

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application 2018-7796**

805 Gary Avenue

**Design Review** to allow a new one-story, single-family residence and a detached Accessory Dwelling Unit (ADU) with a garage resulting in a total floor area of 5,229 sq. ft. (3,648 sq. ft. living area, 435 sq. ft. garage, 699 sq. ft. ADU, and 447 sq. ft. ADU garage) and 39.6% floor area ratio (FAR). The project also involves the removal of 12 protected trees.

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

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

<p><b>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</b></p>
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- A) 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]
- B) 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]
- c) ENTITLEMENTS – DISCONTINUANCE AND EXPIRATION:  
The entitlements shall expire if discontinued for a period of one year or more. [SDR] [PLANNING]
- d) 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 an inapplicable 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]
- e) NOTICE OF FEE 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-5. 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]

**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 the following:  
a) The stacked stone veneer shall be minimum 4” height per stone.

PS-2. REPLACEMENT TREES:

Prior to submittal of Building Permit, a revised landscaping plan shall be submitted. The landscaping plan shall include sizes and locations of the required replacement trees and landscaping elements proposed on the project site. Refer to the City's Tree Replacement Policy for the appropriate tree size and number of trees to be planted. [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. 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-4. BEST MANAGEMENT PRACTICES:

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.

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- 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-5. 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-6. GREEN HALO SYSTEM REPORTING:  
To handle debris during demolition and construction phase, please register with Green Halo System at [Sunnyvale.WasteTracking.com](http://Sunnyvale.WasteTracking.com). Per Green Halo's process, submit Construction Waste Management Plan for demolition and construction phase for City review and approval. [COA] [ENVIRONMENTAL SERVICES]
- BP-7. LANDSCAPE PLAN:  
Submit a landscape and irrigation plan with the building permit plan set that conforms to the landscaping requirements described in SMC 19.37. [COA] [PLANNING]
- BP-8. 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) 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.
  - b) 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 added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

- BP-9. GREEN BUILDING:  
The plans submitted for building permits shall demonstrate the project achieves a minimum 90 points on the Green Point Rated checklist. Please refer to the following website:  
<https://sunnyvale.ca.gov/business/environmental/building.htm>  
[COA] [PLANNING/BUILDING]

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

- EP-1. 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-2. WATER METER:  
Install new master radio-read domestic water meter per City Standard Details Sheet A-1 of Site Plan is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-3. SEWER CLEANOUT:  
Install new sewer cleanout at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. Sheet A-1 dated 09/06/18 is subject to change during plan check process. [SDR] [PUBLIC WORKS]
- EP-4. 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-5. 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. New driveway approaches shall comply with Sunnyvale Municipal Code 18.12.070. [SDR] [PUBLIC WORKS]
- EP-6. 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-7. 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-8. 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. [COA] [PUBLIC WORKS]

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

- DC-1. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
- a. 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.
  - b. Construction equipment must be maintained per manufacturer's specifications.
  - c. Planning and Building staff will work with project application to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
    - i. Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
    - ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
    - iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
    - iv. 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-2. 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]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. 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]

**END OF CONDITIONS**