

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
DECEMBER 9, 2019**

Planning Application **2019-7214**  
581-583 E Fremont Avenue

**USE PERMIT** to demolish two existing religious institution buildings (Trinity United Methodist Church) and construct a two-to-three story assisted living facility for elderly with 120 beds; and

**VARIANCE** to allow a truck loading space within the required 10-foot landscape buffer, and an 8-foot tall perimeter wood fence in lieu of a masonry wall.

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. ON-SITE AMENITIES:  
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. SIGNS:  
A Sign permit is required for all the new signage. All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]
- 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. 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 connections, meters/vaults, trees and landscaping, traffic signage, striping, 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. [COA] [PUBLIC WORKS]

GC-10. 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. The site development plan with sheets C1.1 to C4.1 dated 11/6/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-11. 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-12. RECORDATION OF PARCEL MAP FOR LOT MERGER:

This project is subject to, and contingent upon recordation of a parcel map. The submittal, approval and recordation of the parcel 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 Parcel Map are subject to City’s technical review and approval during the parcel map process. The parcel map shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding parcel map. [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. Final plans must ensure general compliance with plans approved by the Planning Commission and with Bird Safe Design Guidelines. [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. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:  
To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City, per City's "waste & recycling reporting form" (electronic copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report to the Department of Environmental Services, Solid Waste Division both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- BP-7. 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-8. SOLID WASTE AND RECYCLING ENCLOSURE:  
The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon City's latest guidelines. The required enclosures shall:
- a) Match the design, materials and color of the main building;
  - b) Be of masonry construction;
  - c) Be screened from view;
  - d) All gates, lids and doors shall be closed at all times;
  - e) Shall not conflict with delivery/receiving areas;
  - f) Shall be consistent with the approved Solid Waste and Recycling Management Plan, Dated November 18, 2019;
  - g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-9. SOLID WASTE SERVICES:  
Waste and recycling services shall be maintained under one account for each of the public domestic water meters that serve an occupied building held by the applicant, owner or landlord, unless otherwise approved by the City. The account holder is 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] [FINANCE/ENVIRONMENTAL SERVICES]

BP-10. 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-11. 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 **\$77,850.00**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) ART IN PRIVATE DEVELOPMENT - Pay Art in Private Development bond prior to issuance of a Building Permit. [SDR] [PLANNING]
- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire shopping center development project will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

BP-12. 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-13. 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-14. ART IN PRIVATE DEVELOPMENT REVIEW:  
An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artwork along **E Fremont Avenue**. [COA] [PLANNING]
- BP-15. 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 trees along the east property line must be maintained as screening trees and must be planted at minimum 12 feet intervals.
  - b) All areas not required for parking, driveways or structures shall be landscaped.
  - c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
  - 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 trees in accordance with the City’s Tree Replacement standards.
  - g) Provide a minimum ten-foot wide landscape buffer along the property line, except for the loading area.
  - h) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - i) Decorative paving as required by the Director of Community Development to distinguish pedestrian paths and common areas.
- BP-16. LANDSCAPE MAINTENANCE PLAN:  
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-17. PERIMETER FENCE:  
Install and maintain an eight-foot solid wood fence along the north, east and west property lines, measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. [SDR] [PLANNING]
- BP-18. 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) The Holy Oak tree along Fremont Avenue shall be protected
- b) 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).
- c) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- d) 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.
- e) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-19. STORMWATER MANAGEMENT CALCULATIONS:

Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

BP-20. STORMWATER MANAGEMENT PLAN:

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

BP-21. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

BP-22. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best

management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-23. CITY STREET TREES:

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

BP-24. EXTERIOR LIGHTING PLAN:

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.

- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]
- BP-25. 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-26. 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) Employee parking locations shall be away from the building, in parking spaces that are the least used.
  - b) Specify the location and term of short-term parking.
  - c) Allow the use of valet parking when appropriate on sites with limited parking.
  - d) Employees shall be required to park on the site.
  - e) Provide adequate signage to direct traffic and pedestrians, including signage to prevent vehicles from exiting Manet drive and to access EVA pathway. [COA] [PLANNING]
- BP-27. BICYCLE SPACES:  
Provide four Class I and two Class II bicycle parking spaces per Citywide Design Guidelines and as approved by the Director of Community Development. Clearly indicate the location and the number of bicycle parking spaces on the Building Permit plans. [COA] [PLANNING]
- BP-28. GENERATOR REQUIREMENTS:
- a. Use of the generators shall be limited to events of power outage only and testing one time a month. Testing of the generator shall only take place during daytime hours (8am to 5pm daily). No night use of the generator is allowed unless in an emergency.
  - b. Comply with SMC Section 19.42.030 regarding operational noise. A noise study may be required prior to building permit issuance to verify compliance with the City's noise requirements.
  - c. The generator shall be maintained at all times per manufacturer's specifications with sound proofing.
  - d. Obtain and maintain permit from BAAQMD for diesel generators.
- BP-29. GREEN BUILDING:  
The plans submitted for building permits shall demonstrate the project achieves a minimum of 80 points on the Green Point Rated checklist,

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

BP-30. CONSTRUCTION MANAGEMENT PLAN:

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

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

construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING]

- BP-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]
- BP-32. 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]
- BP-33. UNDERGROUND UTILITIES:  
All utilities shall be undergrounded per Sunnyvale Municipal Code Chapter 19.38.095. [COA] [PLANNING/PUBLIC WORKS]
- BP-34. VEHICULAR SITE ACCESS:  
Ingress-only vehicular access is allowed from Manet Drive. The Fremont Avenue driveway shall have both ingress and egress access. [COA] [PUBLIC WORKS]
- BP-35. BUILDING PERMIT ISSUANCE:  
Prior to building permit issuance, the multiple existing private easements shall be quitclaimed by separate instruments and a recorded/conformed copy shall be provided to the City.  
[COA] [BUILDING/PUBLIC WORKS]
- BP-36. EMERGENCY VEHICLE ACCESS EASEMENT:  
Developer shall dedicate a minimum 26' wide emergency vehicle ingress-egress easement over the designated path and drive aisle.  
  
City will accept the dedication upon recordation of the parcel map, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- BP-37. PARCEL MAP:  
This project is subject to, and contingent upon recordation of a parcel map. The submittal, approval and recordation of the parcel 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 Parcel Map are subject to City's technical review and approval during the parcel map process. The parcel map shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding parcel map. See Checklist for Map Recordation Requirements available on City's website:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23627> [COA] [PUBLIC WORKS]

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

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, signing/striping 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. The site development plan with sheets C1.1 to C4.1 dated 11/6/19 are subject to change during the 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-2. 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-3. 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-4. UTILITY CONNECTION:

- This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]
- EP-5. UTILITY CONNECTION TO THE MAIN:  
All sanitary sewer laterals connecting to the existing main line shall be at a new or an existing sanitary sewer manhole. All storm drain laterals connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]
- EP-6. 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. Potholing of the public storm drain main located at the northeastern corner of the project site shall be done to verify the main's location and that the existing invert allows for proper drainage from the project site. [COA] [PUBLIC WORKS]
- EP-7. 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-8. 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-9. DRY UTILITIES:

- Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to the issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-10. 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-11. 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. The site development plan with sheets C1.1 to C4.1 dated 11/6/19 are subject to change during the plan check process. [COA] [PUBLIC WORKS]
- EP-12. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:  
Provide separate fire and domestic service lines. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install reduced pressure backflow prevention devices (RPBP) behind the street right-of-way for the domestic service line and a reduced pressure detector assembly (RPDA) and 5/8" water meter behind the street right-of-way for the fire service line. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-13. PUBLIC FIRE HYDRANTS:  
Remove and replace the existing fire hydrant barrel(s) along the entire project frontage with current City standard Clow-Rich 865. New fire hydrant locations shall be per current City standard detail 2B and 2B-2. Public fire hydrant shall be maintained free and clear of all trees, vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-14. WATER METER:  
Each building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. For water meter sizes three (3) inches or larger, provide meter sizing

- calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. If the buildings water demand requires a water meter 3" or larger, installation of dual meters and a cut-in tee are required per City standard detail 12B and 12B-1. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) for each point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-15. 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.
- All landscape and irrigation systems, located in the public 4' x 5' tree wells shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS]
- EP-16. SEWER MANHOLE:  
Install new sewer manhole at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. The site development plan with sheets C1.1 to C4.1 dated 11/6/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]
- EP-17. 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-18. 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 inches and the main line shall be minimum 15 inches diameter in the public right-of-way. [COA] [PUBLIC WORKS]
- EP-19. CATCH BASIN TRASH CAPTURE DEVICES:  
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 that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-20. 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-21. SAFETY IMPROVEMENTS:

The developer shall implement safety improvements that include crosswalk improvements and high visibility restriping for two crosswalks (the crosswalk on the north leg crossing Manet Drive, and the crosswalk on the east leg crossing E Fremont Avenue), and a fair share contribution of \$8,000 to replace and install four ADA compliant push buttons and control units at the intersection of Manet Drive and E Fremont Avenue. [COA] [PUBLIC WORKS]

EP-22. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-23. STREETSCAPE IMPROVEMENTS:

Along project frontage on Manet Drive, remove the existing concrete curb, gutter and sidewalk and install new concrete curb and 2' gutter per current City standards. Install an attached 10-foot wide sidewalk (not including 6-inch curb) with 4' x 5' tree wells per City Standard Detail 9C-2A. Provide an ADA compliant sidewalk transition to the existing sidewalk on the adjacent property.

Along project frontage on E Fremont Avenue, remove the existing concrete curb, gutter and sidewalk and install new concrete curb and 2' gutter per current City standards. Install an attached 10-foot wide sidewalk (not including 6-inch curb) with 4' x 5' tree wells per City Standard Detail 9C-2A. Provide an ADA compliant sidewalk transition to the existing sidewalk on the adjacent property.

The developer shall remove the existing curb radius at the northeast corner of Manet Drive and E Fremont Avenue and install a new curb

- radius of 30-feet or as directed by the Department of Public Works. [SDR] [PUBLIC WORKS]
- EP-24. ROOT BARRIER:  
Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]
- EP-25. DECORATIVE PAVEMENT:  
Any and 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-26. 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. Install high visibility restriping for two crosswalks (the crosswalk on the north leg crossing Manet Drive, and the crosswalk on the east leg crossing E Fremont Avenue), or as determined by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-27. TRAFFIC CONTROL PLAN:  
Submit a traffic control plan with the off-site improvement plans for review and approval. Per the City's Temporary Traffic Control Checklist, 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-28. CURB RAMP:  
Remove the existing curb ramp at the northeast corner of the intersection of Manet Drive and E Fremont Avenue and install two new directional ADA compliant curb ramps per City Standard Detail 13C-1 one in the westerly direction and another in the southerly direction. The new curb ramps shall be 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. Installation of curb ramps at the intersection of Manet Drive and E Fremont Avenue may require traffic signal modification at the developer's expense. [COA] [PUBLIC WORKS]
- EP-29. STREET PAVEMENT:  
Developer shall be responsible to mill and fill a minimum depth of 2" and a minimum width of 10' on both sides of the utility cuts.

Developer shall be responsible to install Type II slurry seal on Manet Drive from lip of gutter to lip of gutter along project frontage, from the western property line to the intersection of Manet Drive and E Fremont Avenue or as directed by the Department of Public Works. The site development plan with sheets C1.1 to C4.1 dated 11/6/19 are subject to change during the plan check process.

Developer shall be responsible to install rubberized asphalt concrete on E Fremont Avenue from lip of gutter to the southern edge of the first travel lane in the west bound direction of E Fremont Avenue along the project frontage, from east property line to the intersection of Manet Drive and E Fremont Avenue or as directed by the Department of Public Works. Sheets C1.1-C4.1 Civil Plans dated 11/6/19 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-30. CITY STREET TREES:

The developer shall install required street trees in the proposed 4'x5' tree wells within the public right-of-way along the project frontage as follows: Manet Drive: Chinese Pistache; E Fremont Avenue: Holly Oak. 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 feet apart. No street trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. The site development plan with sheets C1.1 to C4.1 dated 11/6/19 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

EP-31. PROTECTION OF EXISTING TREES:

No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to adjusting locations of utility lines. [SDR] [PUBLIC WORKS]

EP-32. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-33. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s), cross-lot utility, drainage and ingress/egress easements necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]

EP-34. 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 & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

**PM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.**

PM-1. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the parcel map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements. [COA] [PUBLIC WORKS]

PM-2. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be delineated on the map or recorded concurrently with the map with a separate instrument. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements) 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]

PM-3. STREET DEDICATION EASEMENT:

The developer shall provide a 4.0' street dedication in the form of an easement along E Fremont Avenue. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall dedicate the easement as part of the recorded parcel map prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

PM-4. 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]

- PM-5. EMERGENCY VEHICLE ACCESS EASEMENT:  
Developer shall dedicate a minimum 26'-wide dedication of an emergency vehicle ingress and egress easement on and over private roadways. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- PM-6. PUBLIC WORKS DEVELOPMENT FEES:  
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- PM-7. 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 off-site public improvements for the entire project for determination of security amount. [COA] [PUBLIC WORKS]
- PM-8. OFF-SITE IMPROVEMENT COST ESTIMATE:  
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [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. NEW PUBLIC EASEMENTS LOCATED ON-SITE:  
Any new easements required for public use purposes shall be shown on the recorded parcel map deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-2. LANDSCAPING AND IRRIGATION:  
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [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 prior to occupancy. [COA] (PLANNING/ENGINEERING)

- PF-4. 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]
- PF-5. 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-6. COMMUNITY GARDEN OPERATION AGREEMENT:  
Prior to issuance of a certificate of occupancy, the applicant shall provide evidence that it has entered into an agreement with a non-profit organization or other appropriate entity to manage the community garden space. The space shall be maintained as a community garden for the life of the project. The owner of the property shall make the space available for use by the public subject to reasonable rules, terms and conditions that owner may adopt at its discretion. The owner or gardening management organization may impose reasonable requirements for membership in the garden and allocation of garden plots. Access to the garden may be restricted for security reasons as long as members of the garden have daily access during daylight hours. [COA] [PLANNING]

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

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

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

OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:

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

DC-4. DUST CONTROL:

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

DC-5. BEST MANAGEMENT PRACTICES - BIOLOGICAL RESOURCES:

a) To the extent feasible, construction activities (or at least the commencement of such activities) should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

b) If it is not possible to schedule demolition and construction activities between September 1 and January 31, then pre-activity surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of demolition or construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and buildings) in and immediately adjacent to the impact areas for nests.

c) If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to

ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.

d) If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and minimize the potential delay of the project due to the presence of active nests in these substrates.

e) Prior to the issuance of any building permits, the project applicant will demonstrate to the satisfaction of the City Community Development Director that the proposed building design incorporates appropriate design features included in the City's Bird Safe Building Design Guidelines. [COA] [PLANNING]

#### DC-6. BEST MANAGEMENT PRACTICES – CONSTRUCTION NOISE

Pile driving is prohibited due to noise impact on the surrounding neighborhood. The Project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration according to LUTE MM 3.6.3. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:

- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.

#### DC-7. BEST MANAGEMENT PRACTICES – GEOTECHNICAL HAZARDS

All recommendations noted in the Geotechnical Study prepared by Cornerstone Earth Group, dated March 6, 2019 must be implemented. [COA] [PLANNING]

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

- AT-1. DELIVERY HOURS:  
Delivery hours for the approved use shall comply with SMC 19.42.030:  
a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.  
b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
- AT-2. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-3. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-4. EXTERIOR EQUIPMENT:  
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-5. LANDSCAPE MAINTENANCE:  
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-6. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained in accordance with the approved plans and as follows:  
a) Maintain all parking lot striping and marking.  
b) Require signs to direct vehicles to additional parking spaces on-site, as needed.  
c) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]
- AT-7. UNENCLOSED USES:

Any modification or expansion of unenclosed uses are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

- AT-8. OFF-STREET PARKING:  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-9. RECREATIONAL VEHICLE STORAGE PROHIBITED:  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-10. 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-11. BMP RIGHT OF ENTRY:  
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan. [SDR] [PLANNING]
- AT-12. 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]