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**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
ZONING ADMINISTRATOR HEARING JULY 12, 2017**

**Planning Application 2017-7698  
1040 Sunnyvale Saratoga Road  
(APN 211-22-013)**

Special Development permit to allow demolition of an existing 1,175 square foot convenience store and auto repair building and construction of a new 3,180 square feet convenience store and associated site improvements to an existing gas service station. The project includes proposed beer, wine and tobacco sales and a request to operate 24-hours seven days a week and a request to deviate from the front setback requirement.

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

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

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

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**GC-2. USE EXPIRATION:**

The approved Special Development 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. ALCOHOL BEVERAGE CONTROL (ABC):**

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-7. 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 of the SDP and the imposition of additional Conditions of Approval or the

initiation of the revocation process by the Director of Community Development.

The Community Development Director and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit. [COA] [PLANNING]

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

- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:  
The plans shall be revised to incorporate additional stone veneer to cover the full height of the entry tower. [COA] [PLANNING]
- 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]

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

- BP-1. CONDITIONS OF APPROVAL:  
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:  
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. NOTICE OF CONDITIONS OF APPROVAL:  
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or

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parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

- BP-4. BLUEPRINT FOR A CLEAN BAY:  
The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:  
The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:
- a. Match the design, materials and color of the main building.
  - b. Be of masonry construction. [COA] [PLANNING]
- BP-6. RECYCLING AND SOLID WASTE CONTAINER:  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-7. SOLID WASTE DISPOSAL PLAN:  
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-8. ROOF EQUIPMENT:  
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-9. FEES AND BONDS:  
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$16,040.00, prior to issuance of a Building Permit. (SMC 19.22).

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- b) Traffic Impact Fee – Pay Traffic Impact fee estimated at \$11,580.88, prior to the issuance of a Building Permit. [SDR] [PLANNING]

**BP-10. MECHANICAL EQUIPMENT (EXTERIOR):**

- a) 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-11. LANDSCAPE PLAN:**

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) All areas not required for parking, driveways or structures shall be landscaped.
- b) Provide trees at minimum 30 feet intervals alongside and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) 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.
- d) Ground cover shall be planted to ensure full coverage eighteen months after installation.
- e) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.

**BP-12. 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-13. LANDSCAPE BUFFER:**

Install and maintain a 6-foot solid decorative masonry wall), along the east and southeast property lines, measured from the highest adjoining grade, of a design subject to review by the Director of Community

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Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

**BP-14. 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-15. 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-16. 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-17. 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

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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-18. 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-19. EXTERIOR LIGHTING PLAN:**

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.

- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

**BP-20. 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-21. LIGHTING POLE HEIGHTS:**

Pole heights shall not to exceed (POLE HEIGHTS: 8, 15, 24) feet. [COA] [PLANNING]

**BP-22. LIGHTING SPACING:**

Installation of lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]

**BP-23. BICYCLE SPACES:**

Provide five Class II bicycle parking spaces per Citywide Design Guidelines and as approved by the Director of Community Development. Clearly indicate the location and the number of bicycle parking spaces on the Building Permit plans. [COA] [PLANNING]

**BP-24. GREEN BUILDING:**

The plans submitted for building permits shall demonstrate the project achieves 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. [COA] [PLANNING] [BUILDING]

**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

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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

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to the Department of Environmental Services, Solid Waste Division both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]

**BP-27. 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 residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

**BP-28. 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-30. 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 as updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

**BP-31. 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-32. 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-33. UNDERGROUND UTILITIES:

All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095 to 19.38.100 prior to first building occupancy. [COA] [PLANNING/PUBLIC WORKS]

BP-34. CONSTRUCTION RELATED NOISE

Final construction drawings shall incorporate the following measures related to minimize construction-related noise impacts:

- a) The Contractor will instruct all applicable trades to endeavor to keep compressors, etc. as close to the interior portions of the buildings as reasonably possible.
- b) Back-up beepers will be used only when required by law or as required to provide a safe work environment. Spotters or flaggers will be used in lieu of back-up beepers to direct backing operations when allowable.
- c) Equipment and trucks used for project construction must utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, whenever feasible).
- d) Construction-related traffic will be routed along major roadways and away from sensitive receptors where feasible.
- e) Construction equipment will be well maintained and used judiciously to be as quiet as practical.
- f) Developer shall require that subcontractors make efforts to mitigate sound transmission to be neighboring properties through the use of mufflers or other deadening methods.
- g) All internal combustion-driven equipment will be equipped with mufflers that are in good condition and appropriate for the equipment.
- h) Unnecessary idling of internal combustion engines will be prohibited when feasible.
- i) "Quiet" models of air compressors and other stationary noise sources will be used where the technology exists.
- j) Hydraulically or electrically powered equipment will be used and pneumatically powered equipment will be avoided where feasible. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, wherever feasible.

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- k) Stationary noise-generating equipment will be located as far as possible from sensitive receptors when adjoining construction sites. Temporary noise barriers or partial enclosures will be constructed to acoustically shield such equipment where feasible.
  - l) Signs must be posted at the construction site that include permitted construction days and hours, a day and evening contact for the job site, and a day and evening contact number for the on-site complaint and enforcement manager, and the City's Building Safety Division, in the event of problems. [COA] [PLANNING]

**BP-36. BIOLOGICAL RESOURCES**

Final construction drawings shall incorporate all the following measures related to minimize potential impacts to nesting raptors.

- a) If construction commences anytime during the nesting/breeding season of native bird species (typically February through August), a qualified biologist must conduct a preconstruction survey of the project vicinity for nesting/breeding birds within 14 days prior to the start of construction activities. The intent of the survey is to determine if active raptor nests or other species protected by the Migratory Bird Treaty Act are present within the construction zone or within 250 feet of construction zone for raptors and 50 feet of the construction zone for other migratory birds. The survey area must include all trees and shrubs within zones that have the potential to support nesting birds.
- b) If active nests are found in the area that could be directly affected or are within 250 feet of construction for raptors and 50 feet for other migratory birds, a no-disturbance buffer zone must 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. [COA] [PLANNING]

**BP-37. HISTORIC AND CULTURAL RESOURCES:**

Final construction drawings shall incorporate the following measures related to minimize potential impacts to historic and cultural resources

- a) On the first day of excavation, grading, trenching, and other earth disturbing operations, a qualified cultural resource professional must conduct an on-site meeting of all equipment operators, workers, and supervisors on the project. The meeting must address the nature of cultural deposits in the Sunnyvale area, and what constitutes a potentially significant discovery. The workers must be instructed to stop work in the vicinity of suspected discoveries and call for an inspection. Artifacts that

are typically found associated with prehistoric sites include humanly modified stone, such as obsidian or chert flakes or groundstone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or house or floor depressions, whereas mortuary features are typically represented by the presence of human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age.

- b) If cultural deposits or features, or human interments, are encountered during the project, all further excavation, grading and trenching work associated with the project must be monitored by an archaeologist and, if the discover is prehistoric, a Native American monitor. [COA] [PLANNING]

**BP-38. HAZARDS AND HAZARDOUS MATERIALS.**

Final construction drawings shall incorporate the following measures to minimize potential hazards and hazardous materials as set forth under “

- a) Soils must be screened at the time of slab demolition for indications of potential soil impacts.
- b) If soil is to be off-hauled prior to development, it must first be profiled (tested) to ensure the soil is properly reused or disposed.
- c) Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures. All loose and peeling lead-based paint and asbestos-containing material shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials shall be removed from buildings prior to demolition in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City for review with applications for issuance of construction and demolition permits. [COA] [PLANNING]

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

**EP-1. PUBLIC IMPROVEMENTS:**

Developer shall install public improvements as required by the City, including but not limited to, portion of sidewalks, driveway approaches,

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- street pavements, fire hydrant barrel upgrade etc. [COA] [PUBLIC WORKS]
- EP-2. 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]
- EP-3. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:  
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, fire hydrant barrel etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-4. 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-5. 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-6. EXISTING UTILITY ABANDONMENT/RELOCATION:  
Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes and procedures,

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- including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-7. 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-8. 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-9. 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. [COA] [PUBLIC WORKS]
- EP-10. PUBLIC FIRE HYDRANTS:  
Remove and replace the existing fire hydrant barrel(s) along Remington Drive frontage 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-11. WATER METER:  
The proposed 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 building 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

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- 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-12. SANITARY SEWER AND STORMDRAIN MANHOLES:  
Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-13. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:  
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the 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-14. CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:  
Pursuant to SMC 12.60.130, install full trash capture devices on each of the project site, prior to connecting to the City's storm drain collection system. The developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- EP-15. 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-16. DRIVEWAY APPROACHES:  
Remove all existing driveway approaches along project frontage on Sunnyvale Saratoga Road and Remington Drive 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. [COA] [PUBLIC WORKS]

EP-17. STREETSCAPE IMPROVEMENTS:

Remove portions of existing sidewalk that do not comply with current City standards and ADA requirements and replace with new sidewalk along the Sunnyvale Saratoga Road and Remington Drive frontage.

EP-18. 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-19. 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-20. VTA COORDINATION:

There is an existing VTA bus stop fronting the project (or within 100' of the project site), therefore, developer shall provide written statement to the City for VTA's requirements, subject to City's concurrence. Developer shall coordinate with VTA for temporary bus stop location or bus rerouting as approved by VTA prior to EP issuance. VTA contact is Robert Daniels, Service & Operations Planning, (408) 321-5780.

EP-21. 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 encroachment permit issuance. The exact fee amount shall be determined based upon the fee rate at the time of fee payment.

**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]

**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. HOURS OF OPERATION:

Permitted hours of operation is 24 hours, 7 day a week.

AT-2. DELIVERY HOURS:

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

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

AT-3. RECYCLING AND SOLID WASTE:

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

AT-4. LOUDSPEAKERS PROHIBITED:

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

AT-5. EXTERIOR EQUIPMENT:

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

AT-6. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic

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- height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-7. DISPLAY NEAR FRONT DOOR (SERVICE STATIONS ONLY):  
No beer or wine shall be displayed within 5 feet of the cash register or front door unless it is inside a permanently-affixed cooler. [COA] [PLANNING]
- AT-8. DISPLAY AT MOTOR FUEL ISLANDS (SERVICE STATIONS ONLY):  
No advertisement of alcoholic beverages shall be displayed at motor fuel islands. [COA] [PLANNING]
- AT-9. EMPLOYEE AGE (SERVICE STATIONS ONLY):  
Employees on duty between the hours of 9:00 p.m. to closing who sell beer or wine shall be at least 21 years old. [COA] [PLANNING]
- AT-10. PROHIBITION OF SINGLE SERVINGS SALES (SERVICE STATIONS ONLY):  
The sale of single servings of beer or wine is prohibited. For the purpose of this condition of approval, a single serving shall be defined as "less than 24 fluid ounces of beer or wine." [COA] [PLANNING]
- AT-11. ALCOHOL DISPLAY AREA:  
The display of alcoholic beverages shall be limited to be no more than 40% of the total floor area.
- AT-12. RESPONSIBLE ALCOHOL TRAINING  
The Permittee shall ensure all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request.
- AT-13. NO LOITERING AND GRAFFITI PREVENTION  
The Permittee shall install "No loitering" signs to discourage customers from loitering and drinking of alcohol on the property. The Permittee shall be responsible in pick up litter and abate graffiti twice each day.