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

Planning Application **2017-7451**
Corn Palace – 1142 Dahlia Court

SPECIAL DEVELOPMENT PERMIT:

To construct 58 single-family homes, including requests to deviate from minimum lot size, lot coverage, setback and maximum FAR requirements/standards

TENTATIVE MAP:

To subdivide one parcel into 61 lots including 58 single family lots, a private street, a remainder common lot, and lot for a 2-acre public park.

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

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- approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:
The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)
- GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:
The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)
- GC-4. INDEMNITY:
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]
- GC-5. NOTICE OF FEES PROTEST:
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]
- GC-6. ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-7. 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 7.25. Below Market Rate dwelling units for sale and payment of a fractional in-lieu fee of 0.25 units in compliance with the BMR requirements set forth in SMC 19.67 and the BMR Program Guidelines. [SDR][HOUSING]

GC-8. 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-9. 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 C-1 through C-7 of the Vesting Tentative Map package dated 1/4/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]

GC-10. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the Draft Environmental Impact Report (DEIR). The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PLANNING/PUBLIC WORKS] MITIGATION MEASURE

GC-11. 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-12. 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 C-1 through C-7 of the Vesting Tentative Map package dated 1/4/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-13. 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-14. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements

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- including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-15. STORMWATER TREATMENT FACILITIES:
The developer shall be responsible for treatment and maintenance of stormwater, stormwater treatment facilities and bulb-outs along Lily Avenue, Toyon Avenue and Dahlia Drive. A maintenance agreement shall be required as determined by the Environmental Services Department. [COA] [ENVIRONMENTAL SERVICES/OFFICE OF CITY ATTORNEY]
- GC-16. FUTURE EXTERIOR MODIFICATIONS/ADDITION TO HOMES:
Future exterior modifications and additions shall require approval from the HOA and be subject to the current permit process and development standards for the R-1.5 zoning standards [COA] [PLANNING]
- GC-17. DEVIATIONS GRANTED:
Deviation to minimum lot size is allowed. [COA] [PLANNING]

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

- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:
The plans shall be revised to address comments from the Planning Commission including the following:
- a) Modify house plans for a lower FAR and increased setbacks; and provide increased architectural articulation/elements for improved architecture subject to Planning Commission approval.
 - b) Modify house plans for lot 58 to ensure project meets the minimum sideyard setbacks (first story and second story) shared with existing neighbor on the north side.
 - c) Modify the site layout plan to allow increased ease of parking in the unassigned parking spaces on the private street adjacent to public park, by reducing the parking by three spaces to allow for a total six in this area where currently nine spaces are proposed.
 - d) Existing Palm tree adjacent to the fruit stand shall be saved and protected during construction. [COA] [PLANNING]
- PS-2. EXTERIOR MATERIALS REVIEW:
Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

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- PS-3. PARKING AND CIRCULATION PLAN:
Submit a revised parking and circulation plan subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]
- PS-4. SANITARY SEWER ANALYSIS:
Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:
- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
 - b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow monitoring data may be required as needed. Any mitigation improvements needed shall be incorporated in the first plan check submittal. [COA] [PUBLIC WORKS]

MM: THE FOLLOWING CONDITIONS ARE MITIGATION MEASURES FOR CEQA RELATED IMPACTS FROM THE PROJECT AND SHALL BE ADDRESSED BY THE APPLICANT AS NOTED.

- MM-1. MITIGATION MEASURES AND REPORTING PROGRAM (MMRP)
Refer to the MMRP included as Attachment 6 and incorporated by reference into these Conditions of Approval.

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

- TM-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]
- TM-2. RESPONSE TO CONDITIONS OF APPROVAL:

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- A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- TM-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]
- TM-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]
- TM-5. **SOLID WASTE DISPOSAL PLAN:**
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- TM-6. **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]
- TM-7. **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 \$177,498.00 prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

TM-8. 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]

TM-9. LANDSCAPE PLAN:

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

- a) All frontyard of the 58 single family homes, and common areas to include landscaping include tree plantings on private and public streets.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals alongside and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Deciduous trees shall be provided along the southern exposures for passive solar heating purposes.
- e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.

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- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - h) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
 - i) An 8-foot tall masonry wall to be built on the property line adjacent to Lawrence Expressway along the length of the project site include the portion with the public park. The height of the wall shall be measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

TM-10. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit – all front yards and common area to be maintained by the HOA [COA] [PLANNING]

TM-11. TREE PROTECTION PLAN:

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

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

TM-12. PRE-APPROVED, WATER EFFICIENT LANDSCAPE PLANS – REAR YARD:

The developer shall submit a minimum of four landscape plans for review and approval by the Community Development Department. These plans will be reviewed through a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping code requirements. These plans shall be made available to the future homeowners.

TM-13. INSTALLATION OF REAR YARD LANDSCAPING ON NON-PRE-APPROVED PLANS :

Future homeowners who choose to install the site landscaping of the rear yards with other than the pre-approved landscape design, shall submit for review and approval of a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping Code requirements. This MPP must be approved prior to installation of the landscaping.

TM-14. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

TM-15. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

TM-16. 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:

- b) 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.
- c) 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.

- d) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- e) Covered trash, food waste, and compactor enclosures.
- f) 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]

TM-17. CITY STREET TREES:

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

TM-18. 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]

TM-19. PARKING MANAGEMENT PLAN (RESIDENTIAL):

Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit and to be included in the CC&Rs. The Parking Management Plan shall include the following:

- a) 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.
- b) The property manager/homeowner's association may specify that 25% to 75% of unassigned spaces be reserved for guest use..

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- c) 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.
 - d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
 - e) Prohibit tenants from parking RV's, trailers, or boats in assigned spaces.
 - f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

TM-20. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum of 80 points on the Green Point Rated checklist, or the minimum points required effective at the time of building permit submittal. The project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING] [BUILDING]

TM-21. 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]

TM-22. 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]

TM-23. PARK DEDICATION REQUIREMENTS:

The park dedication requirements of 2 acres shall be satisfied with a combination of 0.725-acre dedicated and 1.275 acres through the Purchase and Sale Agreement and Joint Escrow Instructions between the City of Sunnyvale and Trumark Homes LLC dated February 8, 2019, provided that the land proposed for dedication meets the City standard for park land dedication. Dedication shall occur prior to the issuance of the first building occupancy. Acceptance of the dedication will be by the City at a later date. [COA] [PLANNING/PUBLIC WORKS]

TM-24. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater

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- Management Plan shall include as updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- TM-25. **STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:**
Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects – Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]
- TM-26. **DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:**
To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City using 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]
- TM-27. **SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:**
A detailed solid waste disposal and recycling design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- TM-28. **UNDERGROUND UTILITIES:**
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- TM-29. **ON-SITE PRIVATE WATER METER(S):**
The developer shall install individual private water meters for each residence (lots 13 through 58). [COA] [BUILDING/PUBLIC WORKS]
- TM-30. **ON-SITE DRIVEWAY PARKING (LOTS 12 AND 13):**
On-site driveway parking for lots 12 and 13 shall be outside of the corner vision triangle and on-site driveway parking shall be in front of a specified visual (pavers or similar) feature as detailed in the Covenants, Conditions and Restrictions (CC&Rs). [PLANNING/PUBLIC WORKS]

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- TM-31. CONSTRUCTION MATERIAL AND STAGING:
All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in the public right-of-ways or public easements. [COA] [PUBLIC WORKS]
- TM-32. AGENCY COORDINATION:
The developer shall coordinate with the County of Santa Clara and the Santa Clara Valley Water District and obtain any necessary agreements and permits, including but not limited to maintenance agreement, temporary construction permits and well destruction permits and shall provide copies of agreements and permits to the City. [COA] [PUBLIC WORKS]
- TM-33. SANTA CLARA VALLEY WATER DISTRICT:
The developer shall complete the abandonment and destruction of the existing well and appurtenances in accordance with the rules and regulations established by the Santa Clara Valley Water District (SCVWD). Provide evidence that the SCVWD has inspected and signed off on the well destroyed. [COA] [PUBLIC WORKS]

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

- EP-1 LAWRENCE STATION AREA PLAN (LSAP):
This project is in the LSAP area, therefore, the developer shall comply with any applicable design requirements as identified in the LSAP 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/stripping plans, erosion control 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 C-1 through C-7 of the Vesting Tentative Map package dated

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- 1/4/19 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 Lily Avenue and Dahlia Drive widen the street along the project frontage to accommodate a face of curb to face of curb width of 40' and install new 2' concrete gutter, curb, 4' landscape strip and 6' detached sidewalk per current City standards, unless otherwise directed by the Director of Public Works. Install a 32' radius cul-de-sac, per current City standards, to complete a full cul-de-sac at the eastern end of Dahlia Drive.
- Along Toyon Avenue widen the street along the project frontage to accommodate a face of curb to face of curb width of 36' and remove existing asphalt concrete curb and install new 2' concrete gutter, curb, 4' landscape strip and 6' detached sidewalk per City standards, unless otherwise directed by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-6 STREET PAVEMENT:
Install new pavement section per Geotechnical Report recommendations along the widened portions of streets on Lily Avenue, Toyon Avenue and Dahlia Drive. City will provide the traffic index (TI) for all three streets. Apply type II slurry seal the remaining portion of Lily Avenue, Toyon Avenue, Dahlia Drive and White Oaks up to the lip of gutter or as directed by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-7 STREET BULB-OUTS:
Install street bulb-outs along Lily Avenue, Toyon Avenue and Dahlia Drive to accommodate bio-retention areas and curb ramps. [COA] [PUBLIC WORKS]

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- EP-8 **CURB RAMP:**
Install new curb ramps at the following locations: the north side of Lily Avenue at White Oak Lane; the northeast corner of Lily Avenue/Toyon Avenue; the northwest, northeast and southeast corners of Toyon Avenue/Dahlia Drive; and the northwest and northeast corner of Dahlia Drive and Vinemaple Avenue. Curb ramps shall be installed in accordance to the latest City standard details, specifications and Americans with Disabilities Act (ADA) requirements. 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 inlets may be necessary. [COA] [PUBLIC WORKS]
- EP-9 **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-10 **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-11 **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 Lily Avenue and Toyon Avenue or as directed by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-12 **UTILITY CONNECTION TO THE MAIN:**
All sanitary sewer lateral connections to the existing main line for the lots along Toyon Avenue shall be a wye connection in accordance with current City standards. The private sanitary sewer lateral connections to the existing main line along Street A shall be at a 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

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- calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]
- EP-13 **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-14 **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-15 **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 C-1 through C-7 of the Vesting Tentative Map package dated 1/4/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-16 **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-17 **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]

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- EP-18 **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-19 **DUAL CONNECTION WATER SERVICE SYSTEM:**
Provide two service points of connections for the domestic water, with two separate public radio-read domestic master water meters and two separate reduced pressure backflow preventer (RPBP) in accordance with current City standards for the lots along Street A. For water meter size two (2) inch or larger, provide meter sizing calculations to the Department of Public Works for approve of meter size. 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. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]
- EP-20 **WATER METER:**
Install new public radio-read domestic water meters and laterals at each lot's point of connection to the water main along Toyon Avenue. Install new private water meters and laterals at each lot's point of connection to the private water main along Street A. Sheet C-5 of Preliminary Utility Plan dated 1/4/19 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-21 **IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:**
Install a separate irrigation water service line (separate from the domestic/fire water service line) with a water meter and backflow prevention device. Install and cap at the property line the irrigation water service line for the park.

All landscape and irrigation systems, located in the public park strip areas along Lily Avenue, Toyon Avenue and Dahlia Drive shall be connected to the water system metered to the developer/HOA. 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-22 **PUBLIC FIRE HYDRANTS:**
Install new fire hydrant and barrels along the entire project frontage, as determined by the Fire Department, with current City standard

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- Clow-Rich 75. 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-23 PRIVATE FIRE HYDRANTS:
Install two separate points of connection for the looped fire service line with a backflow prevention device for the on-site private fire hydrants. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-24 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-25 SANITARY SEWER AND STORM DRAIN MANHOLES:
Install new sanitary sewer and storm drain manholes at the street right-of-way line for the proposed private sanitary sewer and storm drain mains for the lots along Street A. Sheet C-5 of Preliminary Utility Plan dated 9/27/18 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]
- EP-26 SEWER CLEANOUT:
Install new sanitary sewer cleanouts at the street right-of-way line for all proposed sanitary sewer laterals along Toyon Avenue. Sheet C-5 of Preliminary Utility Plan dated 9/27/18 is subject to change during plan check process. [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 Lily Avenue, Toyon Avenue and Dahlia Drive 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 Lily Avenue are:

1. Minimum Maintained Average Illuminance ≥ 0.6 fc
2. Uniformity Ratio (Avg/Min) ≤ 4.0
3. Max/Min ratio ≤ 20

The roadway and sidewalk illuminance values require to be met for Toyon Avenue and Dahlia Drive are:

1. Minimum Maintained Average Illuminance ≥ 0.4 fc
2. Uniformity Ratio (Avg/Min) ≤ 6.0
3. Max/Min ratio ≤ 20

The limits of the photometric analysis shall be the entire project frontage and include all existing streetlights on both sides of Lily Avenue, Toyon Avenue and Dahlia Drive along and adjacent to the project frontage, with streetlights being LED fixtures.

The developer shall upgrade all existing streetlight fixtures along the Lily Avenue, Toyon Avenue and Dahlia Drive 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 Lily Avenue, Toyon Avenue and Dahlia Drive 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 Lily Avenue, Toyon Avenue and Dahlia Drive 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. Pavement striping/markings shall be in thermoplastic. Establish a stop control at each of the Street A's driveway exit onto Dahlia Drive. [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. 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: Lily Avenue: Fraxinus Velutina ‘Rio Grande’ – Velvet Ash; Toyon Avenue: Pistacia Chinenis – Chinese Pistache; Dahlia Drive: Podocarpus Gracilior – Fern Pine. 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 C-1 through C-7 of the Vesting Tentative Map package dated 9/27/18 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 WALL – LAWRENCE EXPRESSWAY:

This project requires a review and approval letter/permit from the County of Santa Clara for the proposed 8’ tall masonry wall and bike access to Lawrence Expressway as this project abuts County of Santa Clara’s right-of-way including coordination with the Lawrence Expressway Grade Separation project. [COA] [PUBLIC WORKS]

EP-38 STORMWATER TREATMENT FACILITIES AND MAINTENANCE AGREEMENT:

The developer shall be responsible for treatment and maintenance of stormwater, stormwater treatment facilities and bulb-outs along Lily Avenue, Toyon Avenue and Dahlia Drive. Prior to offsite improvement acceptance, the developer shall execute and record a Maintenance Agreement, for perpetual maintenance of the storm drainage treatment facilities and landscaping by the HOA. [COA] [ENVIRONMENTAL SERVICES/OFFICE OF CITY ATTORNEY]

EP-39 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 OR PARCEL MAP.

- TM-1. 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 C-1 through C-7 of the Vesting Tentative Map package dated 9/27/18 are subject to change during plan check process. [COA] [PLANNING/PUBLIC WORKS]
- TM-2. 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-3. PUBLIC/PRIVATE STREETS:
All streets, both public and private, shall be shown on the final map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS]
- TM-4. EASEMENT DEDICATION:
This project requires a 26'-wide minimum emergency vehicle access easement and public access easement dedications on and over the private roadways.
- A 10' public utility easement along the north end of the park next to lot 47 and street easement dedications are required as follows: 31' street dedication (in form of easement) along Lily Avenue; 15' dedication (in form of easement) along Toyon Avenue; 22' street dedication (in form of easement) along Dahlia Drive. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- TM-5. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s), and cross-lot drainage

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- easement(s) 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-6. **PUBLIC PARK:**
The developer shall dedicate land for public park located along the Lily Avenue frontage as a condition of approval of the project and the Purchase and Sale Agreement and Joint Escrow Instructions between the City of Sunnyvale and Trumark Homes LLC dated February 8, 2019. Dedicated park shall follow the City's Standards for Acceptance of Land for Park Purposes and the dedication shall be by separate deed and follow the conditions set forth in the Purchase and Sale Agreement. [COA] [PUBLIC WORKS]
- TM-7. **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-8. **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-9. **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-10. **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]
- TM-11. **COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):**

Any proposed deeds, covenants, conditions, restrictions and by-laws relating to the subdivision are subject to review and approval by the City. The CC&R's shall include the following provisions:

- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- b) The Homeowners Association shall be responsible for maintenance of the parkstrip landscaping, stormwater, stormwater treatment facilities and street bulb-outs along the Lily Avenue, Toyon Avenue and Dahlia Drive frontage and 8' wall fronting Lawrence Expressway in perpetuity
- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Subdivision Improvement Agreement)
- d) Homeowners for Lots 12 and 13 are prohibited from parking vehicles within the 40-foot corner vision triangle and shall park vehicles in front of a specified visual (paver band or similar) feature as detailed in the CC&Rs.
- e) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- f) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management.

[COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-12. 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. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. 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.

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- 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 #2017-7451 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.
 - ii) 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.

- iii) 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.
- vi) 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.
- vii) 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.
- viii) 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-13. 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-14. 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-15. NEW STREET NAMING:

The name of the north-south (private) street shall be in accordance with the official Street Name System (names of trees for streets that run north-south and names of flowers for streets that run east-west), as selected by the Community Development Department. [COA] [PLANNING]

TM-16. PRIVATE STREET:

The common lot designated as a private street shall be assigned a private street name in accordance with the official Street Name System, as selected by the Community Development Department. [COA] [PLANNING]

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

PF-1. LANDSCAPING AND IRRIGATION:

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

PF-2. COMPACT SPACES:

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

PF-3. PARKING LOT STRIPING:

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

PF-4. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

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 if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-5. 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 thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-6. IRRIGATION METERS:

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

PF-7. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]

PF-8. 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-9. NEW PUBLIC EASEMENTS LOCATED ON-SITE:

Any new easements required for public use purpose shall be either shown on the first recorded final map or on a separate recorded

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- Easement Deed deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-10. ON-SITE STRIPING:
All on-site striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]
- PF-11. COMPLETION OF PUBLIC IMPROVEMENTS:
Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

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

- DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
- DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

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

OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.

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- 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. RECYCLING AND SOLID WASTE:

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

AT-2. 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]

AT-3. LOUDSPEAKERS PROHIBITED:

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

AT-4. 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-5. PARKING MANAGEMENT:

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

AT-6. PARKING LOT MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

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

AT-7. OFF-STREET PARKING ON PRIVATE STREET:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-8. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

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

AT-9. RECREATIONAL VEHICLE STORAGE PROHIBITED ON PRIVATE STREET:

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-10. HOA REVIEW AND APPROVAL:

In common interest developments, any future applications 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 conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-11. HOA RESPONSIBILITIES:

The chairperson, secretary or principal officer of any committee or 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 thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]

AT-12. 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-13. 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]