RESOURCES				
IMPACT CULT-1: Development of the project site could result in a significant impact to buried cultural resources which could be present on the site. Less Than Significant Impact with Mitigation Incorporated	MM CULT-1: In the event of the discovery of unanticipated prehistoric or historic era cultural materials, operations shall stop within 25 feet of the find and the Community Development Director will be notified. The find shall be evaluated by a qualified archaeologist, and if the find is significant, treatment recommendations shall be developed. MM CULT-2: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area	During construction activities, the project contractor shall implement the measures if needed.	All measures shall be printed on all construction documents, contracts, and project plans. If prehistoric or historic archaeological materials are found, the project applicant and contractor are responsible for implementing MM CULT-1. Archaeologist	Community Development Director.

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.		recommendations shall be submitted for review and approval by the Community Development Director. If human remains are found, the project applicant and contractor are responsible for implementing MM CULT-2.	
HYDROLOGY AND WATER QUALITY				

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Mitigation Monitoring and Reporting Program 1250 Lakeside Drive Hotel and Residential Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
IMPACT HYDRO-2: Development of the proposed project could cause a significant temporary increase in the amount of contaminants in storm water runoff during construction. Less Than Significant Impact with Mitigation Incorporated	The project shall comply with the NPDES General Permit for Construction Activities and implement the following mitigation measures: MM HYDRO-1: Prior to construction of any phase of the project, the applicant(s) shall submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include	Prior to construction of the project, the applicant shall submit a SWPPP, NOI, and Erosion Control Plan (if required) to the State of California Water Resources Quality Control Board. During construction, the project contractor is responsible for implementing the SWPPP and Erosion Control Plan (if required).	The State of California Water Resources Quality Control Board shall review the plans and specifications. All measures shall be printed on all construction documents, contracts, and project plans. The City shall ensure that the project installs and implements the SWPPP and Erosion Control	State of California Water Resources Quality Control Board and Community Development Director.

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	control measures during the construction period for: <ul style="list-style-type: none"> • Soil stabilization practices • Sediment control practices • Sediment tracking control practices • Wind erosion control practices and • Non-storm water management and waste management and disposal control practices. 		Plan (if required) by monitoring the site.	
	MM HYDRO-2: Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the Community Development Director. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.	Prior to issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the Community Development Director.	The applicant shall maintain a copy of the SWPPP on-site. The City shall ensure that the project implements the Erosion Control Plan (if required) by monitoring the site.	Community Development Director.

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
IMPACT HYDRO-2: Development of the proposed project could cause a significant increase in the amount of contaminants in storm water runoff post construction. Less Than Significant Impact with Mitigation Incorporated	MM HYDRO-3: Each phase of development shall include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. BMPs and design features could include regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; biofilters; and stenciling on-site catch basins to discourage illegal dumping. MM HYDRO-4: The project shall comply with the RWQCB MRP NPDES permit to adequately treat post-construction runoff. In order to meet the requirements of the permit, the project proposes to incorporate site design, source control, and LID treatment measures including disconnecting downspouts, incorporating green roofs,	During construction, the project applicant and contractor are responsible for implementing the measures.	All measures shall be printed on all construction documents, contracts, and project plans. The City shall ensure that the project implements the BMPs and MRP NPDES permit, and Storm Water Management Ordinance by monitoring the site.	Community Development Director.

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	<p>covering dumpster areas, and incorporating permeable pavement and bioretention areas.</p> <p>MM HYDRO-5: The applicant, their arborist and landscape architects, shall work with the City and the SCVURPPP to select pest resistant plants to minimize pesticide use, as appropriate.</p> <p>MM HYDRO-6: The project shall comply with the City Storm Water Management Ordinance (Municipal Code Chapter 12.60).</p>			
NOISE				
IMPACT NOISE-3: The proposed project would result in short-term increase in noise levels in the project area, especially during grading, below grade work, and pile driving.	<p>MM NOI-1: Construction activities for the proposed project shall implement the following best management practices to reduce noise from construction activities near sensitive land uses:</p> <ul style="list-style-type: none"> Construction activities (including the loading and unloading of materials, 	Prior to construction, the project applicant shall be responsible for printing these measures on all construction	All measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director.

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Less Than Significant Impact with Mitigation Incorporated	<p>truck movements, and warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction is permitted on Sundays or on federal holidays when City offices are closed.</p> <ul style="list-style-type: none">• Contractors shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.• Contractors shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.• Loading, staging areas, and stationary noise-generating equipment shall be as far as feasible from sensitive receptors when sensitive receptors adjoin or are near	<p>documents, contracts, and project plans.</p> <p>During construction, the project applicant and contractor shall be responsible for implementing these measures.</p>	<p>The Community Development Department project representative shall ensure that the contractors implement the construction noise measures by monitoring the site.</p>	

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	<p>a construction project area.</p> <ul style="list-style-type: none">• The project shall comply with California Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.• The project shall construct solid plywood fences around the construction site adjacent to operational business, residences, or noise-sensitive land uses.• Construction-related traffic shall be routed along major roadways and as far as feasible from sensitive receptors.• Businesses, residences, and noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. A Construction Liaison, responsible for responding to any local complaints about construction noise, shall be designated for the site. The liaison shall determine the cause of			

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	the noise complaints and institute reasonable measures to correct the problem. A telephone number for the liaison shall be conspicuously posted at the construction site.			

Sources:

- City of Sunnyvale. *The Crescent-Lakeside Specific Plan Final EIR*. Certified August 2005.
- City of Sunnyvale. *Supplemental Environmental Impact Report for the 1250 Lakeside Drive Hotel and Residential Project*. Certified December 13, 2016.