

**RECOMMENDED CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
FEBRUARY 11, 2019**

**Planning Application 2018-7513**  
1155-1175 Aster Avenue (APNs 213-01-032, -033, -034)

**Special Development Permit** to redevelop a 16.82-acre property. Demolish seven existing industrial buildings, two commercial buildings, and construct a new mixed-use project. Project consists of a four-to-five-story apartment/commercial building with a wrapped above-grade parking structure; (2) two-to-seven-story condominium buildings above podium parking structures; and (20) two-to-three-story townhome buildings with individual unit garages.

Residential: 741 total units (412 rental /329 ownership) at a density of 44 du/ac.

Commercial: 1,500 sq. ft. on the ground floor of the apartment building.  
Publicly-Accessible, Privately-Owned Open Space: 2.3 acres

**Vesting Tentative Map** to create two lots for condominium purposes, one lot for the apartments and associated common area lots.

The project includes the following Sunnyvale Municipal Code deviations:

- Maximum building height [SMC Table 19.35.060]
- Minimum distance between buildings [SMC Section 19.48.030]

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. ENTITLEMENTS – DISCONTINUANCE AND EXPIRATION:  
The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)
- GC-3. ENTITLEMENTS- EXERCISE AND EXPIRATION:  
The approved entitlements 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. PREVIOUS USES SUPERSEDED:  
Once the allowed use as approved for this planning application is exercised, the previously approved planning applications shall be null and void with no further action required by any reviewing authority. [COA] [PLANNING]
- GC-7. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-8. PUBLIC ACCESS EASEMENT ON COMMUNITY OPEN SPACE:  
There shall be a public access easement recorded on the entirety of the community open space as shown in the approved plans along Aster Avenue and the western property line. The community open space shall be open to the public and shall not be restricted in use. The community open space shall be included on the final map and maintained in perpetuity by the association responsible for maintaining the parcel on which it is located. [COA] [PLANNING]
- GC-9. APARTMENT GROUND FLOOR RETAIL SPACE USES:  
SMC Table 19.35.050, "Permitted, Conditionally Permitted, and Prohibited Uses in LSAP Districts," under the MXD-III zoning district applies to all future uses in the ground floor retail space in the apartment building. [COA] [PLANNING]
- GC-10. BMR OWNERSHIP HOUSING COMPLIANCE:  
This project is subject to the City's Below Market Rate (BMR) Housing requirements as set forth in Sunnyvale Municipal Code Chapter 19.67 and the BMR Program Guidelines, both as may be amended. Developer shall enter into a BMR Developer Agreement in a form provided by the City, to be recorded against the property before issuance of building permits or recordation of a final map, whichever occurs first. When dwelling units in the project are made available for sale, the project shall provide 12.5% of the total units in the project for sale as BMR homeownership units. For the subject project, that equals **41** Below Market Rate dwelling units for sale and payment of a fractional in-lieu fee of **0.13 units** in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines. [SDR][HOUSING]
- GC-11. BELOW MARKET RATE PROGRAM/CONDO CONVERSION:  
Any future conversion of the apartment project into 8 or more condominium units for sale to individual home buyers will require

compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]

GC-12. RECREATION FACILITIES:

The recreation facilities serving each land use shall be installed in connection with the first phase of that land use and included on the building permit plans for the first phase. [COA] [PLANNING]

GC-13. STORMWATER MANAGEMENT PLAN:

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

GC-14. COMPLIANCE WITH TRANSPORTATION IMPACT ANALYSIS (TIA) RECOMMENDATIONS:

The applicant shall incorporate all recommendations in the final Transportation Impact Analysis for the project, subject to the review and approval of the Director of Public Works. [COA] [PUBLIC WORKS] [PLANNING]

GC-15. SIGNAGE:

Signage is not approved as part of this permit. Signage shall be reviewed as part of a separate Master Sign Program. [COA] [PLANNING]

GC-16. REMOVAL OF EXISTING WIRELESS COMMUNICATIONS FACILITIES:

All existing wireless telecommunication facilities and associated equipment shall be removed upon redevelopment of the site, prior to final occupancy of any residential units, or alternate timeline as determined by the Director of Community Development. Demolition permits shall include the removal of these facilities. [COA] [PLANNING]

GC-17. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:

The project is subject to the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). The project must achieve the 13.5 points as provided on the approved TDM program. Verification of compliance is subject to approval by the Director of Community Development prior to occupancy and shall be demonstrated (when applicable) on building permit plans. The Director may require the onsite TDM coordinator to send to the City annual confirmation that the specified TDM measures are provided to residents. [SDR] [PLANNING]

GC-18. FINAL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a vesting tentative map and recordation of a final map. The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the vesting tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit. Sheets C1.0 through C10.1 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]

GC-19. MULTIPLE MAPS:

If multiple maps are filed, all public improvement plans shall be approved prior to first map recordation. All public improvements shall be completed prior to first building occupancy, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-20. PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections 18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

The 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 Department of Public Works.

If the developer desires to phase the off-site improvement construction without completing the entire project frontage improvements associated with the first building occupancy, a construction phasing plan for the off-site improvements shall be submitted for review and approval by the Department of Public Works prior to first building permit issuance. [COA] [PUBLIC WORKS]

GC-21. 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. Sheets C1.0 through C10.1 of the Vesting Tentative Map package dated 1/29/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]
- GC-22. OFF-SITE CONSTRUCTION PHASING PLAN:  
The developer shall prepare a detailed off-site construction phasing plan for the subject property. The plan shall be subject to review and approval by the Department of Public Works prior to issuance of the encroachment permit. The plan shall have both exhibits and narratives that include, but not limited to, construction truck route, public vehicle access, pedestrian access, construction staging, limits of work and timeline for each of the phases. [COA] [PUBLIC WORKS]
- GC-23. STORM DRAIN RELOCATION PLANS:  
Submit improvement plans for the on-site public storm drain main relocation separate from the off-site improvement plans and the Building on-site improvement plans as the storm drain relocation plans are approved through a Public Works Encroachment Permit process. The storm drain relocation shall be completed and accepted by the City prior to approval of the first final map or issuance of the first building permit for parcels B and C. The storm drain relocation shown Sheet C6.0 through C6.1 dated 1/29/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]
- GC-24. 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. The traffic control plan is also subject to LSAP Mitigation Measure 3.3.5 [COA] [PUBLIC WORKS]

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

- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:  
The plans shall be revised as described below:
- a) Provide trash receptacles along Willow Avenue and by the public open space in accordance with LSAP Goals SF-UDG5 and 6.
  - b) Incorporate revisions required by the City's Solid Waste Division.

c) Per the TIA recommendations, ensure the parking structure spaces next to dead-end aisles are provided with sufficient turn-around space. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

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

PS-3. SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]

<b>MM: THE FOLLOWING CONDITION SHALL BE ADDRESSED AND MITIGATION MEASURES NOTED FOR THE LSAP EIR – MMRP AS RELEVANT TO THIS PROJECT</b>
---

MM-1. LAWRENCE STATION AREA PLAN (LSAP) – MITIGATION, MONITORING & REPORTING PROGRAM (MMRP):

The project is subject to the applicable measures in the Mitigation and Monitoring Reporting Program (MMRP) as required in the City of Sunnyvale Lawrence Station Area Plan Environmental Impact Report (EIR). The applicable measures are indicated in the Environmental Checklist for the project and are listed in the BP section of these conditions. The LSAP MMRP has been included as Exhibit 1. [COA] [PLANNING/PUBLIC WORKS]

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

**THESE CONDITIONS SHALL ALSO BE COMPLIED WITH DURING CONSTRUCTION APPROVED UNDER ANY SUBSEQUENT PERMITS, IF APPLICABLE.**

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

BP-5. RECYCLING AND SOLID WASTE 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 the City's latest guidelines. The required solid waste and recycling enclosures shall:

- a) Match the design, materials and color of the main building they serve;
- b) Be of masonry construction;



- c) Containers shall be metal or State Fire Marshall-listed non-metallic.
- d) Be screened from public view;
- e) All gates, lids and doors shall be closed at all times;
- f) Shall not conflict with delivery/receiving areas;
- g) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
- h) 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 PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for residential/multi-family and nonresidential projects, including, but not limited to:

- a) Describe the service frequency for garbage and recycling receptacles;
- b) Provide pallet jack travel maps for hauling waste receptacles to and from the staging area;
- c) Keep trash disposal and receiving rooms, and staging areas clean and litter/debris free;
- d) Ensure waste receptacles are properly presented for service by 7 a.m. on service days and returned to trash receiving rooms after service.
- e) Swap the locations of the loading zones and trash staging zones on the plan.
- f) Provide paths of travel for waste receptacles while other phases are under construction. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-7. LOADING AND DELIVERY AREA PLAN:

A detailed loading and delivery area plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The loading and delivery area plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for nonresidential projects. [COA]  
[PLANNING/TRAFFIC]

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. 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. 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 **\$1,211,633.23**, prior to issuance of a Building Permit. The actual fee paid will be the adopted fee rate in place at the time of building permit submittal. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at **\$6,706,213**, prior to issuance of a Building Permit. The actual fee paid will be the adopted fee rate in place at the time of building permit submittal. (SMC 19.75). Credits to this fee may be given if low income or very low income units are provided. [SDR] [PLANNING]
- c) PARK IN-LIEU – Pay Park In-lieu fees estimated at **\$37,765,213.20**, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]
- d) 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 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]

BP-11. 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 project shall provide publicly visible artwork per Chapter 19.52 of the Sunnyvale Municipal Code. [COA] [PLANNING]

BP-12. BMR DEVELOPMENT AGREEMENT:

Before issuance of building permits for the project, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of

completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must be executed by both parties and recorded against the property, and will run with the land.

In the event that any Below Market Rate dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the BMR requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Program Guidelines]

BP-13. 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 along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property;
- d) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size;
- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced in accordance with the City’s Tree Replacement standards;
- f) Provide minimum 15-foot wide landscape buffers along all public street frontages (except for Willow Ave);
- g) Ground cover shall be planted so as to ensure full coverage 18 months after installation; and
- h) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- i) Tree transplanting measures shall be clearly outlined and monitored by an ISA-certified arborist. Should any of the tree transplanting fail, appropriate replacements shall be provided subject to the approval of the Director of Community Development. [COA] [PLANNING]

BP-14. FINAL COMMUNITY OPEN SPACE DESIGN:

The final community open space design shall be reviewed and approved by the Director of Public Works prior to building permit issuance for any townhome, apartment, or condominium unit, whichever comes first. [COA] [PLANNING] [PUBLIC WORKS]

BP-15. 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. All landscaping within the corner and driveway vision triangles shall be properly maintained to ensure vision triangle clearance per Sunnyvale Municipal Code requirements. [COA] [PLANNING]

BP-16. 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-17. TOT LOT:

A "tot lot" shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities on a secured area of at least 1,500-sq. ft. The building permit plans shall include construction details for the "tot lot" and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

- BP-18. **STORMWATER MANAGEMENT CALCULATIONS:**  
Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]
- BP-19. **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. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-20. **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/ENVIRONMENTAL SERVICES]
- BP-21. **BEST MANAGEMENT PRACTICES - STORMWATER:**  
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:
- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
  - b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
  - c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
  - d) Covered trash, food waste, and compactor enclosures.
  - e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
    - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.

- ii) Dumpster drips from covered trash and food compactor enclosures.
- iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
- iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-22. CITY STREET TREES (SUBDIVISION):

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

BP-23. 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. Light standards shall not exceed 18 feet. Light standards near residential units shall not exceed 8 feet. Alternatives may be reviewed by the Director of Community Development.
  - 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 properties.
- [COA] [PLANNING]

BP-24. ONSITE 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-25. LIGHTING SPACING:

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

BP-26. PARKING MANAGEMENT PLAN:

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

- a) Submit a final parking plan, clearly showing parking spaces for assigned residential, residential guest, retail only, and shared use.
- b) Clearly define terms of shared use spaces, including specific uses and hours of use.
- c) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
- d) Clearly indicate that the property manager/homeowner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- e) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- f) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- g) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans.
- h) Details on stacker parking. All stacker parking stalls shall be assigned to the same unit per the Sunnyvale Municipal Code.  
[PLANNING] [COA]

BP-27. BICYCLE SPACES:

Provide a minimum of 151 Class I and 45 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as shown on the approved plans, subject to the review and approval by the Director of Community Development. [COA] [PLANNING]

BP-28. SOLAR ASSISTED HOT WATER:

Solar-assisted hot water shall be provided for all swimming pools and spas and provide 70% of hot water needs for summer months. [SDR] [PLANNING]

BP-29. NOISE REDUCTION:

Final construction drawings shall incorporate all mitigation measures related to interior and open space noise as set forth in the project’s environmental noise study. The project noise consultant shall provide written confirmation that the construction plans demonstrate compliance with the recommendations in the study. [COA] [PLANNING]

BP-30. GREEN BUILDING:

The project shall meet the following green building requirements:

- a) Residential: The plans submitted for building permits shall demonstrate the residential projects achieve a minimum of 80 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points.
- b) Non-Residential: The plans submitted for building permits shall demonstrate that the non-residential space achieves, at a minimum, the applicable CALGreen Mandatory Measures. [COA] [PLANNING] [BUILDING]

BP-31. 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 using [Sunnyvale.wastetracking.com](http://Sunnyvale.wastetracking.com), hosted by Green Halo. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]

BP-32. 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-33. CONSTRUCTION MATERIAL AND STAGING:

All construction-related materials, equipment, and construction worker parking shall be managed onsite and not located in the public rights-of-way or public easements. [COA] [PUBLIC WORKS]

BP-34. FIRE PREVENTION CONDITIONS:

Prior to building permit issuance, the following Fire Prevention conditions shall be satisfied:

- a) Each residence shall be protected throughout with an approved automatic sprinkler system designed and installed in accordance with NFPA 13. (CFC/SMC 903).
- b) Provide an approved sign directory illustrating and identifying buildings, important site features and access roads per SMC 16.52.505. This shall be installed and maintained at multi-building complexes.
- c) The parking structure shall be equipped throughout with an approved automatic sprinkler system and standpipe system.
- d) Public garages consisting of two or more floors, including below grade levels, are required to be equipped throughout with approved emergency call boxes in accordance with the following:
  - A dedicated phone line is required for each call box.

- Call boxes shall be located at exit discharges - exterior of stairwells and approximately every 100 feet of travel distance (200' apart) for areas between exit discharges.
- Call boxes shall be accessible for all users.
- e) All buildings shall have approved radio coverage for emergency responders in accordance with Section 510 of the California Fire Code and local standards. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for additional details. (SMC 510.1)
- f) Wherever a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure is required to provide and install radio retransmission equipment necessary to restore communication capabilities. Such equipment shall be located in an approved space or area within the new structure. (SMC 510.1.1)
- g) Comply with CBC 1007.2.1 Elevators required.
- h) Trash enclosures, within 5 feet of building exterior walls or overhangs require fire sprinkler protection.
- i) Provide two-way communication system per CBC 1007.8.
- j) Knox boxes (key boxes) will be required in accordance with Sunnyvale Fire Prevention guidelines.
- k) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- l) Required means of egress during construction. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls and windows are in place. Exception: In new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purpose of stairway construction (i.e. installation of gypsum board, painting, flooring, etc.). [SMC 1411.1]
- m) Provide a written Fire Protection Construction Plan.
- n) Provide an approved electronic "Pre-Fire Survey" map prior to Public Safety Department final recommendation for Certificate of Occupancy.
- o) Provide the required number of approved fire extinguishers, smoke detectors, and carbon monoxide detectors. [COA][FIRE PREVENTION]

BP-35. BUILDING ADDRESSING:

The building permit plans shall include the following address information as specified by the Department of Public Safety:

- a) An address monument and complex map shall be erected which is illuminated during the hours of darkness and positioned so as to be readily readable from the street.
- b) Address numbers shall be easily readable from the street with a minimum of 12" height.
- c) Each distinct unit within the building shall have its address displayed on or directly above both the front and rear doors. [SDR] [PUBLIC SAFETY]

BP-36. FINAL MAP:

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

BP-37. IRREVOCABLE OFFER OF DEDICATION:

As identified in the Lawrence Station Area Plan, the developer shall dedicate by recording separate instruments, an Irrevocable Offer of Dedication to the City for the two alternatives for access and future construction of a bike and pedestrian crossing over the Union Pacific Railroad (UPRR) and along the northern and western property limit to Aster Avenue. Dedication shall occur prior to the issuance of the first building occupancy. Acceptance of the Irrevocable Offer of Dedication will be reviewed and accepted by the City at a later date. [COA] [PLANNING/PUBLIC WORKS]

BP-38. BUILDING PERMIT ISSUANCE:

The existing 20' and 24' storm drain easement and public utility easement along the northern project limit shall be amended and recorded prior to issuance of the Building Permits for parcels B and C. [COA] [BUILDING/PUBLIC WORKS]

BP-39. UNDERGROUND UTILITIES:

All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]

BP-40. ON-SITE PRIVATE WATER METER(S):

The developer shall install individual private water meters for each residence, and for each ancillary building on-site. [COA] [BUILDING]

BP-41. AGENCY COORDINATION:

The developer shall coordinate with UPRR and/or Caltrain to obtain any necessary permits, including but not limited to temporary construction permits. [COA] [PUBLIC WORKS]

BP-42. BAAQMD CONSTRUCTION MITIGATION MEASURES

In accordance with LSAP EIR Mitigation Measure 3.5.3a, prior to the issuance of grading or building permits, the Bay Area Air Quality Management District's (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) shall be noted on the construction documents. These basic construction mitigation measures include the following:

- a) All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

All off-road diesel-fueled equipment (e.g. rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least California Air Resources Board (CARB) Tier 4 Certified or better. [COA] [PLANNING]

BP-43. CONSTRUCTION POLLUTANT MITIGATION PLAN:

It shall be noted that the portion of LSAP EIR Mitigation Measure MM 3.5.5 requiring a project-specific construction-related dispersion modeling acceptable to BAAQMD to identify potential toxic air

contaminant impacts, including diesel particulate matter, has been completed and additional mitigation measures are not required.

In accordance with the remainder of LSAP EIR Mitigation Measure 3.5.5, in the case when a subsequent project's construction spans greater than 5 acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:

- a) Limiting the amount of acreage to be graded in a single day,
- b) Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal preschool hours,
- c) Notification of affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment. [COA] [PLANNING]

BP-44. BAT SURVEY:

In accordance with LSAP EIR Mitigation Measure 3.9.2, prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified biologist no more than 3 days prior to the start of construction activities. If bat roosts are identified, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed. If maternity roosts are identified during the maternity roosting season (typically May to September) they

must remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If roosting is found to occur on-site, replacement roost habitat (e.g., bat boxes) shall be provided to offset roosting sites removed. If no bat roosts are detected, no further action is required if the trees and buildings are removed prior to the next breeding season.

If a female or maternity colony of bats is found on the project site, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large oak tree not planned for removal), a qualified biologist shall determine what buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).

If an active nursery roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted, under the direction of a bat specialist. [COA] [PLANNING]

**BP-45. BIOLOGICAL RESOURCES—BIRD NESTING:**

In accordance with LSAP EIR Mitigation Measure 3.9.3, all construction and clearing activities shall be conducted outside of the avian nesting season (January 15 – August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to 3 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250 ft. radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.

If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as necessary. The City shall be notified if altered exclusion zone widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged. [COA] [PLANNING]

**BP-46. DISCOVERY OF CULTURAL RESOURCES:**

In accordance with LSAP EIR Mitigation Measure 3.10.2, the project shall include information on the improvement plans that if, during the course of grading or construction cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can access the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential. [COA] [PLANNING]

BP-47. DISCOVERY OF FOSSILS:

In accordance with LSAP EIR Mitigation Measure 3.7.4, the project shall include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions are determined by a qualified paleontologist. In addition, prior to the commencement of a project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow. [COA] [PLANNING]

BP-48. SITE MANAGEMENT PLAN:

In accordance with LSAP EIR Mitigation Measure 3.3.3, a site management plan shall be prepared based on the findings of the Phase I and II Environmental Site Assessments (ESAs) consistent with applicable regulations and to the satisfaction of the appropriate regulatory agency. The regulatory agency must approve of the SMP prior to issuance of grading permits, and documentation shall be provided to the City. The project shall incorporate any additional required mitigation measures as specified by the regulatory agency, subject to the review of the Director of Community Development. [COA] [PLANNING]

BP-49. DEWATERING:

In accordance with LSAP EIR Mitigation Measure 3.3.3, if temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, documentation shall be provided to the City that the Water Pollution Control Plant has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site or storm drain shall be prohibited. [COA] [PLANNING]

BP-50. CONSTRUCTION NOISE MITIGATION MEASURES:

In accordance with LSAP EIR Mitigation Measure 3.6.4, the project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a noise control plan that shall be submitted for review and approval by the City. Measures specified in the noise control plan and implemented during construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use 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).
- b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- d) Noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
  - Installing intake and exhaust mufflers on pile-driving equipment;
  - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
  - Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
  - Using cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and



- At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.

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

**EP-1. LAWRENCE STATION AREA PLAN:**

This project is in the Lawrence Station Area Plan (LSAP) area, therefore, the developer shall comply with any applicable design requirements as identified in the MPSP or as amended and approved by the City. [COA] [PUBLIC WORKS]

**EP-2. BENCHMARKS:**

The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23803> Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]

**EP-3. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:**

A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/striping plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineering and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C1.0 through C10.1 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=24002>

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23625> [COA] [PUBLIC WORKS]

**EP-4. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:**

As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. [COA] [PUBLIC WORKS]

EP-5. STREETSCAPE IMPROVEMENTS:

Along the Aster Avenue project frontage, from the western project limit to the west side of private street B, remove existing concrete gutter and curb and install new 2' concrete gutter, curb and 6' minimum detached sidewalk to save existing trees as identified in the Arborist Report.

Along the remaining Aster Avenue project frontage, from the east side of private street B to Willow Avenue, remove existing concrete gutter and curb and install new 2' concrete gutter, curb, and 15' attached sidewalk (measured from the back of curb) with 4'x5' tree wells per current City standards, unless otherwise directed by the Director of Public Works.

Along the Willow Avenue project frontage, remove existing concrete gutter and curb and install new 2' concrete gutter, curb and 10' attached sidewalk (measured from the back of curb) with 4'x5' tree wells per City standards, unless otherwise directed by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-6. STREET PAVEMENT:

Apply Type II slurry seal from gutter to gutter along both Aster Avenue and Willow Avenue project frontage, unless otherwise directed by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-7. STREET INTERSECTIONS:

Remove the existing curb return at the northwest corner of Aster Avenue and Willow Avenue and install a new curb return with a 30' radii. Relocation of storm drain inlet may be necessary. [COA] [PUBLIC WORKS]

EP-8. DRIVEWAY APPROACHES:

Install new driveway approaches along Aster Avenue and Willow Avenue to comply with Americans with Disabilities Act (ADA) requirements and City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-9. CURB RAMP:

Install new directional curb ramp at the northwest corner of Aster Avenue/Willow Avenue in accordance with the Americans with Disabilities Act (ADA) requirements and latest City standard details and specifications. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. Relocation of storm drain inlet may be necessary. [COA] [PUBLIC WORKS]

- EP-10. MID-BLOCK CROSSWALK:  
Within 6 months after 85% of the units are occupied, the developer shall pay for a study to determine the necessity to install a mid-block crosswalk at the western end of the project frontage along Aster Avenue. If warranted by the study, the developer shall pay for the design and installation of a mid-block crosswalk with enhanced traffic safety devices (i.e. rectangular rapid flashing beacon, or as directed by the study) including curb ramps on both sides of Aster Avenue. [COA] [PUBLIC WORKS]
- EP-11. DECORATIVE PAVEMENT:  
All proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [COA] [PUBLIC WORKS]
- EP-12. POTHOLING OF EXISTING DRY UTILITIES:  
Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing dry utilities. Use pothole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]
- EP-13. 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. Required park utilities shall be installed and stubbed out to the property line during installation of utilities along Indian Wells and private streets. [COA] [PUBLIC WORKS]
- EP-14. 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-15. STORM DRAIN RELOCATION:

This project requires the relocation of an existing 39" public storm drain main along the northern edge of the project. A public storm drain easement shall be recorded on the map, or by separate instrument or as directed by the Director of Public Works.

Submit improvement plans for the on-site public storm drain main relocation separate from the off-site improvement plans and the Building on-site improvement plans as the storm drain relocation plans are approved through a Public Works Encroachment Permit process. The storm drain relocation shown on sheets C6.0 through C6.1 dated 1/29/19 are subject to change during the plan check process. [COA] [PUBLIC WORKS]

EP-16. 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-17. EXISTING UTILITY ABANDONMENT/RELOCATION:

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

EP-18. 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 the Department of Public Works. Sheets C1.0 through C10.1 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-19. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach. 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-20. 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 the 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-21. 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-22. DUAL CONNECTION WATER SERVICE SYSTEM:

Provide two service points of connections for the domestic water, with two separate radio-read domestic master water meters and two separate reduced pressure backflow preventer (RPBP), on private property, in accordance with current City standards for the apartments, condominiums and townhomes. Install a cut-in-tee gate valve between the two service hot taps. Backflows shall be the size as the water meters and must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. Install a separate point of connection for the retail/café domestic/fire water service, with a separate radio-read master water meter and RPBP, on private property. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

EP-23. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install separate irrigation water service lines (separate from the domestic and fire water service lines) with a radio-read water meter and backflow prevention device for parcels A, B and C.

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. Backflows shall be the same size as the water meters and must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS]

EP-24. PUBLIC FIRE HYDRANTS:

- Remove and replace the existing fire hydrant barrel(s) along the entire project frontage with current City standard Clow-Rich 865. New fire hydrant locations 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-25. **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 subject to approval by the Public Works Department 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-26. **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 to be used for the project. [SDR] [PUBLIC WORKS]
- EP-27. **SANITARY SEWER VIDEO:**  
The contractor shall make a video copy of the interior of the new sanitary sewer lateral installed prior to it is put into service. [COA] [PUBLIC WORKS]
- EP-28. **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 new storm drain lateral shall be 12" and the main line shall be minimum 15" diameter in the public right-of-way.
- EP-29. **CATCH BASIN TRASH CAPTURE DEVICES AND BADGE/STENCILING:**  
Pursuant to SMC 12.60.130, install full trash capture devices 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". Stencils/badges may be supplied by the Environmental Services Department if needed. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]
- EP-30. **PHOTOMETRIC ANALYSIS:**  
The developer is required to provide a photometric analysis based upon LED fixtures for Aster Avenue and Willow Avenue as to determine that the street lighting meets current City's Roadway Lighting Design

Criteria. Roadway, sidewalk and crosswalk illuminance calculations shall be calculated separately from each other.

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

1. Minimum Maintained Average Illuminance  $\geq 0.7$  fc
2. Uniformity Ratio (Avg/Min)  $\leq 6.0$
3. Max/Min ratio  $\leq 20$

Marked crosswalks at street intersection should have a desired minimum average illuminance value  $\geq 2.2$  fc. However, if this is not achievable the developer shall install at least one safety light on each side of the crosswalk.

Illuminance values for marked midblock crosswalks are as follows:

1. Minimum Maintained Average Illuminance  $\geq 0.5$  fc
2. Uniformity Ratio (Avg/Min)  $\leq 4.0$
3. Minimum vertical illuminance at 5' above pavement  $\geq 0.2$  fc

The limits of the photometric analysis shall be the entire length of Aster Avenue and the Willow Avenue (from the Lawrence Avenue overpass to the south side of the Aster Avenue/Willow Avenue intersection) project frontage and include all existing streetlights on both sides of the street along and adjacent to the project frontage, with streetlights being LED fixtures.

The developer shall upgrade all existing streetlight fixtures along the Aster Avenue and Willow Avenue project frontage to LED fixtures. All LED fixtures shall be of the same make and model (current approved manufacturer is Philips or approved equal that meet the current City of Sunnyvale LED roadway lighting specifications).

If the photometric analysis shows the need to relocate or install new streetlights, the developer shall also replace all existing streetlight conduits, wires and pull boxes with new ones along Aster Avenue and Willow Avenue frontages per City's current standards.

The light lost factor (LLF) to be used is 0.95. The LED fixture should have an efficiency of at least 90 lumens/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 fixtures, ies files used to perform analysis, test results from certified dependent lab, and electronic copy of the photometric analysis in AGi32 format. All LED fixtures shall have a 10-year warranty.

Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code. Streetlight fixture pole types along Aster Avenue and Willow Avenue shall be in accordance with the LSAP requirements, unless otherwise directed by the Director of Public Works.

Developer shall comply with City streetlight design guidelines and plan check submittal requirements as provided by the City upon request.

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

EP-31. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. Restripe the existing Aster Avenue to include two-6' green bike lanes, two-11' travel lanes and a 10' center turn lane along the project frontage. Restripe the existing Willow Avenue to include two-6' green bike lanes and two-11' travel lanes along the project frontage. Coordinate bike lane connection to French Street with the City of Santa Clara. Lane configuration may be modified based on the results of the traffic impact analysis or as determined by the Director of Public Works. Pavement striping/marking shall be in thermoplastic.

Establish a stop control at each of the project's driveway onto Aster Avenue and Willow Avenue. Add a 'No Left Turn' sign for northbound Willow Avenue into the retail driveway. In addition, install a second 'No Left Turn' sign at the intersection of Willow Avenue and Reed Avenue prohibiting left turns from Willow Avenue Monday thru Friday, 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., excluding holidays. [COA] [PUBLIC WORKS]

EP-32. TRAFFIC CONTROL PLAN:

Submit a traffic control plan and temporary traffic control (TTC) checklist with the off-site improvement plans for review and approval, including compliance with LSAP Mitigation Measure 3.3.5. Per the TTC, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. 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-33. **DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:**  
Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]
- EP-34. **CITY STREET TREES:**  
The developer shall install required street trees in proposed tree wells within the public right-of-way along the project frontage as follows: Aster Avenue: Deodar Cedar; Willow Avenue: species to be provided to the developer at a later date. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15-gallon size spaced approximately 35' apart. No street trees are to be planted within 10' of a sanitary sewer lateral. Sheets C1.0 through C10.1 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-35. **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-36. **ROOT BARRIER:**  
Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]
- EP-37. **RECORD DRAWINGS:**  
Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In addition, streetlight record drawings shall be in AutoCAD format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

**TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP.**

TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit # **2018-7513**, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- e) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following provisions:
  - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
  - ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- g) The CC&Rs shall contain the following language:
  - i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right

to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.

- iii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- iv) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- v) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- vi) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- vii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

- TM-2. HOA CREATION:  
The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]
- TM-3. HOA TRANSFER:  
At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]
- TM-4. NEW STREET NAMING:  
The name of the internal streets shall be named in accordance with the official Street Naming System, as selected by the Community Development Department. [COA] [PLANNING]
- TM-5. PUBLIC ACCESS EASEMENT ON COMMUNITY OPEN SPACE:  
The final map shall show a public access easement to be recorded on the entirety of the community open space as shown in the approved plans along Aster Avenue and the western property line. The community open space shall be open to the public and shall not be restricted in use. The community open space shall be maintained in perpetuity by the association responsible for maintaining the parcel on which it is located. [COA] [PLANNING]
- TM-6. LOT LINE ADJUSTMENT:  
A lot line adjustment of the existing parcels shall be completed and recorded with Santa Clara County prior to the final map approval. [COA] [PUBLIC WORKS]
- TM-7. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:  
The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. Sheets C1.0 through C10.1 of the Vesting Tentative Map package dated 1/29/19 are subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]

- TM-8. TITLE 18 AND SUBDIVISION MAP ACT:  
The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [COA] [PUBLIC WORKS]
- TM-9. PUBLIC/PRIVATE STREETS:  
All streets, both public and private, shall be shown on the final parcel Map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS]
- TM-10. EASEMENT DEDICATION:  
This project requires a minimum 26'-wide dedication of an emergency vehicle ingress and egress easement dedication on and over private roadways, a sidewalk easement, as required, along Aster Avenue and Willow Avenue to accommodate the 6' detached sidewalk and 10' attached sidewalk, respectively, and a public access easement over the Community Open Space and promenade. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- TM-11. RESERVATION/ABANDONMENT OF EASEMENTS:  
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s), reciprocal parking easement(s), cross-lot drainage easement(s), sanitary sewer easement necessary for the project shall be delineated on the map or recorded concurrently with the map with a separate instrument. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]
- TM-12. COMMUNITY OPEN SPACE:  
The developer shall provide a community open space, available to the public, by recording a public access easement over the designated area. [PUBLIC WORKS]
- TM-13. UTILITY COMPANY APPROVAL:  
Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA] [PUBLIC WORKS]
- TM-14. COST ESTIMATE:  
Provide an itemized engineer's estimate for all off-site public improvements and on-site private improvements for the entire project

- with breakdowns corresponding to each construction phases (in accordance with City approved phasing plan). [COA] [PUBLIC WORKS]
- TM-15. SUBDIVISION IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:  
The developer shall execute a subdivision improvement agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first. Provide an itemized engineer's estimate for all improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]
- TM-16. PUBLIC WORKS DEVELOPMENT FEES:  
The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]

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

- PF-1. COMPLETION OF PUBLIC IMPROVEMENTS:  
Developer shall complete all required public improvements in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-2. NEW PUBLIC EASEMENTS LOCATED ON-SITE:  
Any new easements required for public use purpose shall be either shown on the recorded final map or on a separate recorded Easement Deed deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-3. LANDSCAPING, IRRIGATION, AND COMMUNITY ROOMS:  
All landscaping, irrigation, and required community rooms/clubhouses as contained in the approved building permit plan shall be installed prior to occupancy of the land uses they serve. [COA] [PLANNING]
- PF-4. COMMUNITY OPEN SPACE:  
The publicly-accessible community open space as shown in the approved plans along Aster Avenue and the western property line shall be installed to the satisfaction of City staff prior to occupancy of any

townhome unit, apartment, or condominium unit, whichever comes first. [COA] [PLANNING]

PF-5. PARKING LOT STRIPING:

All parking lot striping shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]

PF-6. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS):

The developer/owner shall submit a copy of the recorded CC&Rs and a letter from the developer/owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release of utilities or certificate of occupancy. [COA] [PLANNING/PUBLIC WORKS/CITY ATTORNEY]

PF-7. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a responsible person for purposes of maintaining all common property. The chairperson, secretary, or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses, and telephone numbers of the new officers within 30 days after the change becomes effective. [COA] [PLANNING]

PF-8. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 50 dBA is met on the finished bedrooms and 55 dBA is met in other rooms, per the General Plan Safety and Noise Element. Such test results shall be furnished to the Director of Community Development prior to occupancy of any unit in the building(s) the permit pertains to. [COA] [PLANNING]

PF-9. BMR COMPLETION 60-DAY ADVANCE NOTICE:

The Developer/Owner must provide a written "Notice of Intent to Sell" to the Affordable Housing Manager for each BMR unit(s) to be provided in the development at least sixty (60) days (but no more than ninety (90) days) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the BMR Program Guidelines and updated annually. The developer must also request and pass a site inspection

by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-10. MASTER SIGN PROGRAM:

A Master Sign Program (MSP) for the entire project is required to be submitted and approved by the Director of Community Development prior to final occupancy of the first residential permit. The MSP shall contain provisions for wayfinding signage within the development and to the Lawrence Caltrain Station in accordance with LSAP Goal OSW-UDG2. Signage shall also be provided for loading and trash staging areas, with directions for deliveries to the retail space. [COA] [PLANNING]

PF-11. SOLID WASTE EQUIPMENT TRAINING:

Prior to the first certificate of occupancy for the condominiums and apartments, the developer shall ensure that proper training has been provided and certification obtained by personnel who will operate pallet jacks to haul waste receptacles to and from the staging area. Provide certification to the Solid Waste Division. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

**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. COMMERCIAL SPACE HOURS OF OPERATION:

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

- a) The hours of operation are limited to 6:00 a.m. to 10:00 p.m. for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond 10:00 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. DELIVERY HOURS:

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

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

AT-3. RECYCLING AND SOLID WASTE:

- All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-5. EXTERIOR EQUIPMENT:  
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-6. LANDSCAPE MAINTENANCE:  
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-7. COMMUNITY OPEN SPACE MAINTENANCE:  
The publicly-accessible community open space as shown in the approved plans along Aster Avenue and the western property line shall be open to the public and shall not be restricted in use. The community open space shall be maintained in perpetuity by the association responsible for maintaining the parcel on which it is located. [COA] [PLANNING]
- AT-8. PARKING MANAGEMENT:  
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-9. HOA REVIEW AND APPROVAL:  
In common interest developments, any future application to the City for physical modifications on commonly-owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately-owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the CC&Rs of their respective development. [COA] [PLANNING]
- AT-10. HOA RESPONSIBILITIES:

The chairperson, secretary, or principal officer of any committee association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within (30) days after the change becomes effective. [COA] [PLANNING] [COMMUNITY SERVICES]

AT-11. PARKING LOT/STRUCTURE MAINTENANCE:

Parking lots and parking structures shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all employee and customer spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
- e) Garage spaces in the townhomes shall be maintained at all times so as to allow parking for vehicles. [COA] [PLANNING]

AT-12. UNENCLOSED STORAGE:

Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

AT-13. RECREATIONAL VEHICLE STORAGE PROHIBITED:

Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-14. 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-15. 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-16. TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES:  
The multi-family residential use shall participate in the Multi-Family Residential Transportation Demand Management (TDM) Plan program per Chapter 19.45 of the Sunnyvale Municipal Code (SMC). [SDR]  
[PLANNING]
- AT-17. SOLID WASTE RECYCLING MANAGEMENT:  
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA]  
[ENVIRONMENTAL SERVICES]

Exhibit 1 – The Lawrence Station Area Plan (LSAP) Mitigation Monitoring and Reporting Program follows on the next page.

**Lawrence Station Area Plan  
Final Environmental Impact Report  
Mitigation Monitoring and Reporting Program**

**1. Statutory Requirement**

When a lead agency makes findings on significant environmental effects identified in an environmental impact report (EIR), the agency must also adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment” (Public Resources Code Section 21081.6(a) and California Environmental Quality Act Guidelines Section 15091(d) and Section 15097). The Mitigation Monitoring and Reporting Program (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Therefore, the MMRP must include all changes in the proposed project either adopted by the project proponent or made conditions of approval by the lead agency or a responsible agency.

**2. Administration of the Mitigation Monitoring and Reporting Program**

The City of Sunnyvale (City) is the lead agency responsible for the adoption of the MMRP. The City is responsible for implementing, verifying, and documenting compliance with the MMRP, in coordination with other identified agencies. According to CEQA Guidelines Section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the measures occurs in accordance with the program.

**3. Mitigation Measures and Reporting Program**

Table B-1 is structured to enable quick reference to mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures correlates with numbering of measures found in the impact analysis sections of the Draft EIR.

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
<b>Air Quality</b>				
<b>MM 3.5.3a</b>	<p>Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District's (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents. These basic construction mitigation measures include the following:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>7. A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to issuance of grading or building permits</li> <li>• During construction</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check)</li> <li>• Project applicant (during construction)</li> </ul>
<b>MM 3.5.3b</b>	<p>In the cases where construction projects are projected to exceed the Bay Area Air Quality Management District's (BAAQMD) air pollutant significance thresholds for NO<sub>x</sub>, PM<sub>10</sub>, and/or PM<sub>2.5</sub>, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least California Air Resources Board</p>	<ul style="list-style-type: none"> <li>• Site inspection</li> </ul>	<ul style="list-style-type: none"> <li>• During construction</li> </ul>	<ul style="list-style-type: none"> <li>• Project applicant (during construction)</li> <li>• City of</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	(CARB) Tier 3 Certified or better.			Sunnyvale (during construction)
<b>MM 3.5.5</b>	<p>In the case when a subsequent project's construction spans greater than 5 acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the Bay Area Air Quality Management District (BAAQMD) staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Limiting the amount of acreage to be graded in a single day,</li> <li>2. Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal preschool hours,</li> <li>3. Notification of affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.</li> </ol>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to issuance of grading permit</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check)</li> <li>• Project applicant (during construction)</li> </ul>
<b>MM 3.5.6</b>	<p>The following measures shall be utilized in site planning and building designs to reduce TAC and PM<sub>2.5</sub> exposure where new receptors are located within 1,000 feet of emission sources:</p> <ul style="list-style-type: none"> <li>• Future development with the LSAP that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located</li> </ul>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to issuance of grading or building permit</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale</li> </ul>



Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>within 1,000 feet from Caltrain and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual PM<sub>2.5</sub> exposures greater than 0.8 µg/m<sup>3</sup>) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated.</p> <ul style="list-style-type: none"> <li>Future nonresidential developments projected to generate more than 100 heavy-duty trucks daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard Index greater than 1.0, or annual PM<sub>2.5</sub> exposures greater than 0.3 µg/m<sup>3</sup>.</li> </ul>			
<b>Biological Resources</b>				
<b>MM 3.9.1</b>	<p>If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31) on the vacant portion of the Corn Palace property, a qualified biologist shall conduct focused surveys for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFW’s Staff Report on Burrowing Owl Mitigation, published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p> <p>If no burrowing owls are detected, no further mitigation is required. If active burrowing owls are detected, the project proponent will implement the avoidance, minimization, and mitigation methodologies outlined in the CDFW’s Staff Report prior to initiating project-related activities that may impact burrowing owls.</p>	<ul style="list-style-type: none"> <li>Preconstruction surveys for work done between February 1 and August 31</li> </ul>	<ul style="list-style-type: none"> <li>Up to 14 days prior to construction</li> </ul>	<ul style="list-style-type: none"> <li>Project applicant (survey and protection measures))</li> <li>City of Sunnyvale (document compliance)</li> </ul>
<b>MM 3.9.2</b>	<p>Prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified biologist no more than 3 days prior to the start of construction activities. If bat roosts are identified, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed. If maternity roosts are identified during the maternity roosting season (typically May to September) they must remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If roosting is found to occur on-site, replacement roost habitat (e.g., bat boxes) shall be</p>	<ul style="list-style-type: none"> <li>Preconstruction surveys</li> </ul>	<ul style="list-style-type: none"> <li>No more than 3 days prior to building demolition and/or tree removal</li> </ul>	<ul style="list-style-type: none"> <li>Project applicant (survey and protection measures)</li> <li>City of Sunnyvale</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>provided to offset roosting sites removed. If no bat roosts are detected, no further action is required if the trees and buildings are removed prior to the next breeding season.</p> <p>If a female or maternity colony of bats is found on the project site, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large oak tree not planned for removal), a qualified biologist shall determine what buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).</p> <p>If an active nursery roost is documented on-site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted, under the direction of a bat specialist.</p>			(document compliance)
<b>MM 3.9.3</b>	<p>All construction and clearing activities shall be conducted outside of the avian nesting season (January 15–August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to 3 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.</p> <p>If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the USFWS, as necessary. The City shall be notified if altered exclusion zones widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged.</p>	<ul style="list-style-type: none"> <li>• Preconstruction surveys for work done between January 15 and August 31</li> </ul>	<ul style="list-style-type: none"> <li>• No more than 3 days prior to tree removal and/or site preparation involving removal of vegetation</li> </ul>	<ul style="list-style-type: none"> <li>• Project applicant (survey and protection measures)</li> <li>• City of Sunnyvale (document compliance)</li> </ul>
<b>Cultural Resources</b>				
<b>MM 3.10.2</b>	All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• During construction</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>construction cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can access the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.</p>			<p>(plan check)</p> <ul style="list-style-type: none"> <li>• Project applicant (if resources found)</li> </ul>
<b>Geology, Soils, and Paleontological Resources</b>				
<b>MM 3.7.4</b>	<p>All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions are determined by a qualified paleontologist. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.</p>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to issuance of grading permit</li> <li>• During construction</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check)</li> <li>• Project applicant (if fossils discovered)</li> </ul>
<b>Hazards and Hazardous Materials</b>				
<b>MM 3.3.3</b>	<p>The City shall require a Phase I Environmental Site Assessment (ESA) prepared and submitted with any application for new development or redevelopment in any LSAP subarea north of the Caltrain tracks, the Peninsula subarea, the Lawrence/Reed/Willow subarea, or the Corn Palace property. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project).</p> <p>If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA.</p> <p>The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) prior to initiation of construction activities. Deed restrictions, if appropriate, shall be recorded.</p>	<ul style="list-style-type: none"> <li>• Review of Phase I and/or Phase II ESA</li> <li>• Site inspection</li> </ul>	<ul style="list-style-type: none"> <li>• Phase I at the time development application is submitted</li> <li>• Phase II prior to building permit issuance</li> <li>• Site inspection during construction</li> </ul>	<ul style="list-style-type: none"> <li>• Project applicant (Phase I/Phase II)</li> <li>• City of Sunnyvale (document compliance)</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the Water Pollution Control Plant has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site in any LSAP subarea north of the Caltrain tracks, the Peninsula subarea, the Lawrence/Reed/Willow subarea, or the Corn Palace property to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be prohibited. The City shall ensure all plans and permits state this prohibition.</p> <p>If the Phase I ESA determines there are no recognized environmental conditions (RECs), no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activities, all work shall stop immediately until a qualified professional has determined an appropriate course of action.</p>			
<b>MM 3.3.5</b>	<p>Prior to issuance of a permit for a specific development project or prior to approving a City-initiated roadway improvement identified in the LSAP, the City shall determine whether project construction activities have the potential to affect traffic conditions on roadways as a result of construction of the development project or roadway improvement(s). If there is the potential the activities could impair or inhibit emergency response or evacuation, a Construction Traffic Control Plan shall be prepared for City review and approval. The plan shall include, but not be limited to, schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including maintaining an open lane for vehicle travel at all times. All traffic control measures shall conform to City of Sunnyvale, Santa Clara County, and/or Caltrans standards, as applicable. The City shall ensure final approved plans for private development projects specify the requirement, as appropriate, to implement the construction traffic control plan.</p>	<ul style="list-style-type: none"> <li>Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>Prior to permit issuance</li> </ul>	<ul style="list-style-type: none"> <li>City of Sunnyvale (plan check and inspection)</li> <li>Project applicant (prepare plan)</li> </ul>
<b>Hydrology and Water Quality</b>				
<b>MM 3.8.3</b>	<p>Prior to approving any subsequent projects in the LSAP at any location where fill is placed in the FEMA AO zone to elevate the ground surface above the base flood elevation, the project applicant shall submit a hydraulic analysis prepared by a California-registered professional engineer for City Engineer review and approval. The analysis shall, at a minimum, identify: (1) the specific locations</p>	<ul style="list-style-type: none"> <li>Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>Prior to grading permit issuance</li> </ul>	<ul style="list-style-type: none"> <li>City of Sunnyvale (plan check)</li> <li>Project applicant</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	where changes in water surface elevations due to fill encroachment could occur; and (2) drainage improvements that will be used to ensure placement of fill will not increase flood hazards in areas not previously subject to flooding during occurrence of the base flood discharge.			(hydraulic analysis)
<b>Noise</b>				
<b>MM 3.6.4</b>	<p>Subsequent projects in the LSAP shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Sunnyvale Building Services Division. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:</p> <ul style="list-style-type: none"> <li>• Equipment and trucks used for construction shall use 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.</li> <li>• Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used.</li> <li>• Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.</li> <li>• Noise reducing pile-driving techniques shall be employed during project construction. These techniques shall include: <ul style="list-style-type: none"> <li>o Installing intake and exhaust mufflers on pile-driving equipment.</li> <li>o Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible.</li> <li>o Implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Plan approval</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to issuance of grading and/or building permits</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale (plan check and inspection)</li> <li>• Project applicant (during construction)</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>duration), where feasible, in consideration of geotechnical and structural requirements and conditions.</p> <ul style="list-style-type: none"> <li>○ Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material).</li> <li>○ At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.</li> </ul>			
<b>Transportation and Circulation</b>				
<b>MM 3.4.6</b>	<p>Should the proposed Land Use and Transportation Element update not be adopted, the following roadway improvements are required as a component of the implementation of the LSAP:</p> <ul style="list-style-type: none"> <li>• <u>Wolfe Road &amp; Kifer Road</u> – Construction of a second southbound left-turn lane and a second westbound left-turn lane. Both left-turn lanes would need to have the same length as the original left-turn lane. Depending on the width of each travel lane, the north and east legs of the intersection will need to be widened between 8 feet and 11 feet. The through lanes at this intersection will be realigned. The required right-of-way would need to be acquired from the northwest, northeast, and/or southeast quadrants of the intersection. Existing bicycle and pedestrian facilities will be retained. This improvement would be a requirement for projects within the LSAP only and not a citywide requirement.</li> </ul> <p>With this improvement, the intersection would operate at an acceptable LOS D during the AM peak hour. There would be secondary deficiencies associated with this improvement such as increased pedestrian and bicyclist exposure to traffic when crossing the intersection. The increased exposure time would range from approximately 2 to 3 seconds for pedestrians and from 1 to 2 seconds for bicyclists. This increased exposure time would be minimal. Located in an industrial area and immediately between the rail tracks and Central Expressway, this intersection is also not expected to serve a considerable amount of pedestrian and bicyclist volume. The required right-of-way acquisition would be minimal and would not displace businesses or parking spaces. This improvement would be a requirement for</p>	<ul style="list-style-type: none"> <li>• LSAP approval</li> </ul>	<ul style="list-style-type: none"> <li>• Incorporated into LSAP should Draft LUTE not be adopted</li> <li>• Implemented during future development projects in LSAP only if Draft LUTE not adopted</li> </ul>	<ul style="list-style-type: none"> <li>• City of Sunnyvale Planning Department</li> </ul>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification/Timing	Responsible Party
	<p>project within the LSAP only and not a citywide requirement.</p> <ul style="list-style-type: none"> <li>• <u>Wolfe Road &amp; Fremont Avenue</u> – Construction of an exclusive southbound right-turn lane for the length of the segment. The eastbound inner left-turn lane will require restricting the U-turn movement to allow a southbound overlap right-turn phase. Vehicles wishing to perform the eastbound U-turn movement would instead perform the U-turn at Eleanor Way. Depending on the extent of the median on the north leg that could be removed, the north leg would be widened between 3 and 11 feet. The north leg would be realigned to accommodate the southbound right turn. There is existing right-of-way on the northeast quadrant of the intersection.</li> </ul> <p>With this improvement, the intersection would operate at an unacceptable LOS E during the PM peak hour, but would no longer have an LSAP intersection deficiency. Secondary deficiencies on the pedestrian and bicycle facilities associated with this improvement would not be considerable. The increased exposure time would range from approximately 1 to 3 seconds for pedestrians and from 1 to 2 seconds for bicyclists. This increased exposure time would be minimal. The required right-of-way acquisition would be minimal and would not displace businesses. This improvement would be a requirement for projects within the LSAP only and not a citywide requirement.</p>			