

RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MARCH 13, 2017

Planning Application 2015-8110
675 Almanor Avenue (APN: 165-44-006 and -012)

PEERY PARK PLAN REVIEW PERMIT

to allow a 150,651 sq. ft. four-story office/R&D building and a detached five-level and partial underground parking structure on a combined 3.46-acre property resulting in 100% FAR. The project includes a 2,500 sq. ft. retail space on the ground floor and outdoor recreational spaces for public use. The project is located in the Peery Park Specific Plan area.

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. USE EXPIRATION:

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

GC-3. PERMIT EXPIRATION:

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

GC-4. 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. 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-7. PUBLIC IMPROVEMENTS:

a) 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.

- b) 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 C-01 to C-22, dated 11/17/16 is subject to change during the plan check process.
- c) 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-8. 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-9. 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-10. EASEMENT DEDICATION:

Per the Peery Park Specific Plan, this project requires a 1' wide street dedication in the form of an easement along Almanor Avenue. The new right-of-way line is dimensioned 12' from the face of curb along Almanor Avenue. [COA] [PUBLIC WORKS]

Per the Airport Land Use Commission, the project will provide an Avigation Easement to be dedicated to the United States Government to be consistent with Moffett Federal Airfield Comprehensive Land Use Plan (CLUP) to be recorded with Santa Clara County. [COA] [PLANNING, ALUC]

The project requires recordation of the publicly accessible open space and recreational facility through an easement or other guarantee per the Community Benefits Program. [COA] [PLANNING]

GC-11. SIDEWALK EASEMENT:

This project requires a sidewalk easement along Almanor Avenue to accommodate a meandering sidewalk to save existing mature street trees as determined by the arborist report and concurred by the City. The sidewalk easement shall be a separate instrument and shall be recorded prior to building occupancy. [COA] [PUBLIC WORKS]

GC-12. COMMUNITY BENEFITS PROGRAM

Submit a final Community Benefits Plan, subject to review and approval by the Director of Community development, prior to Building Permit issuance.

a) The flexible community benefits shall be a monetary contribution of \$858,710.70.

b) The Plan shall address the timing of the payment to the community benefits fund. [COA] [PLANNING]

GC-13. ENVIRONMENTAL MITIGATION MEASURES:

The project shall pay its fair share contribution towards all mitigation measures identified in the Peery Park Specific Plan Environmental Impact Report (EIR) Mitigation Measures. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE**

GC-14. TRANSPORTATION MANAGEMENT ASSOCIATION:

The property owner and future tenants are required to join the Peery Park Transportation Management Association and maintain membership within the organization. [COA] [PLANNING]

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

PS-1. 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.

Per the Peery Park Specific Plan, the developer shall either be assessed water system impact fees or be required to construct specific water main improvements identified as deficient in the hydraulic analysis and shall be incorporated into the first off-site improvement plan check submittal. If required to construct water improvements, a fee credit may be applied up to the cost of improvements. If construction costs exceed the fee

credit, a Reimbursement Agreement may be entered with the Developer by the City. [COA] [ENVIRONMENTAL SERVICES/PUBLIC WORKS]

PS-2. 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.

Per the Peery Park Specific Plan, the developer shall either be assessed wastewater system impact fees or be required to construct specific wastewater main improvements as determined from the sanitary sewer analysis and shall be incorporated into the first off-site improvement plan check submittal. If required to construct sewer improvements, a fee credit may be applied up to the cost of improvements. If construction costs exceed the fee credit, a Reimbursement Agreement may be entered with the Developer by the City. [COA] [PUBLIC WORKS]

PS-3. STREETLIGHTS:

Prior to first off-site plan check submittal, the developer is required to provide a photometric analysis for Almanor Avenue to determine that the street lighting meets current City's Roadway Lighting Design Criteria. Install twin head street lights and pole types along Almanor Avenue in accordance with the Peery Park Specific Plan requirements. Roadway, sidewalk and crosswalk illuminance calculations shall be calculated separately from each other.

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

- i. Minimum Maintained Average Illuminance ≥ 0.9 fc
- ii. Uniformity Ratio (Avg/Min) ≤ 4.0
- iii. Max/Min ratio ≤ 20
- iv. Marked crosswalks at street intersection should have a minimum average illuminance value ≥ 2.2 fc

The limits of the photometric analysis shall be for the entire street block from North Pastoria Avenue to Palomar Avenue with all streetlights being LED fixtures on both sides of the street (or on one side of the street based upon existing pattern). The photometric analysis shall identify if existing streetlights would need to be relocated and/or new streetlights would need to be installed for the entire street block. Coordinate photometric analysis with the project associated with the Irvine Company Master Plan.

Developer shall upgrade all existing streetlight fixtures along the project frontage to LED fixtures. All LED fixtures shall be of the same make and model (current approved manufacturers are GE, Phillips, or approved equal and meet the current City of Sunnyvale LED roadway lighting specifications).

If the photometric analysis shows the need to install new streetlights, the developer will be responsible to also replace all existing streetlight conduits, wires and pull boxes with new conduits, wires and pull boxes along the entire project frontage per City's current standards.

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]

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

- EP-1. PEERY PARK SPECIFIC PLAN:
This project is in the Peery Park Specific Plan (PPSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the PPSP 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, BMP shall be submitted as part of the first off-site improvement plans,

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- 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. EASEMENT DEDICATION:
Per the Peery Park Specific Plan, this project requires a 1' wide street dedication in the form of an easement along Almanor Avenue. The new right-of-way line is dimensioned 12' from the face of curb along Almanor. [COA] [PUBLIC WORKS]
- EP-5. SIDEWALK EASEMENT:
This project requires a sidewalk easement along Almanor Avenue to accommodate a meandering sidewalk to save existing mature street trees as determined by the arborist report and concurred by the City. The sidewalk easement shall be a separate instrument and shall be recorded prior to building occupancy. [COA] [PUBLIC WORKS]
- EP-6. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. Easements for public wet utilities shall be a minimum of 15' wide. Quitclaim deed is required for abandonment of private easements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]
- EP-7. 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]

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- EP-8. 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-9. 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-10. 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-11. 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-12. 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-13. WET UTILITIES:
All wet utilities (sanitary sewer, storm drain, potable and recycled water) shall be designed based on the design guidelines available on the City's website. In addition, all wet utilities 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-14. 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 C-21 and C-22 of Partial Underground Piping Plan dated 11/17/16 is subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-15. 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-16. PUBLIC FIRE HYDRANTS:

Install new fire hydrants along Almanor Avenue with current City standard Clow-Rich 75. 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-17. WATER METER:

Building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. If the buildings water demand requires a water meter 3" or larger, installation of dual meters and a cut-in tee are required per City standard detail 12B and 12B-1. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) for each point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

- EP-18. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:
Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.
- All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. [COA] [PUBLIC WORKS]
- EP-19. SANITARY SEWER AND STORM DRAIN 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-20. 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-21. 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-22. 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-23. 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-24. 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-25. 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-26. STREETSCAPE IMPROVEMENTS:

Remove existing curb, gutter and sidewalk along Almanor Avenue and install new concrete curb, 2' wide gutter, 5' wide parkstrip (measured from the back of curb) and 6' wide detached sidewalk. Install city street trees in the parkstrip (spaced approximately 30'-35') and meander the sidewalk along property frontage as needed to save existing mature trees.

Provide sidewalk transition to conform to existing sidewalks at project limits and conform to Americans with Disabilities Act (ADA) requirements. Provide 1' street dedication and required sidewalk easement as separate instruments and record with the County of Santa Clara. [COA] [PUBLIC WORKS]

EP-27. STREET PAVEMENT:

Perform 2" mill and fill along the entire project frontage from the lip of gutter up to the centerline, or as deemed necessary by the Director of Public Works. Restriping of lanes are required. [SDR] [PUBLIC WORKS]

EP-28. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan for Almanor Avenue in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. Include the installation of stop signs at all driveway exits. [SDR] [PUBLIC WORKS]

EP-29. 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-30. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: Cedrus deodara – Deodar Cedar.

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-31. 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-32. 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-33. APPROVAL FROM OTHER AGENCIES:

This project requires approval letter/permit from the Santa Clara Valley Water District and the City & County of San Francisco/SFPUC for construction next to and/or connection to their facility. [COA] [PUBLIC WORKS]

EP-34. VALLEY TRANSPORTATION AUTHORITY (VTA) COORDINATION:

Developer shall notify VTA of the proposed plans to determine if any VTA lines will be impacted during construction. Developer shall work with VTA directly on these improvements. VTA contact is Rodrigo Carrasco, Service & Operations Planning (408) 321-7072. [COA] [PUBLIC WORKS]

EP-35. 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-36. 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]

MM: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AND MITIGATION MEASURES NOTED FOR PPSPP PROGRAM EIR – MMRP AS RELEVANT TO THIS PROJECT

MM-1. PEERY PARK SPECIFIC PLAN – MITIGATION, MONITORING & REPORTING PROGRAM (MMRP):

The project applicant shall demonstrate compliance with the Mitigation and Monitoring Reporting Program (MMRP) as required in the Peery Park Specific Plan Environmental Impact Report (EIR) Mitigation Measures. [COA] [PLANNING/PUBLIC WORKS]

MITIGATION MEASURE

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

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A notice of conditions of approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the city prior to issuance of any city permit, allowed use of the property, or final map, as applicable. The notice of conditions of approval shall be

prepared by the planning division and shall include a description of the subject property, the planning application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

BP-5. SOLID WASTE 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-6. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:

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

BP-7. ROOF EQUIPMENT:

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

BP-8. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$242,551.12, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$1,206,194.50, prior to issuance of a Building Permit. (SMC 19.22). [SDR] [PLANNING]
- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]
- d) PERRY PARK SPECIFIC PLAN FEES – Prior to issuance of a building, calculate and pay the following fees estimated below (current values shown – adjusted yearly to reflect cost of living changes):
 - i. Peery Park Specific Plan Fee at 0.082% of the total construction value of the project;
 - ii. Peery Park Specific Plan Infrastructure Fee – Wastewater at a rate of \$3.12 per net new square feet, estimated for the project at \$281,795.28
 - iii. Peery Park Specific Plan Infrastructure Fee - Water at a rate of \$6.90 per net new square feet, estimated for the project at \$623,201.10
 - iv. Peery Park Specific Plan Sense of Place Fee at a rate of \$2.41 per net new square feet estimated for the project at \$217,668.79
 - v. Peery Park Specific Plan traffic mitigation measure fees calculated based on fair share contribution estimated at \$205,024.00 to meet PPSP Mitigations Measures (MMT-2a, 2b and 3) noted in the Mitigation, Monitoring and Report Program (MMRP).
- e) TRAFFIC IMPACT FAIR SHARE CONTRIBUTION - Pay the fair share contribution of \$102,512.00 for Mathilda Avenue Signal Interconnect project referenced in the Peery Park Near Term Mathilda Commons TIA. The fee shall be paid at the issuance of the first building permit for a structure.
- f) FLEXIBLE BENEFITS PROGRAM – Contribute to the community benefits fund as set forth in condition of approval GC-12. [COA] [PLANNING/DPW]

BP-9. 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-10. 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) New tree planting will be of a species that matures in large trees to provide screening.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals alongside and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Deciduous trees shall be provided along north and southern exposures for screening purposes.
- e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- g) Provide a 15-foot wide landscape frontage along the Almanor Avenue property line.
- h) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- i) Landscape plan shall include the details of the proposed fencing to be installed on the property.

BP-11. 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-12. 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-13. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-14. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:

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

BP-15. 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:

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- a) Stormdrain 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-16. CITY STREET TREES:

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

BP-17. 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/LED 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 15 feet.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.

e) Wall packs shall not extend above the roof of the building.

BP-18. ON-SITE 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-19. ON-SITE LIGHTING POLE HEIGHTS:

Pole heights shall not to exceed 15 feet. [COA] [PLANNING]

BP-20. PARKING AND CIRCULATION PLAN:

Submit a parking and circulation plan subject to review and approval by the Director of Community Development. The plan shall specify the locations of car share spaces, employee and customer parking, electric car charging spaces, and employee and public bicycle parking. Provide parking space striping detail per the Citywide Design Guidelines. [COA] [PLANNING]

BP-21. BICYCLE SPACES:

Provide 32 Class I/Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-22. CARPOOL PARKING:

A total of 25 preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]

BP-23. NOISE REDUCTION:

Final construction drawings shall incorporate all noise reduction measures as set forth under "PPSP Mitigation Measures" in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING]

BP-24. GREEN BUILDING:

The project shall meet the following green building requirements:

- a) Final plans shall incorporate a completed LEED green building checklist demonstrating the new building achieves a minimum LEED Gold level for Core and Shell by a qualified LEED consultant and shall be submitted to USGBC for formal certification.
- b) Subsequent building permit plans for interior tenant improvements for the new buildings shall incorporate a completed LEED green

building checklist demonstrating the project design achieves a minimum LEED Gold level for Commercial Interiors, as verified by a qualified LEED consultant and shall be submitted for USGBC for formal certification [COA] [PLANNING]

BP-25. CONSTRUCTION MANAGEMENT PLAN:

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

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

correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING]

BP-26. 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-27. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks as approved by the Art Commission. 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-28. 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-29. BIRD NESTING:

Construction activities shall avoid the nesting season to the extent feasible.

- a) If construction would commence anytime during nesting/breeding season of native bird species (typically February through August in the region), a qualified biologist shall conduct a preconstruction survey of the project vicinity for nesting/breeding birds at least 30 days prior to the start of construction activities. The survey shall determine if active raptor nests or other species protected by the Migratory Bird Treaty Act are present within the construction zone or within 250 ft. of construction for raptors and 50 ft. of the construction zone for other migratory birds. The survey area shall include all trees and shrubs within that zone that have the potential to support nesting birds.

- b) If active nests are found in areas that could be directly affected or are within 250 ft. of construction for raptors and 50 ft. for other migratory birds, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. Once the young have fledged, tree removal and other construction activities may commence.
- c) Any construction buffer zone must be implemented and maintained during construction activities. [COA] [PLANNING]

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

PF-1. LANDSCAPING AND IRRIGATION:

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

PF-2. PARKING LOT STRIPING:

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

PF-3. IRRIGATION METERS:

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

PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:

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

PF-5. COMPLETION OF PROPOSED COMMUNITY BENEFITS:

Developer shall complete all the required Community Benefits improvements in accordance with approved plans prior to any building Final Permit/Occupancy. [COA] [PLANNING]

PF-6. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):

The property owner shall create and implement a TDM Plan to include a trip reduction program that results in a reduction of at least 25% reduction goal for both AM and PM peak hour trips. This project shall not generate more than 158 AM trips and 145 PM trips during the morning and afternoon peak hours, respectively, for the site. This trip reduction is based on the estimated ITE Trip Generation Handbook [9th]

Edition, Land Use Code(s) 710 and 760. The TDM plan shall incorporate a variety of incentives, services, and actions that meet the trip reduction goals.

Prior to issuance of a building permit, the property owner shall submit and have a TDM Form approved by the Department of Public Works for each project site and shall submit a TDM plan for the project file. Upon the City's request, the owner shall submit the most up to date TDM Plan to the Department of Public Works; the plan shall be submitted within five (5) calendar days of the City's request. It is the owner's responsibility to maintain an up-to-date and active TDM Plan at all times.

It is the responsibility of the property owner to inform the City when each site has reached 75% occupancy. The property owner shall also maintain their contact information and the Transportation Coordinator contact information up to date with the Sunnyvale Department of Public Works.
[COA] [PLANNING/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:

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

OR: 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:

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

DC-4. DUST CONTROL:

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

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

AT-1. DELIVERY HOURS:

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

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

AT-2. RECYCLING AND SOLID WASTE:

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

AT-3. LOUDSPEAKERS PROHIBITED:

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

AT-4. EXTERIOR EQUIPMENT:

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

AT-5. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and

healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-6. PARKING STRUCTURE MAINTENANCE:

The parking lot shall be maintained as follows:

- a) Garage spaces shall be maintained at all times so as to allow for parking of vehicles.
- b) Clearly mark all parking spaces (carpool, accessible, etc.) This shall be specified on the Building Permit plans and completed prior to occupancy.
- c) Maintain all parking lot striping and marking.
- d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]

AT-7. 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-8. 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-9. TENANT LEASE AGREEMENTS:

Any new lease agreements shall include the following provisions:

- a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
- b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standard and maintain facilities consistent with LEED Gold standards and USGBC certification. [COA] [PLANNING]

AT-10. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN ANNUAL REVIEW AND REPORTING:

The property owner shall comply with the Annual Review and Reporting requirements set forth in the TDM Program Guidelines, including applicable fees for review. [COA] [PLANNING/TRANSPORTATION]

- AT-11. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) COMPLIANCE: In order to measure compliance, the City will administer annual driveway trip counts once the project site(s) reaches 75% occupancy. All costs associated with the counts will be paid for by the property-owner; the City will invoice the owner prior to the completion of the counts. The counts will be conducted per the Transportation Demand Management (TDM) Program at the City's discretion. Delay in funding traffic counts shall be taken into account in determination of trip reduction compliance. Failure to fund traffic counts shall result in application of maximum penalty.

If the first annual driveway trip counts result in more trips than allowable per this section, the property-owner may be given a six-month grace period, at the City's discretion, to adjust their TDM program. At the end of the six-month grace period the City will administer new driveway trip counts at the cost of the property owner. If the site continues to be non-compliant with the maximum allowable trips per this section, the property owner shall pay non-compliance penalties per the City's TDM program in place at the time of the penalties are applied; no additional grace periods will be granted. Such penalties shall be applied every year thereafter that the development is not in compliance with the maximum allowable trips generated.

When site are found to be non-compliant with the maximum allowable trips, the property owner shall cause the TDM plan to be adjusted. [COA] [PLANNING/TRANSPORTATION]