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**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
MAY 29, 2019**

**Planning Application 2019-7022  
946 W. El Camino Real**

**SPECIAL DEVELOPMENT PERMIT to allow a 7,200-square foot billiard center with snack bar and beer sales and operating hours from 12:00 PM to 2:00 AM, installation of associated site improvements and a parking adjustment to the minimum parking ratio.**

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—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. ALCOHOL BEVERAGE CONTROL (ABC):  
The project applicant shall obtain all appropriate and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of use approved as part of this permit. [COA] [PLANNING]
- GC-7. USE AND ABC COMPLIANCE:

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- Non-compliance with the Conditions of Approval for this planning application or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either reconsideration (discretionary review of new application) of the SDP and the imposition of additional Conditions of Approval or the initiation of the revocation process by the Director of Community Development. [COA] [PLANNING]
- GC-8. SIGNS:  
New signs shall comply with Title 19 of the Sunnyvale Municipal Code and subject to a separate Sign Permit. [PLANNING] [COA]
- GC-9. PERMIT COMPLIANCE REVIEW: The following compliance review is required as noted below:
- a) The applicant will notify in writing to the Planning Division, the date of commencement of the use at the subject site.
  - b) At the end of six months and twelve month of the use commencement date, the applicant shall apply for a Miscellaneous Plan Permit (MPP) to initiate a six month and twelve-month review of this permit.
  - c) The MPP review shall include consideration of compliance with conditions of approval, public safety issues, impacts on surrounding properties, including residential and commercial properties in the vicinity, and other information deemed appropriate by the Director of Community Development.
  - d) Staff may impose additional requirements to ensure compliance with Conditions of Approval and/or reduce impacts to surrounding properties.
  - e) Staff may initiate revocation of the Use Permit due to non-compliance, subject to review by the City Council. [COA] [PLANNING]
- GC-10. ENCROACHMENT PERMIT:  
Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-11. 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

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result of project construction to City's satisfaction by the Department of Public Works. All existing traffic detector loops and conduits shall be protected in place during construction. Any damaged detector loops shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

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

PS-1. 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]

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

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

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

- BP-4. BLUEPRINT FOR A CLEAN BAY:  
The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. RECYCLING AND SOLID WASTE CONTAINER:  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-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]
- BP-7. 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-8. EXHAUST AND OPENINGS:  
No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Planning Director. [COA] [PLANNING]

- BP-9. DEPARTMENT OF PUBLIC SAFETY REVIEW:  
Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit. [COA] [PLANNING]
- BP-10. 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) Provide photocells for on/off control of all security and area lights.
  - b) All exterior security lights shall be equipped with vandal resistant covers.
  - c) Wall packs shall not extend above the roof of the building.
  - d) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]
- BP-11. 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-12. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):  
A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) Require employee parking on-site and restricted to the rear parking lot area.
  - b) Operate valet parking during peak hours of 9:00PM to 1:00AM on Fridays and Saturdays.
  - c) Provide parking lot monitor for the duration of the evening operating hours (6:00PM to 2:00AM). Parking lot monitoring shall be conducted every 30 minutes. Inspections shall be logged and provided upon request.
  - d) Respond to complaints in a timely fashion and work with neighbors on amenable solutions.
- [COA] [PLANNING]

BP-13. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:

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

BP-14. SOLID WASTE AND RECYCLING ENCLOSURE:

The building permit plans shall include details for repairs to the existing recycling and solid waste enclosure. Modifications shall demonstrate consistency with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City's latest guidelines. The required enclosure shall:

- a) Paint to match or complement the design, materials and color of the main building;
- b) Replace vinyl slats on enclosure gates to ensure bins are fully screened from view;
- c) Repair any cracks and/or replace cement pad within the enclosure if needed upon review and inspection by Environmental Services Department.
- d) All gates, lids and doors shall be closed at all times;
- e) Shall not conflict with delivery/receiving areas;
- f) Shall be consistent with the approved Solid Waste and Recycling Management Plan;
- g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements.
- h) Be abutted by a new 10'x20' concrete stress pad aligned with the proposed location where the garbage truck will be parked while picking up and emptying the garbage bins. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-3. CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [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. PARKING LOT REPAVING AND STRIPING:**

Rear parking lot shall be repaved and restriped to comply with parking lot standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]

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

**DC-1. BLUEPRINT FOR A CLEAN BAY:**

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

**DC-2. 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.



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- 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-3. 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]

<b>AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.</b>
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AT-1. 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 12:00 PM to 2:00 PM, seven days a week.

AT-2. DELIVERY HOURS:

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

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

AT-3. RECYCLING AND SOLID WASTE:

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

AT-4. LOUDSPEAKERS PROHIBITED:

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

AT-5. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air

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- 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. PARKING MANAGEMENT:  
On-site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-8. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee and customer parking 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. [COA] [PLANNING]
- AT-9. UNENCLOSED STORAGE (PROHIBITED):  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-10. VALET PARKING
- a) Valet parking shall be provided during peak hours of 9:00PM to 1:00AM on Fridays and Saturdays.
  - b) Prior to occupancy of the building and any change of tenant, a Valet Plan shall be submitted by the property owner to the Director of Community Development for review and approval. [COA] [PLANNING]
- AT-11. RESTRICTING USE OF DOOR AFTER 10PM:

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Back door to the pool billiard establishment shall be locked after 10:00PM and provide emergency exit egress only. [COA] [PLANNING]

AT-12. MANAGEMENT OPERATIONS AND SECURITY PLAN.

Management Operations Plan. The Management Operations Plan shall require the following:

- a) Queuing: Queuing patrons shall be managed to not affect neighboring businesses that may be operating concurrently or cause danger to pedestrians or customers in line waiting to access the establishment.
- b) Disturbance Coordinator: An onsite Manager and/or Disturbance Coordinator shall be available to address any concerns or complaints during business hours. Contact information for the Disturbance Coordinator shall be posted in a prominent location near the primary entrance to the restaurant. A complaint log shall be maintained that will include the time and content of all complaints and a summary of the time and nature of the restaurant operator's response to each complaint. The complaint log shall be made available to authorized City staff upon request.
- c) Parking Lot Monitoring: An on-site parking lot monitor shall monitor and log parking lot inspection every 30 minutes.
- d) Lighting and Video Surveillance: Provide security lights and cameras in the rear parking lot area.
- e) Signage: No loitering and No Smoking signs will be visually displayed.