

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MAY 26, 2020**

Planning Application 2019-7507

1265 Borregas Avenue (APN: 110-35-006), 160 Gibraltar Court
(APN: 110-35-005), 1190 Borregas Avenue (APN: 110-34-007), and
1196 Borregas Avenue (APN: 110-34-008)

Major Moffett Park Design Review to demolish existing buildings and construct a new five-story, 182,500-square foot office building on the merged parcel (1265 Borregas Avenue and 160 Gibraltar Court) resulting in 60.5% floor area ratio (FAR) with use of the Green Building Incentive,
Minor Moffett Park Special Development Permit to allow surface parking and open space on 1190 and 1196 Borregas Avenue to serve parking requirements for 1265 Borregas Avenue.

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. Alternatively, the project applicant may make a pre-payment of 25% of the required Transportation Impact Fee charges to extend the life of the permit for a maximum total of seven (7) years. [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/OFFICE OF THE CITY ATTORNEY]

- GC-6. **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-7. **TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:**
The applicant shall submit a Final TDM Plan to include a Trip Reduction Program that results in a reduction of at least: 25% total average daily trips; and, 30% peak hour trips as calculated from the estimated total trip generation for the project (not including trip reduction credits or credits for previous uses). The TDM plan shall:
- a) Be approved by the Director of Community Development and Director of Public Works, or designees.
 - b) Include statements of the number of allowable average daily and peak hour trips;
 - c) Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner;
 - d) Include a penalty for non-compliance with the targeted reductions. Said penalty shall be based on a documented calculation of the value per reduced trip of TDM measures proposed in the TDM Plan.
 - e) Be adjusted, subject to the same approvals, if targeted reductions are not met.
 - f) The Developer shall explore the use of a private shuttle service for the project. [COA] [PLANNING/TRANSPORTATION]
- GC-8. **TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) COMPLIANCE:**
If annual review indicates that the actual average daily trips counts exceed the allowable number of trips identified in the approved plan, the property owner shall cause additional TDM measures to be put into place to reduce project trips. After six months of being notified by the City that annual trips exceeded allowable trips, a recount will be taken per item GC-7(c) above.
- a) If the recount exceeds trips above the allowable trips, then a penalty for non-compliance will be collected.
 - b) If the recount exceeds trips for which Transportation Impact Fees were collected, the property owner shall be required to pay the City’s then current Transportation Impact Fee for all trips that exceed the number of trips used for the basis of the original Transportation Impact Fee paid for the project. The terms of collection of the additional transportation impact fee shall be finalized in the TDM and subject to review and approval by the City. [COA] [PLANNING/TRANSPORTATION]

- GC-9. **SHARED PARKING USE AND MAINTENANCE AGREEMENT:**
Required parking spaces for the office building at 1265 Borregas Avenue are provided on surface parking areas onsite, as well as offsite, at 1190 and 1196 Borregas Avenue. The applicant has prepared and submitted a draft parking use and maintenance agreement based on City input. The final form of the agreement shall be reviewed and approved by the City Attorney. Upon approval of the agreement, it shall be recorded against all properties. [COA] [PLANNING/OFFICE OF THE CITY ATTORNEY]
- GC-10. **DEMOLITION OF 160 GIBRALTAR COURT BUILDING:**
The applicant has prepared and submitted a draft agreement to terminate the occupancy of 160 Gibraltar Court prior to the issuance of a temporary certificate of occupancy for 1265 Borregas Avenue. The final form of the agreement shall be reviewed and approved by the City Attorney. Upon approval and execution of the agreement and issuance of a certificate of occupancy, the new building at 1265 Borregas Avenue may be occupied, and the building at 160 Gibraltar Court may not thereafter be occupied pending its demolition. [COA] [PLANNING]
- GC-11. **PUBLIC IMPROVEMENTS:**
Developer shall install public improvements as required by the City, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility abandonments and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, solar powered Rectangular Rapid Flash Beacons (RRFB), 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 site development plan with sheets C101 to C403 of the Planning Department Resubmittal dated 4/30/20 are subject to change during the plan check process.
- 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-12. **OFF-SITE IMPROVEMENT PLANS:**
Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C101 to

C403 of the Planning Department Resubmittal dated 4/30/20 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-13. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with documentation satisfying 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-14. LOT LINE ADJUSTMENT:

This project is subject to, and contingent upon the approval and recordation by separate instrument of a lot line adjustment. All existing and proposed property lines, easements, dedications shown on the lot line adjustment are subject to Public Work's technical review and approval process prior to any grading or building permit issuance. Demolition permits may be issued before Public Works' technical review and approval of the lot line adjustment. [COA] [PUBLIC WORKS]

GC-15. GIBRALTAR COURT BULB-OUTS:

Developer shall install a bulb-out at the southwest corner of Borregas Avenue/Gibraltar Court facing Gibraltar Court. Developer shall design and install midblock bulb-outs along Gibraltar Court shadowing the existing parking stalls on the south side of the street. The midblock bulb-outs shall include one bulb-out east of the service driveway exit and another bulb-out at the west side of the new service driveway entrance. If the installation of the two midblock bulb-outs are not feasible further direction will be provided by the Department of Public Works. A minimum radius of 30' shall be used for the bulb-out at the southwest corner of Borregas Avenue/Gibraltar Court. The bulb-out design shall determine the impacts on drainage, grading, utility conflicts, utility relocations, and truck turning, to be installed by the project. Truck turning templates along the Gibraltar Court Bulb-Outs shall be provided for WB-50 design vehicles or as determined by the Department of Public Works. The bulb-out designs shall be approved by the City prior to the City's acceptance of the initial Offsite Improvement Plans submittal. [COA] [PUBLIC WORKS]

GC-16. HUMBOLDT COURT ROADWAY NARROWING:

Developer shall design the narrowing for both the northern and southern sides of Humboldt Court along the project frontage. The design shall determine the impacts on drainage, pipe cover, grading, utility conflicts, utility relocations, installation of new street trees, street lighting per City's Standard Specifications, and truck turning.

Access to properties within Humboldt Court shall be maintained. A minimum radius of 30' shall be used. Truck turning templates shall be provided at the intersection of Borregas Avenue/Humboldt Court, at the three existing northern driveways, and at the proposed southern driveway for WB-50 design vehicles or as determined by the Department of Public Works. Developer is responsible for installing the improvements associated with the Humboldt Court roadway narrowing along the southern side of Humboldt Court along their project frontage. This design shall be approved by the City prior to the City's acceptance of the initial Offsite Improvement Plans submittal. [COA] [PUBLIC WORKS]

GC-17. BUILDING CODES AND PERMIT FEES:

Building permit fees and applicable building codes will be based on the fee resolution and building codes effective at the time of building permit submittal. [SDR] [BUILDING]

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

PS-1. APPROVAL FROM UTILITY COMPANIES:

Prior to any plan check submittal, Developer shall coordinate with utility companies for new private improvements in the existing 7.0' wide public utility easement (PUE) Book 6695 Page 423.

Approval letters from the utility companies are required for private improvements in the PUE with recordation of a notice of covenant for private improvements located in the PUE prior to building permit issuance.

Alternative arrangement may be considered to the City's satisfaction with consent from the utility companies. [COA] [PLANNING/PUBLIC WORKS]

MM: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AND MITIGATION MEASURES NOTED FOR LAND USE AND TRANSPORTATION (LUTE) ELEMENT EIR – MMRP AS RELEVANT TO THIS PROJECT.

MM-1. LAND USE AND TRANSPORTATION (LUTE) ELEMENT – MITIGATION, MONITORING & REPORTING PROGRAM (MMRP):

Project is subject to the relevant/applicable LUTE MMRP requirements included in Attachment 6 (CEQA Checklist). [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 & LUTE MMRP:

A written response indicating how each condition and relevant/applicable LUTE MMRP requirement included in Attachment 5 (CEQA Checklist) 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. BUILDING PERMIT ISSUANCE:

Prior to the first building permit issuance, the existing private easements (PG&E Easements, Nitrogen Pipeline Easement, Ingress Egress Easements, and "Utility Easement Agreement" Instrument No. 15092766) shall be quitclaimed by separate instruments and a recorded/conformed copy provided to the City.

- Prior to building permit issuance, the existing 10' wide public utility easement (PUE) Instrument No. 5536624 in Book C565 Page 679 shall be vacated in accordance with applicable CA streets and highways codes. [COA] [PUBLIC WORKS]
- BP-6. STORM DRAIN MAIN ABANDONMENT:
With the first Building plan check submittal, the existing 12" Storm Drain Main at 1196 Borregas Avenue (APN: 110-34-008) shall be shown to be abandoned per City's Abandonment Notes and procedures. Sheets C101 to C403 of the Planning Department Resubmittal dated 4/30/20 are subject to change during the plan check process. [COA] [PUBLIC WORKS]
- BP-7. GIBRALTAR COURT SERVICE DRIVEWAY:
With the first Building plan check submittal, the plans shall show the service driveway along Gibraltar Court as one way only. Sheets C101 to C403 of the Planning Department Resubmittal dated 4/30/20 are subject to change during the plan check process. Striping and signage shall be provided. [COA] [PUBLIC WORKS]
- BP-8. DUAL PLUMBING:
With the first Building plan check submittal, the Developer shall prepare and submit to the City for review by the City and the State Water Board an Engineering Report for the use of reclaimed water for dual plumbing purposes. Contact Environmental Services Department/Water Operations at 408-730-7561 for further information. [COA] [ENVIRONMENTAL SERVICES]
- BP-9. EMERGENCY VEHICLE ACCESS EASEMENT:
Developer shall dedicate a minimum 26'-wide emergency vehicle ingress-egress easement over the designated path and drive aisle and over the surface parking areas, excepting areas for parking stalls for fire apparatus access.
- City will accept the dedication upon completion and acceptance of subject on-site improvements with recordation of Easement Deed(s) prior to building occupancy, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC SAFETY/PUBLIC WORKS]
- BP-10. SOLID WASTE AND RECYCLING ENCLOSURE:
The building permit plans shall include details for the installation of recycling and solid waste enclosure that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area 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;
- g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-11. 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] [PLANNING]

BP-12. 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-13. SOLID WASTE AND RECYCLING 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-14. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) **TRANSPORTATION IMPACT FEE** - Pay Transportation Impact fee for the net new trips resulting from the proposed project, estimated at **\$54,889.06**, prior to issuance of a Building Permit. Final fee is calculated at time of building permit submittal (SMC Chapter 3.50). [SDR] [PLANNING]
- b) **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 development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [SDR] [HOUSING]

BP-15. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject for review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks per SMC Chapter 19.52. If the Art in Private Development application is not submitted by the time building permit issuance is requested, payment of the Art in Private Development Bond can allow the building permit to be issued. [COA] [PLANNING]

BP-16. CONSTRUCTION TAX BENEFIT:

Provide documentation that sales tax revenue generated by the project is properly registered with the State so that the revenue is allocated to the City. [SDR] [PLANNING/ECONOMIC DEVELOPMENT]

BP-17. 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-18. 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. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-19. 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 areas not required for parking, driveways or structures shall be landscaped.

- b) Provide trees at minimum 30 feet intervals along rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) A minimum of ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree per the City’s Tree Replacement Standards.
- f) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- g) Backflow device and other appurtenances are to include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located in the front yard landscape areas. Covers should be black, metal mesh with rounded top covers (e.g. “mailbox style”).
- h) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- i) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]

BP-20. 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. Any landscaping within the driveway vision triangles shall be properly maintained to ensure vision triangle clearance per Sunnyvale Municipal Code requirements. [COA] [PLANNING]

BP-21. TREE PROTECTION PLAN:

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

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-22. CITY STREET TREES:

The landscape plan shall include 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-23. 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 an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-24. STORM WATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:

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

BP-25. 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-26. MECHANICAL EQUIPMENT NOISE:

Prior to issuance of a building permit, the impacts of mechanical equipment noise on nearby noise-sensitive uses shall be assessed by a qualified acoustical consultant and determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Design planning shall take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical screening. The acoustical report and associated noise mitigation measures shall be subject to the review and approval by the Director of Community Development. [COA] [PLANNING]

BP-27. 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.
- 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) Up-lighting and spotlights are prohibited for bird-safe purposes. [COA] [PLANNING]

BP-28. 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-29. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

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

- a) Employee parking locations shall be away from the building, in parking spaces that are 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 parking provided at all sites.
- e) Prohibit employees from parking RV's, trailers, or boats in assigned spaces.
- f) Provide adequate signage to direct traffic and pedestrians especially from the offsite parking spaces as per the approved plans. [PLANNING] [COA]

BP-30. BICYCLE SPACES:

Provide a minimum of 24 Class I secured bicycle parking spaces (per VTA Bicycle Technical Guidelines) and 7 Class II bicycle parking spaces as approved by the Director of Community Development. [COA] [PLANNING]

BP-31. BICYCLE SUPPORT SPACES:

Indoor shower and locker facilities shall be provided subject to review and approval by the Director of Community Development prior to issuance of a building permit. [COA] [PLANNING]

BP-32. CARPOOL PARKING:

A minimum of 31 preferential parking spaces shall be reserved and so marked in the closest possible rows to the building at either the onsite or offsite parking locations (allowing for visitor, disabled, and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle, as noted on the project plans. [COA] [PLANNING]

BP-33. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum of LEED Gold with USGBC certification. In order to meet the City's green building incentive requirements, the project shall meet the following requirements:

- a. Final plans shall incorporate a completed LEED green building checklist demonstrating the new building achieves a minimum

LEED Gold level for Core and Shell, as verified by a qualified LEED consultant and shall be submitted to USGBC for formal certification.

- b. Subsequent building permit plans for interior tenant improvements for the new buildings shall incorporate a completed LEED green building checklist demonstrating the project design achieves a minimum LEED Gold level for Commercial Interiors, as verified by a qualified LEED consultant and shall be submitted for USGBC for formal certification. [COA] [PLANNING] [BUILDING]

BP-34. 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) 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.
- d) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- e) 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.
- f) Noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
 - i. Installing intake and exhaust mufflers on pile-driving equipment;
 - ii. Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
 - iii. Implementing "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in

- consideration of geotechnical and structural requirements and conditions;
- iv. Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
 - v. At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.
- g) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
 - h) Route all construction traffic to and from the project site via designated truck routes where possible. Obtain approval of proposed construction vehicle truck routes from the Department of Public Works.
 - i) 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.
 - j) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
 - k) 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.
 - l) 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-35. 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 the City’s Green Halo waste tracking reporting system at <http://sunnyvale.wastetracking.com/>. The Developer’s demolition and/or building contractor is responsible for registering with Green Halo and uploading waste-related weight tickets to Green Halo to track

the type, quantity, and disposition of materials generated and identify the waste disposal facility. Prior to final sign-off on the completed project, all weight tickets must be submitted to Green Halo. It is recommended that weight tickets be entered periodically throughout the project. [COA] [ENVIRONMENTAL SERVICES]

BP-36. 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-way or public easements. [COA] [PUBLIC WORKS]

BP-37. NESTING BIRDS:

To mitigate impacts to nesting bird habitat, the following shall apply:

- a) Avoidance: Demolition and construction activities should be scheduled between September 1 and January 31 to avoid the nesting bird 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.
- b) Preconstruction/Pre-disturbance Surveys: If it is not possible to schedule demolition and construction activities between September 1 and January 31 then preconstruction 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 14 days prior to the initiation of demolition/construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, grasslands, buildings) in and immediately adjacent to the impact areas for nests.
- c) Buffers: 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) Inhibition of Nesting: 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 prevent the potential delay of the project due to the presence of active nests in these substrates. [COA] [PLANNING]

BP-38. HISTORIC AND CULTURAL RESOURCES:

Final construction drawings shall incorporate conditions related to historic and cultural resources as set forth in the approved environmental document and as noted below. [COA] [PLANNING]

- a) If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner as well as a qualified archeologist (if not already present) must be notified immediately so that an evaluation can be performed. Procedures at this point are prescribed by law. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated. Once the Most Likely Descendant has inspected the discovered remains, the remains can be reinterred with appropriate dignity.
- b) If archaeological resources are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials and workers shall not alter the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
- c) It is recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website.

BP-39. HAZARDS AND HAZARDOUS MATERIALS:

Final construction drawings shall incorporate conditions related to hazards and hazardous materials as set forth in the approved environmental document and as noted below. [COA] [PLANNING]

- a) Preparation and implementation of an Operations and Maintenance (O&M) Plan for suspect Asbestos-Containing Material at the properties.
- b) Perform a building survey prior to any redevelopment work to confirm the presence of lead and polychlorinated biphenyls (PCB) containing material.

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

EP-1. MOFFETT PARK SPECIFIC PLAN:

This project is in the Moffett Park Specific Plan (MPSP) area, therefore, the Developer shall comply with any applicable design requirements as identified in the MPSP or as amended and approved by the City. [COA] [PUBLIC WORKS]

EP-2 COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, signing/stripping plans, erosion control plans, and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineer and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheets C101 to C403 of the Planning Department Resubmittal dated 4/30/20 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-3. 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-4. 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-5. PUBLIC SIDEWALK EASEMENT DEDICATION:

This project requires a minimum 6.5-foot wide public sidewalk easement dedication, where the meandering sidewalk is within private property. The public sidewalk easement shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easement. The perpetual maintenance of improvements within the public sidewalk easement area shall be the

sole responsibility of the property owner. Developer shall execute and record the easement deed prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-6. EASEMENT ABANDONMENT:

The existing two 15' wide slope easements in Book 6695 Page 368 and in Book 6695 Page 437 and the 10' wide public utility easement (PUE) Instrument No. 5536624 in Book C565 Page 679 shall be abandoned prior to encroachment permit sign off. [COA] [PUBLIC WORKS]

EP-7. 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-8. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be at a new sanitary sewer manhole. All storm drain laterals connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]

EP-9. POTHOLING OF EXISTING UTILITIES:

Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflict between the proposed location of City trees and existing utilities, proposed joint trench, and proposed connection of gravity utilities. Potholing is to take place in a timely manner so that this does not hold up the review of the improvement plans. [COA] [PUBLIC WORKS]

EP-10. 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. Developer is responsible for abandoning the 8" public sanitary sewer main that exists within the existing 10' wide public utility easement (PUE)

- Instrument No. 5536624 in Book C565 Page 679 and any necessary appurtenances (e.g. manholes) or as determined by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-11. **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-12. **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 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-13. **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-14. **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 Public Works Department. Sheets C101 to C403 of the Planning Department Resubmittal dated 4/30/20 are subject to change during the plan check process. [COA] [PUBLIC WORKS]
- EP-15. **SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:**
Provide separate fire and domestic service lines to each building. 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-16. PUBLIC FIRE HYDRANTS:

Remove and replace the existing fire hydrant barrel(s) along the project frontage with current City standard Clow-Rich 865. New fire hydrant location 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-17. 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-18. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

This project requires connection to city's existing reclaimed water system for irrigation purpose. Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [SDR] [PUBLIC WORKS]

Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code.

- EP-19. RECLAIMED WATER:
The use of reclaimed water requires a Recycled Water Permit from the City. Contact Environmental Services Department/Water Operations at 408-730-7561 for further information. [SDR] [PUBLIC WORKS]
- EP-20. SANITARY SEWER AND STORMDRAIN MANHOLES:
Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-21. 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 be subject to approval by the Department of Public Works 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-22. 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 project impact to the existing storm drain main shall retain 1' below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter.
- EP-23. CATCH BASIN TRASH CAPTURE DEVICES AND STENCILING:
Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection system. The Developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled 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]
- EP-24. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. 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-25. 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 per city standard details and

specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]

EP-26. CURB RAMPS:

Remove and replace the existing curb ramp at the southwest corner of Borregas Avenue/Gibraltar Court and install a new directional curb ramp crossing Gibraltar Court, or as deemed necessary by the Department of Public Works. At the southeast corner of Borregas Avenue/Humboldt Court install a new directional curb ramp crossing Humboldt Court, or as deemed necessary by the Department of Public Works. Install new directional curb ramps to coincide with the enhanced crosswalk on the west side of Borregas Avenue south of Humboldt Court, or as deemed necessary by the Department of Public Works. 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. [COA] [PUBLIC WORKS]

EP-27. GIBRALTAR COURT BULB-OUTS:

Developer shall install a bulb-out at the southwest corner of Borregas Avenue/Gibraltar Court facing Gibraltar Court. Developer shall design and install midblock bulb-outs along Gibraltar Court shadowing the existing parking stalls on the south side of the street. The midblock bulb-outs shall include one bulb-out east of the service driveway exit and another bulb-out at the west side of the new service driveway entrance. If the installation of the two midblock bulb-outs are not feasible further direction will be provided by the Department of Public Works. A minimum radius of 30' shall be used for the bulb-out at the southwest corner of Borregas Avenue/Gibraltar Court. The bulb-out design shall determine the impacts on drainage, grading, utility conflicts, utility relocations, and truck turning, to be installed by the project. Truck turning templates along the Gibraltar Court Bulb-Outs shall be provided for WB-50 design vehicles or as determined by the Department of Public Works. The bulb-out designs shall be approved by the City prior to the City's acceptance of the initial Offsite Improvement Plans submittal. [COA] [PUBLIC WORKS]

EP-28. HUMBOLDT COURT ROADWAY NARROWING:

Developer shall design the narrowing for both the northern and southern sides of Humboldt Court along the project frontage. The design shall determine the impacts on drainage, pipe cover, grading, utility conflicts, utility relocations, installation of new street trees, street lighting per City's Standard Specifications, and truck turning. Access to properties within Humboldt Court shall be maintained. A minimum radius of 30' shall be used. Truck turning templates shall be provided at the intersection of Borregas Avenue/Humboldt Court, at the three existing northern driveways, and at the proposed southern

- driveway for WB-50 design vehicles or as determined by the Department of Public Works. Developer is responsible for installing the improvements associated with the Humboldt Court roadway narrowing along the southern side of Humboldt Court along their project frontage. This design shall be approved by the City prior to the City's acceptance of the initial Offsite Improvement Plans submittal. [COA] [PUBLIC WORKS]
- EP-29. **BORREGAS AVENUE CROSSING:**
Developer shall install enhancements for a new uncontrolled crosswalk on Borregas Avenue south of Humboldt Court. These enhancements shall include a solar powered Rectangular Rapid Flash Beacons (RRFB) and continental type high-visibility crosswalk striping, or as determined by the Department of Public Works. [COA] [PUBLIC WORKS]
- EP-30. **STREETSCAPE IMPROVEMENTS:**
Remove existing concrete gutter, curb, landscaping and improvements and install a new 1' concrete gutter, curb and 6' wide attached sidewalk (not including 6-inch curb) per City Standard Detail 9C-5 along the project frontage of Gibraltar Court, or as directed by the Director of Public Works. Meander sidewalk as needed to save existing trees.
- Remove existing concrete gutter, curb, retaining walls, landscaping and improvements and install a new 1' concrete gutter, curb, 4' wide landscape strip (measured from the back of curb) and 6' wide detached sidewalk along the project frontages of Borregas Avenue and Humboldt Court per City Standard Detail 9C-1, or as directed by the Director of Public Works. Meander sidewalk as needed to save existing trees. [COA] [PUBLIC WORKS]
- EP-31. **PRIVATE IMPROVEMENTS:**
Any and all proposed non-City standard pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way. [COA] [PUBLIC WORKS]
- EP-32. **ROOT BARRIER:**
Install a continuous root barrier along new sidewalk adjacent to City trees per City standard details and specifications. [SDR] [PUBLIC WORKS]
- EP-33. **STREET PAVEMENT:**
Developer shall be responsible to install Type III slurry seal on Borregas Avenue from lip of gutter to lip of gutter along the project frontage including the Gibraltar Court/Borregas Avenue intersection. Developer shall be responsible to install Type II slurry seal on Gibraltar Court and

Humboldt Court from lip of gutter to lip of gutter along the project frontage. Developer shall include a 2" grind and overlay up to 10' on both sides of utility trenches. [SDR] [PUBLIC WORKS]

EP-34. STREET LIGHTS:

Developer is required to install new street lights at the new enhanced crosswalk on Borregas Avenue south of Humboldt Court. New street lights shall be installed on both ends adjacent to the crosswalk when none exist. Replace all existing streetlight conduits, wires and pull boxes with new ones along the Borregas Avenue, Gibraltar Court, and Humboldt Court frontages to the end of the system per City's current standards.

Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code.

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

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

Upon Completion of the streetlight improvements, Developer shall provide drawings to the City in AutoCAD format. [COA] [PUBLIC WORKS]

EP-35. 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 Department of Public Works. Developer shall remove all parking along the western side of Borregas Avenue from the new enhanced crosswalk south of Humboldt Court to the intersection of Gibraltar Court/Borregas Avenue and restripe with chevron buffered bike lanes. Red curb shall be installed south of the new enhanced crosswalk south of Humboldt Court to the existing southern driveway or as determined by the Department of Public Works. An approval letter shall be provided from the adjacent property owners for the removal of parking not fronting the project site along Borregas Ave.

Developer shall install solar powered Rectangular Rapid Flash Beacons (RRFB) and continental type high-visibility crosswalk striping at the

enhanced crosswalk on Borregas Avenue south of Humboldt Court.
[SDR] [PUBLIC WORKS]

EP-36. 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-37. CITY STREET TREES:

The Developer shall install required street trees in the proposed park-strip along the project frontage for both sides of Borregas Avenue and along the southern side of Humboldt Court. The Developer shall install required street trees behind the sidewalk along Gibraltar Court. Street trees shall be installed within the public right-of-way along the project frontage as follows: Borregas Avenue: (Canary Island Pines); Gibraltar Court: (Sycamores); Humboldt Court: (Sycamores). The two Sycamore trees along Gibraltar Court shall be preserved as 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. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. [SDR] [PUBLIC WORKS]

EP-38. 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-39. 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, and streetlight pull boxes shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, and streetlight pull boxes shall be replaced within 7 days at the expense of the Developer. [COA] [PUBLIC WORKS]

- EP-40. 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 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-41. 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]
- EP-42. 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]
- EP-43. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]
- EP-44. 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. DUAL PLUMBING – ENGINEERING REPORT
The Engineering Report shall be approved by the City and the State Water Board prior to Building Occupancy issuance. [COA] [ENVIRONMENTAL SERVICES]

- PF-2. NEW PUBLIC EASEMENTS LOCATED ON-SITE:
Any new easements required for public use purpose shall be shown on a separate recorded Easement Deed deemed necessary by the Department of Public Works prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-3. PARKING LOT STRIPING:
All parking lot striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/PUBLIC WORKS]
- PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:
Developer shall complete all required public improvements in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-5. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-6. IRRIGATION METERS:
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the Developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-7. PUBLIC ART:
The applicant shall install the required public art as per the approved art application. A bond for the art work may satisfy this condition as long as the applicant submits a letter indicating the project completion date, which will be subject to review by the Director of Community Development. [COA] [PLANNING]
- PF-8. MITIGATION MEASURES:
The applicant shall provide documentation indicating that all relevant/applicable LUTE MMRP requirements included in Attachment 5 (CEQA Checklist) have been addressed and completed as required. [COA] [PLANNING]
- PF-9. TDM PLAN:
The applicant shall submit a Final Transportation Demand Management Plan prior to Building Occupancy issuance. [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. 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-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]

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. 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-4. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises. [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 MANAGEMENT:
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-7. PARKING LOT MAINTENANCE:
The parking lot shall be maintained as follows:
 - a) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
 - b) Maintain all parking lot striping and marking.
 - c) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for use.
 - d) Require signs to direct vehicles to additional parking spaces on- and off-site as needed. [COA] [PLANNING]
- AT-8. 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-9. 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-10. 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-11. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]

AT-12. SIGNS:

All signage shall be approved through a separate Planning review and Building Permit process. [SDR] [PLANNING]

END OF CONDITIONS