

Revised on September 27, 2021

RECOMMENDED

CONDITIONS OF APPROVAL AND

STANDARD DEVELOPMENT REQUIREMENTS

APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 27, 2021

Planning Application **2019-7923**

300 S. Mathilda Avenue

SPECIAL DEVELOPMENT PERMIT to allow a six-story office building with 153,000 square feet and ground floor retail space with 12,735 square feet, 88,915 square feet of parking and 1,019 square feet of shared services, and one level of below grade parking.

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. APPLICABILITY OF PREVIOUS PLANNING APPLICATIONS:

This Special Development Permit supersedes prior SDP conditions of approval as it relates to the project site and allows the following for project site, unless further defined in the adopted Development Agreement:

- a. A maximum of 153,000 square feet of office space.
- b. A maximum of 12,735 square feet of commercial space (includes maker's space).
- c. Maximum height of 90 feet (six stories) to top of parapet and additional height of 13 feet for mechanical penthouse and associated screening as shown on the approved plans.
- d. Uses shall comply with the provisions allowed pursuant to Sunnyvale Municipal Code Section 19.28.

GC-3. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall comply with the provisions contained in the approved Development Agreement. [SDR] (PLANNING)

GC-4. INDEMNITY:

- a. Landowner shall defend, indemnify, and hold harmless the Indemnified Party from any Third Party Challenge against the Indemnified Party (City and its elected and appointed representatives, officers, agents, and employees (the "Indemnified Party") to attack, set aside, void, or annul this Agreement or the Development Approvals and shall indemnify and hold harmless Indemnified Party against any and all third-party attorneys' fees, court costs and other liabilities determined by a court to be arising out of such Third Party Challenge.
- b. The City shall promptly notify Landowner of the Third Party Challenge and shall cooperate fully in the defense of the Third Party Challenge, including but not limited to decisions about selection of counsel, settlement, preparation of the administrative record (if any) and litigation strategies. The City shall be considered to have failed to give prompt written notification of a Third Party Challenge if the City, after being served with a lawsuit or other legal process unreasonably delays in providing written notice thereof to the Landowner. As used herein, "unreasonably delay" shall mean any delay that, in the reasonable opinion of Landowner, materially adversely impacts the Landowner's ability to defend against the Third Party Challenge. If Landowner defends any Third Party Challenge, so long as Landowner is not in default hereunder, City shall not allow any default or judgment to be taken against it or compromise the defense of the action without Landowner's prior written approval. The Parties shall act jointly in filing motions, briefs, trial statement, and other appropriate court documents and in approving settlement of such Third Party Challenge. Nothing herein shall obligate or allow a Party to settle such Third Party Challenge on terms that would constitute an amendment or modification to this Agreement, the Existing City Laws, the Specific Plan, or that would materially impact the beneficial uses of that Party's property.

C. Under no circumstances shall subsections (a) – (b) above require Landowner to pay or perform any settlement arising out of a Third Party Challenge unless the settlement is expressly approved by Landowner. [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. TRANSPORTATION MANAGEMENT ASSOCIATION:

The applicant shall comply with:

- (2) Mitigation Measure AQ-2.4; and
- (3) The requirement to implement a Dynamic Parking System set forth in Section 5.1.3 of the CityLine Development Agreement. In addition, if the City forms a Downtown Sunnyvale Transportation Management Association (TMA) as contemplated by the Downtown Specific Plan and the “City of Sunnyvale Parking Capacity and Management Study” dated June 2, 2020, the applicant shall share publicly available data with the future TMA and provide mechanisms for coordinating each of the previously noted TDM and parking programs with the future TMA. [COA] [PUBLIC WORKS/PLANNING]

GC-7. PARKING MANAGEMENT STUDY:

Project shall comply with the Parking Memo prepared by Walker and Associates, dated March 23, 2021. Modifications to these documents may need to be adjusted over time and may be evaluated through a Miscellaneous Plan Permit (MPP) or equivalent staff level review, subject to review and approval by the Director of Community Development in accordance with the CityLine Development Agreement. [COA] [PLANNING]

GC-8. EXHAUST AND OPENINGS FOR GROUND FLOOR USES:

All exhaust fans for the ground floor food service uses shall be vented vertically through the building to the roof at the applicable level. Exhaust fans from the ground floor uses shall minimize the exposure of dust or odors to adjacent residential units. [COA] [PLANNING]

GC-9. GROUND FLOOR USES-GLAZING AND VISIBILITY:

All glazing into the ground floor uses shall maintain clear visibility into the uses. Any dropped ceilings shall be recessed 3-4 feet from the front façade to maintain visibility into the use and to keep any transom windows open

and clear. Changes from this requirement are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

GC-10. ALCOHOL BEVERAGE CONTROL (ABC):

Tenants shall obtain all appropriate permits and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of uses involving alcohol sales or service as allowed under this SDP. [COA] [PLANNING]

GC-11. ALCOHOL BEVERAGE SALE AND SERVICE AND ABC COMPLIANCE:

Non-compliance with a specific permit for alcohol beverage sales or service (Special Development Permit pursuant to SMC Section 19.28.070) or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either: a) reconsideration (discretionary review of new application) of the specific permit and/or the imposition of additional conditions of approval, or b) the initiation of the revocation process for the specific permit by the Director of Community Development. [COA] [PLANNING]

GC-12. PILE DRIVING:

Pile driving is generally prohibited due to proximity to residential uses. The applicant shall consider the use of other methods for foundation work. If other options are not feasible, then the applicant may submit the appropriate information for review by the Chief Building Official for review and consideration. If it is determined that pile driving is the only option, then the Community Development Director shall determine the appropriate review and notification process. [SDR] [PLANNING]

GC-13. 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-14 ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all applicable mitigation measures required in the Downtown Specific Plan Amendments and Specific Development Project Mitigation Monitoring and Reporting Program (MMRP) which has been included and attached to the Conditions of Approval as Attachment 1. The applicant shall be responsible for addressing all applicable required mitigations for each phase of the project. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE**

GC-15 PUBLIC IMPROVEMENTS:

The developer is required to install, per Sunnyvale Municipal Code Sections

18.08, all public improvements, which may include but not be limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signage, striping, street lights, etc. as shown in the off-site improvement plans.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, Downtown Specific Plan 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-16. 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 C1-C10 of Submittal 6 dated 6/23/21 are subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-17. 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-18. BOOKER AVENUE

Prior to submission of a building permit, the conversion of Booker Avenue from a two-way to a one-way street is required. This will require the preparation of a resolution or ordinance by the Department of Public Works, subject to review and approval by the City Council. Planning staff will reach out to the adjacent property owners to get their agreement on the proposed conversion. [COA] [PUBLIC WORKS/PLANNING]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from the Planning Commission including the following:

- a) Deviation from the DSP streetscape standards are allowed for the street frontage adjacent to the proposed Art Wall on South Mathilda Avenue including a park strip and modified spacing between the street trees. The rest of the street frontage improvements will be per the DSP streetscape standards. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR FOUNDATION BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S). THESE CONDITIONS SHALL ALSO BE COMPLIED WITH DURING CONSTRUCTION APPROVED UNDER ANY SUBSEQUENT SUPERSTRUCTURE PERMITS, IF APPLICABLE.

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]

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- 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. MITIGATION MONITORING AND REPORTING PROGRAM:
The following mitigation measures were adopted as part of the EIR for the Downtown Specific Plan (adopted August 11, 2020). Please refer to the adopted MMRP (Attachment 1) for further details on the requirements of the mitigation measures noted below.
- a. MM AQ-2.2 – The building permit plans shall include BAAQMD-recommended measures to control dust, particulate matter, and diesel exhaust emissions during construction.
 - b. MM AQ-2.3 –Prior to construction activities, the project applicant(s) shall develop a plan demonstrating that the off-road equipment (more than 25 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 46 percent NO_x reduction. The site shall demonstrate a 97 percent reduction compared to modeling results in Appendix C of the EIR.
 - c. MM AQ-2.4: Approval of a TDM Plan to reduced operational NO_x emissions consistent with City requirements. This Plan shall demonstrate a minimum six (6) percent overall reduction in vehicle trips and shall be approved by the Director of Public Works or designee.
 - d. MM BIO-1.1 - When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.
 - e. MM CR-2.1 - Prior to ground disturbance or in conjunction with any remediation efforts, applicant is responsible for having a qualified archeologist complete mechanical presence/absence exploration as described in mitigation measure MM CR-2.1.
 - f. MM CR-2.2 - Prior to ground-disturbing activities, the project applicant shall have a qualified archaeologist or qualified Native American tribal representative provide appropriate cultural sensitivity training to all contractors and employees involved in the trenching and excavation.
 - g. MM CR-2.3 - In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified.
 - h. MM HAZ-1.2 - A SMP and Health Safety Plan (HSP) shall be prepared and implemented for construction-related earthwork activities under the proposed project. The purpose of the SMP and HSP is to establish appropriate management practices for handling impacted soil, soil vapor, and groundwater or other materials that may potentially be encountered during construction activities.

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- i. MM HAZ-1.6: Prior to commencement of earthwork activities, geophysical surveys shall be completed of the former gasoline service station location to evaluate if USTs remain on the site.
 - j. MM HAZ-4.1: Prior to the issuance of a building permit for above ground construction, if proposed structures exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1 for the permanent structure prior to submittal for the temporary construction equipment (outlined in mitigation measure MM HAZ-4.2 below). A “Determination of No Hazard” or “Determination of No Hazard with Conditions” shall be obtained prior to permit issuance for any above ground improvements.
 - k. MM HAZ-4.2: Prior to the issuance of a building permit, if construction equipment has the potential to exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1, “Notice of Proposed Construction or Alteration” to the FAA at least 45 days (60 to 90 days recommended) prior to construction of the project, which shall specify the equipment type (e.g., crane) and duration to be used.
 - l. MM HYD-3.1: Prior to issuance of building permits, applicant are responsible for determining if their development would increase impervious surfaces compared to existing conditions. If there is an increase in impervious surfaces, applicant are responsible for completing additional analysis described in mitigation measure MM HYD-3.1 and implement necessary improvements to ensure sufficient storm drain system capacity.
 - m. MM NOI-1.1: Prior to the issuance of building permits, a qualified acoustical consultant shall prepare a report documenting the projected mechanical and emergency generator noise and identify specific noise reduction measures necessary to reduce noise to comply with the City’s 50 dBA Leq nighttime residential noise limit at the shared property lines.
 - n. MM NOI-4.1: Future development shall prepare a noise control plan to be submitted for review and approval by the City prior to construction.

The mitigation measures noted above shall be addressed prior to issuance of the building permit for the structure, unless an alternative timeframe is approved by the Director of Community Development. [MMRP] [PLANNING/PUBLIC WORKS] **MITIGATION MEASURE**

BP-6. BIRD SAFE DESIGN:

The building permit plans shall include the measures contained in study prepared by Live Oak Associates, dated August 25, 2021. Plans shall include the necessary information to illustrate that it meets the intent of the memo. The applicant shall work with the staff to address treatment options for the transparent corners and shall provide a letter from the consultant indicating that the vertical building permit plans are consistent with the August 25, 2021 recommendations. [COA] [PLANNING]

BP-7. CONSTRUCTION FENCING:

Construction fencing shall be installed around the perimeter of the site and shall be of a quality material and shall provide adequate screening of below and at grade construction work. Lifestyle graphics and renderings shall be printed in large format along the McKinley Avenue frontage and wrap around the corners of Mathilda Avenue and Aries Way. Directional signage to Historic Murphy and Caltrain shall also be incorporated into these graphics. Information related to marketing and/or leasing of the project shall be allowed on the signage and fencing. The fencing shall be reviewed by staff through a Miscellaneous Plan Permit and prior to issuance of the grading permit for the garage. [COA] [PLANNING]

BP-8. 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-9. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

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 **\$814,877**, prior to issuance of a Building Permit. (SMC 3.50). The TIF is based on the adopted Development Agreement at \$4,826 per 1,000 square feet of office space and \$6,007 per 1,000 square feet of commercial space. [SDR] [PLANNING/DA Exhibit E]
- b. FAIR SHARE CONTRIBUTIONS – The applicant shall pay the following Fair Share Contributions based on the adopted MMRP for ~~Block 3~~ 300 Mathilda Avenue Specific Development:
 - i. MM TRN-1.1: VTA's VTP 2040 Improvement VTP ID H3: SR 237 Express Lanes (North First Street to Mathilda Avenue).
 - ii. MM TRN-1.2: Intersection 55: De Anza Boulevard/Homestead Road (Cupertino).
 - iii. MM TRN-1.3: Intersection 76: Lawrence Expressway/Homestead Road (VTA/Santa Clara County).

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- iv. MM TRN-C.1: Intersection 19: Hollenbeck Avenue/Remington Drive.
 - v. MM TRN-C.2: Intersection 20: Hollenbeck Avenue/Fremont Avenue.
 - vi. MM TRN-C.3: Intersections 29: Mathilda Avenue/Washington Avenue and Intersection 30: Mathilda Avenue/McKinley Avenue.
 - vii. MM TRN-C.4: Intersection 33: Mathilda Avenue/El Camino Real.
 - viii. MM TRN-C.5: Intersection 38: Washington Avenue/Frances Street.
 - ix. MM TRN-C.6: Intersection 52: Sunnyvale-Saratoga Road/Remington Drive.
 - x. MM TRN-C.7: Intersection 53: Sunnyvale-Saratoga Road/Fremont Avenue.
 - xi. MM TRN-C.8: Intersection 60: Fair Oaks Avenue/Duane Avenue.

The total Fair Share contribution is estimated at **\$288,003** and shall be calculated based on the building permit plans and paid prior to building permit issuance. [COA] [PUBLIC WORKS]

- c. HOUSING MITIGATION FEE - Pay Housing Mitigation estimated at **\$2,526,121**, prior to issuance of a Building Permit (SMC Chapter 19.22). The Housing Mitigation fee is based the adopted Development Agreement on an estimated office square footage of 153,000 square feet at a fee of \$8.60 per square foot for up to 25,000 square feet and \$17.20 per square foot over 25,000 square feet and the estimated square footage for the proposed retail space of 12,735 square feet at \$8.60 per square foot. [SDR] [PLANNING/DA Exhibit E]
- d. ART IN PRIVATE DEVELOPMENT - Pay Art in Private Development bond estimated at **\$274,264.4 or 1.1% of construction valuation for nonresidential uses**, prior to issuance of a Building Permit. [SDR] [PLANNING/DA Exhibit E]
- e. ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1.1% of the construction valuation of the 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] [PLANNING/DA Exhibit E]

BP-12. DEVELOPMENT AGREEMENT: CONSTRUCTION SALES TAX REGISTRATION:

Provide documentation that the landowner has designated the City as the point of sale for California sales and use tax purposes during Project Construction. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA Section 2.1.9]

BP-13. COMMUNITY BENEFIT FUND CONTRIBUTION:

The landowner shall contribute **\$3,189,612** towards the City's Community Benefit Fund prior to issuance of building permit. This is the proportional contribution of the \$10,632,040 required in the Development Agreement, based on the proposed square feet of Bonus Office Square Footage as defined in the Development Agreement. The office building approved at 200 W Washington Avenue is required to pay the remaining \$7,442,428.[SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA SECTION 2.1.1]

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 foundation and vertical Building Permit. [COA] [PLANNING]

BP-15. DEPARTMENT OF PUBLIC SAFETY REVIEW:

Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit. [COA] [PLANNING]

BP-16. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements and Downtown Specific Plan. 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. If installed, news racks shall be of the same design as the 100 Block of South Murphy Avenue News Rack District.
- c. Landscape plan shall include recessed design elements located on the surface of concrete benches and planters to deter skateboarding. An alternative method that is compatible with the overall design concept may be considered.
- d. The landscape plan shall include locations of all irrigation backflow preventers and shall be located in inconspicuous locations.
- e. The street trees should be changed from Liquidambar to other tree species as approved by the City Arborist.
- f. Ground cover shall be planted so as to ensure full coverage eighteen months after installation. [COA] [PLANNING]

BP-17. 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-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. 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-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. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC Section 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-21. 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/PLANNING]

BP-22. 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-23. PARKING MANAGEMENT PLAN:

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

The additional Tenant parking locations located in adjacent garages (approximately 80 spaces) shall be identified through permitting and/or specific time limits within the existing and available structured parking. The goal would be to preserve the most convenient parking for patrons throughout the Downtown Parking district, with adequate long-term parking for employees and office tenants. Tentatively, employees and office tenants should be parking below the ground level or the top level of the parking structures. This effort shall be coordinated with Community Development and Public Works Departments.

The Parking Management Plan may require revisions or modifications in the future due to other transit options or trends. This plan shall be reviewed through a Miscellaneous Plan Permit, or staff level review equivalent, and shall be coordinated with Community Development, Public Works and the City Attorney. [PLANNING] [COA]

BP-24. BICYCLE SPACES:

Provide seventy (70) Class I bicycle parking spaces and nine (9) Class II bicycle parking spaces per VTA 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-25. NOISE REDUCTION:

Final construction drawings shall incorporate all noise mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wet stamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**

BP-26. GREEN BUILDING:

The project shall meet the following green building requirements as per the Development Agreement:

- 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, with efforts to achieve Platinum level 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 ground floor uses shall incorporate a completed LEED green building checklist demonstrating the project design achieves a minimum LEED Gold level for Commercial Interiors, with efforts to achieve Platinum level, as verified by a qualified LEED consultant. [COA] [PLANNING]

BP-27. CONSTRUCTION MANAGEMENT PLAN:

The developer 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-28. 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-29. 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-30. 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;
- g) Solid waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-31. 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-32. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:

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-33. CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public rights-of-way or public easements. [COA] [PUBLIC WORKS]

BP -34 WARNING SYSTEM:

Developer shall install an audible warning system at the garage vehicle exits to alert pedestrians that vehicles are exiting from the garage. Developer shall coordinate with adjacent property owner on the volume of the warning system. [COA] [PUBLIC WORKS]

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

EP-1. DOWNTOWN SPECIFIC PLAN:

This project is in the Downtown Specific Plan (DTSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the DTSP 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, photometric analysis, signing/stripping plans, erosion control plans, and traffic control plans shall be submitted as part of the first off-site improvement plans, including 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 C1 – C10 of Submittal 6 dated 6/23/21 are subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=24002>

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23625>

[COA] [PUBLIC WORKS]

EP-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 may be prepared using NGVD-29 consistent with other Town Center improvement plans using a conversion equation to City's latest benchmarks (NAVD88) available on City's website <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23803>. [COA] [PUBLIC WORKS]

EP-5 EASEMENT DEEDS:

This project requires a minimum of 10' sidewalk easement and 10' public utility easement measured from the back of the curb. 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 execute the easement deeds prior to encroachment permit issuance. [COA] [PUBLIC WORKS]

EP-6. 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-7. 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-8. 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-9. 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-10. 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-11. 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-12. 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 C1 – C10 of Submittal 6 dated 6/23/21 are subject to change during plan check process. [COA] [PUBLIC WORKS]

EP-13. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:

Provide separate fire and domestic service lines to the 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-14. PUBLIC FIRE HYDRANTS:

Provide fire hydrant within 50' of the Fire Department Connection as required by Fire Safety. Hydrant 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-15. WATER METER:

Each building occupancy 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. For domestic water meters 3" and larger, a single meter is allowable. 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-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

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]

EP-17. 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-18. SANITARY SEWER VIDEO:

The contractor shall make a video copy of the interior of the new sanitary sewer main installed prior to it is put into service. [COA] [PUBLIC WORKS]

EP-19. 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-20. 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-21. 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-22. DRIVEWAY APPROACHES:

Install new driveway approaches along the project frontage on Booker Avenue per City Standard Detail 6C-4. Driveway approaches are to comply with Americans with Disabilities Act (ADA) requirements and city standard details and specifications except that the width of the easterly driveway may exceed to standard maximum width of 42 feet as necessary to accommodate trash bin pickup. [COA] [PUBLIC WORKS]

EP-23. CURB RAMPS:

Remove existing curb ramps located on the northeast corner of Mathilda Avenue/Booker Avenue, on the southeast corner of Mathilda Avenue/McKinley Avenue and on the southwest corner of McKinley Avenue/Aries Way and construct new ADA directional curb ramps so that the visually impaired are directed towards the receiving end of each location.
~~Install new directional curb ramps on the northeast corner of Mathilda~~

~~Avenue at Booker Avenue, on the southeast corner of Mathilda Avenue at McKinley Avenue and on the southwest corner of McKinley Avenue at Aries Way.~~ Install new curb ramps along Booker Avenue at Aries Way as shown on Grading Plan Sheet C5 fronting project site, 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-24. STREETSCAPE IMPROVEMENTS:

Streetscape improvements adjacent to the project site shall conform with the Downtown Standard Details, except when a deviation is allowed by the Director of Community Development. Streetscape Improvements on Mathilda Ave and w. McKinley Ave shall be 10' wide sidewalk with tree wells per Downtown Standard Details. Gutters along the entire frontage of the project shall be 1-foot in width. The perpetual maintenance of streetscape improvements along the project frontages shall be the sole responsibility of the property owner as provided in the recorded street and utility maintenance agreement as it may be modified from time to time. [COA] [PUBLIC WORKS]

EP-25. DECORATIVE DOWNTOWN CROSSWALKS:

Repair or replace as needed any portion of the existing crosswalk pavements along the northbound and eastbound directions of Mathilda Avenue and McKinley Ave intersection that are damaged by construction of this project. Repair or replace with new decorative stamped and colored crosswalk pavement or pavers as determined by the City Public Works Inspector. [COA] [PUBLIC WORKS]

EP-26. STREET PAVEMENT:

Grind and repave 2" of existing asphalt concrete from gutter to east side of bike lane buffer on South Mathilda, and from curb to curb on Booker from South Mathilda to Aries. Construct new-half street on the west side of Aries from Iowa to McKinley. Apply Type II slurry to McKinley Ave. from lip of gutter to centerline as deemed necessary unless otherwise approved by the Department of Public Works. [SDR] [PUBLIC WORKS]

EP-27. STREET LIGHTS:

Install new Downtown Standard streetlights along north side of Booker from South Mathilda to Aries Way, and along west side of Aries Way from Iowa to McKinley. Street lights shall be spaced at 40 feet on center per Downtown Streetscape Specifications and Standard Details. Provide necessary streetlight conduits, wires and pull boxes per Downtown 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-28. 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. [SDR] [PUBLIC WORKS]

~~EP-29. TRAFFIC SIGNAL IMPROVEMENTS~~

~~Traffic signal modifications at the southeast corner of Mathilda Avenue and McKinley Avenue intersection shall be required including but not limited to, installing new pedestrian push button pole and relocate the existing pedestrian push button of the southern crosswalk, relocate the existing pedestrian push button and pole for the eastern crosswalk. Including new foundation, conduits, and conductors, in accordance with the current City design guidelines, Caltrans standards, City Traffic Signal Specification, and Downtown Streetscape Standard Details. Traffic signal improvements shall be designed to accommodate the new ADA directional curb ramps. [COA] [PUBLIC WORKS]~~

EP-29. 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-30. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: Booker Avenue, north side, from South Mathilda Avenue to

Aries Way; Booker Avenue from Bank of California property line to Aries Way; Aries Way, west side from Iowa Avenue to McKinley Avenue. 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 30 feet apart. A root barrier shall be installed around tree wells. 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-31. MAINTENANCE AGREEMENT:

Developer is subject to a maintenance agreement for maintenance of public improvements located inside the back of curb of perimeter streets around the development as shown on the final map of Tract 9925. The subject Public Street and Utility Maintenance Agreement recorded 10/1/07 (Exhibit N) is to be updated prior to first building occupancy as separately required by the adopted Development Agreement. [COA] [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, shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-33. 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-34. 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 any permit issuance. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]

EP-35. 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-36. 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. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved Miscellaneous Plan Permit and subsequent building permit plans shall be installed prior to occupancy [COA] [PLANNING]

PF-2. PARKING GARAGE STRIPING:

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

PF-3. 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]

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]

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

AT-1. HOURS OF OPERATION:

Uses permitted as part of this application shall comply with the following hours of operation at all times:

- a. General business hours for non-residential uses shall be limited to 6:00 a.m. to 2:00 a.m.; additional hours of operation for expanded holiday seasonal hours or "special sale events" may be considered through an MPP. More restrictive hours of operation may be imposed on specific uses requiring a MPP or Special Development Permit. More expansive hours for any non-residential use shall require a MPP. [COA] [PLANNING]

AT-2. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC Section 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]

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- AT-3. LOUDSPEAKERS:
Out-of-door loudspeakers are generally prohibited but may be considered subject to requirements of Sunnyvale Municipal Code Chapter 9.48. [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. [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. AWNINGS:
Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-7. PARKING MANAGEMENT:
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-8. PARKING GARAGE MAINTENANCE:
The parking garage shall be maintained in accordance with the approved plans and as follows:
- Clearly mark and maintain all standard, compact, EV and ADA spaces. These markings shall be specified on the Building Permit plans and completed prior to occupancy.
 - Maintain all parking striping and markings per City Standards.
 - Assure that adequate lighting is available in parking garage to ensure safety and visibility.
 - Require and maintain signs to direct vehicles to additional parking spaces on-site, as needed.
 - Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-9. OFF-STREET PARKING:
Off-street parking shall be maintained at all times in accordance with the approved Parking Management Plan. [COA] [PLANNING]
- AT-10. BMP – STORMWATER MAINTENANCE:

The project applicant, owner, landlord, or OA, 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 – STORMWATER RIGHT OF ENTRY:

The project applicant, owner, landlord, or OA, 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 stormwater treatment best management practices contained in the approved Stormwater Management Plan. [SDR] [PLANNING]

AT-12. TENANT LEASE AGREEMENTS (COMMERCIAL):

Any new lease agreements shall include the following provisions:

- a. Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
- b. Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standard (with efforts to achieve LEED Platinum standards) and maintain facilities consistent with LEED Gold standards (or LEED Platinum if feasible) and USGBC certification. [COA] [PLANNING]

AT-13. SERVICE ENTRANCES:

All service entrances shall remain closed when not used for the purposes of loading and unloading of vehicles and deliveries. Uses which generate noise shall keep doors closed. [COA] [PLANNING]

AT-14. 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]

MMRP

2019-7923

300 S. Mathilda Ave

300 MATHILDA AVENUE SPECIFIC DEVELOPMENT Mitigation Monitoring and Reporting Program Downtown Specific Plan Amendments and Specific Development Project Sunnyvale Planning Project #2017-8047 (Specific Plan Amendment) and #2016-7438, #2017-7848, #2017-7872 (Development Applications) State Clearinghouse #2018052020				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
AIR QUALITY				
Impact AQ-2: The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	MM AQ-2.2: The development project shall implement the below BAAQMD-recommended measures to control dust, particulate matter, and diesel exhaust emissions during construction. This list of BAAQMD measures shall be incorporated into the approved building plan set. <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 	During construction, applicant and their contractors are responsible for implementing these measures.	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director

MMRP

2019-7923

300 S. Mathilda Ave

300 MATHILDA AVENUE SPECIFIC DEVELOPMENT Mitigation Monitoring and Reporting Program Downtown Specific Plan Amendments and Specific Development Project Sunnyvale Planning Project #2017-8047 (Specific Plan Amendment) and #2016-7438, #2017-7848, #2017-7872 (Development Applications) State Clearinghouse #2018052020				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.			

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300 S. Mathilda Ave

300 MATHILDA AVENUE SPECIFIC DEVELOPMENT Mitigation Monitoring and Reporting Program Downtown Specific Plan Amendments and Specific Development Project Sunnyvale Planning Project #2017-8047 (Specific Plan Amendment) and #2016-7438, #2017-7848, #2017-7872 (Development Applications) State Clearinghouse #2018052020				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries. 11. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity. 12. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 13. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 14. Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) treat site accesses to a distance of 100 feet from public paved roads with a six to 12-inch compacted layer of wood chips, mulch, or gravel; (2) wash truck			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>tires and construction equipment of prior to leaving the site, or (3) other methods to reduce the deposition of soil material on public roadways.</p> <p>15. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</p> <p>16. Minimizing the idling time of diesel-powered construction equipment to two minutes.</p> <p>MM AQ-2.3: Prior to construction activities, the project applicant(s) shall develop a plan demonstrating that the off-road equipment (more than 25 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 46 percent NO_x reduction. The 300 Mathilda Avenue site shall demonstrate a 97 percent reduction compared to modeling results in Appendix C of the EIR. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment</p>	<p>Prior to issuance of grading and demolition permits, applicant is responsible for developing a plan for off-road equipment as specified in mitigation measure MM AQ-2.3, and</p>	<p>All mitigation measures identified in the off-road equipment plans shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	products, add-on devices such as particulate filters, and/or other options as such become available. The following feasible methods shall be used unless an alternative plan that achieves this requirement is submitted and approved by the Community Development Department prior to the issuance of the building permit and shall be included in the approved plan set: <ol style="list-style-type: none"> 1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet EPA Tier 4 emission standards for NO_x and particulate matter, if feasible, otherwise, <ol style="list-style-type: none"> a. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter 	submitting the plan to the City. The City is responsible for reviewing the adequacy of the plans. During construction, applicant and their contractors are responsible for implementing the measures identified in the plans.		

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	exhaust; alternatively (or in combination); or b. Use of alternatively-fueled equipment with lower NO _x emissions that meet the NO _x and particulate matter reduction requirements above. c. For special exceptions, a waiver to use other equipment for specialized purposes would have to be obtained from the City after review of evidence that use of such equipment meeting the above mitigation requirements is not feasible. 2. Diesel engines, whether for off-road equipment or on-road vehicles, shall not idle for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit. 3. All on-road heavy duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater (EMission FACtors [EMFAC]			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>Category heavy-duty diesel truck [HDDT]) used at the six project sites (such as haul trucks, water trucks, dump trucks, and concrete trucks) shall be model year 2010 or newer.</p> <p>4. Provide line power to the sites during the early phases of construction (demolition, site preparation, grading/excavation, and trenching) to minimize the use of diesel-powered stationary equipment, such as generators. Use of diesel powered-portable equipment for the 300 Mathilda Ave site shall be limited to 100 hours for generators, 100 hours for compressors and 100 hours for cranes.</p>			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	MM AQ-2.4: Approval of a TDM Plan to reduced operational NO _x emissions consistent with City requirements. This Plan shall demonstrate a minimum six percent overall reduction in vehicle trips and shall be approved by the Public Works Director or designee. For buildings with an identified tenant, the project applicant(s) shall submit to the City, and the City approve, a TDM plan prior to issuance of building permits. For buildings without an identified tenant, the project applicant shall submit, and the City approve, the TDM Plan prior to the building occupancy. Potential measures in the TDM plan can include, but are not limited to, the following: <ol style="list-style-type: none"> 1. Unbundled parking 2. VTA SmartPass (formerly Eco Pass) for residents 3. On-site bicycle repair station 4. A bike share program 5. An on-site TDM coordinator that would provide rideshare matching services and coordinate walking/biking groups for residents 	<p>Prior to issuance of building permits, applicant is responsible for preparing and submitting a TDM plan to the City. The City is responsible for reviewing and approving the plan.</p> <p>After issuance of occupancy permit, applicant is responsible for ensuring the implementation of the TDM plan and submitting TDM Status</p>	<p>City approved TDM plan.</p> <p>The TDM Status Update Forms.</p>	Public Works Director

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	6. An on-site transportation kiosk that would provide information to residents and visitors about multi-modal wayfinding and transit information 7. Caltrain Go Pass	Update Forms to the City.		

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact AQ-3: The project would not result in a cumulatively considerable net increase of criteria pollutants (ROG, NO _x , PM ₁₀ , and/or PM _{2.5}) for which the project region is non-attainment under an applicable federal or state ambient air quality standard with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	See mitigation measures MM AQ-2.2 through MM AQ-2.4 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact AQ-C: The project would not cumulatively contribute to a cumulative significant air quality impact with mitigation incorporated. Less than Significant Cumulative Impact with Mitigation Incorporated	See mitigation measures MM AQ-2.2 through MM AQ-2.4 above			
BIOLOGICAL RESOURCES				
Impact BIO-1: The project would not have a substantial adverse effect on species	MM BIO-1.1: When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San	Applicant is responsible for ensuring construction activities avoid	All mitigation measures shall be printed on all construction documents,	Community Development Director

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>identified as a candidate, sensitive, or special status species with mitigation incorporated.</p> <p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Francisco Bay area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by</p>	<p>the nesting season to the extent feasible.</p> <p>Applicant is responsible for ensuring pre-construction surveys are completed (as described in mitigation measure MM BIO-1.1) if construction and tree removal occur between September and January. Any construction buffer zone must be implemented and maintained</p>	<p>contracts, and project plans.</p> <p>A final report of nesting birds, including any protection measures.</p>	

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.</p>	<p>during construction activities.</p> <p>Prior to the start of grading or tree removal, applicant is responsible for submitting a final report of nesting birds to the City.</p>		
Impact BIO-C: The project would not have a cumulatively considerable contribution to a significant cumulative biological resources impact with	See mitigation measure MM BIO-1.1 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
mitigation incorporated. Less than Significant Cumulative Impact with Mitigation Incorporated				
CULTURAL RESOURCES				
Impact CR-2: The project would not significantly impact archaeological resources, human remains, or tribal cultural resources with mitigation incorporated. Less than Significant Impact	MM CR-2.1: Mechanical presence/absence exploration for Native American resources shall be completed prior to development related ground-disturbance or in conjunction with any remediation efforts. This work shall be conducted by an archaeologist who is trained in both local prehistoric and historical archaeology. Exploring for specific historic-era features shall consist of creating shallow wide trenches down to the historic surface based on areas identified from historic-era maps. If any archaeological resources or human remains are exposed, these shall be	Prior to ground-disturbance or in conjunction with any remediation efforts, applicant is responsible for having a qualified archeologist complete mechanical presence/absence	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
with Mitigation Incorporated	<p>briefly documented, tarped for protection, and left in place. Deeper trenches should be placed beyond the areas considered sensitive for historical resources.</p> <p>If archaeological deposits or features that appear potentially eligible to the CRHR are identified during exploration, an archaeological research design and work plan shall be prepared. The plan shall be designed to facilitate archaeological excavation and evaluate any cultural resources discovered to the CRHR to assess if any are historic properties.</p> <p>The project applicant shall notify the City of Sunnyvale Community Development Director who shall notify the applicable Native American tribal representatives if any Native American resources are identified during presence/absence exploration.</p>	exploration as described in mitigation measure MM CR-2.1.		

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>MM CR-2.2: Prior to ground-disturbing activities, the project applicant shall have a qualified archaeologist or qualified Native American tribal representative provide appropriate cultural sensitivity training to all contractors and employees involved in the trenching and excavation.</p> <p>MM CR-2.3: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of</p>	<p>Prior to ground-disturbing activities, applicant is responsible for having a qualified archaeologist or qualified Native American tribal representative and all contractors implement mitigation measure MM CR-2.2.</p> <p>If human remains are found, applicant and their contractor are responsible for implementing</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p> <p>All mitigation measures shall be printed on all construction documents,</p>	<p>Community Development Director</p> <p>Community Development Director</p>

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the NAHC immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	mitigation measure MM CR-2.3 at the time of discovery.	contracts, and project plans.	

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact CR-C: The project would not result in a cumulatively considerable contribution to a significant cumulative cultural resources impact with mitigation incorporated. Less than Significant Cumulative Impact with Mitigation Incorporated	See mitigation measures MM CR-2.1 through MM CR-2.3 above			
ENERGY				
Impact EN-1: The project would not result in a	See mitigation measures MM AQ-2.2 through MM AQ-2.4 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation with mitigation incorporated.</p> <p>Less than Significant Impact with Mitigation Incorporated</p>				

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	See mitigation measure MM AQ-2.4 above			
Impact EN-C: The project would not result in a cumulatively considerable contribution to a significant energy impact with	See mitigation measures MM AQ-2.2 through MM AQ-2.4 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
mitigation incorporated. Less than Significant Cumulative Impact with Mitigation Incorporated				
GREENHOUSE GAS				
Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment with mitigation incorporated.	See mitigation measures MM AQ-2.2 and MM AQ-2.3 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Less than Significant Impact with Mitigation Incorporated				
Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	See mitigation measure MM AQ-2.4 above			
Impact GHG-C: The project would	See mitigation measures MM AQ-2.2 through MM AQ-2.4 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
not result in a cumulatively considerable contribution to a GHG emissions impact with mitigation incorporated. Less than Significant Cumulative Impact with Mitigation Incorporated				
HAZARDS AND HAZARDOUS MATERIALS				
Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine	MM HAZ-1.2: A SMP and Health Safety Plan (HSP) shall be prepared and implemented for construction-related earthwork activities under the proposed project. The purpose of the SMP and HSP is to establish appropriate management practices for handling impacted soil, soil vapor, and groundwater or other materials that may	Prior to construction activities, applicant is responsible for implementing mitigation	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director; RWQCB (or similar oversight agency)

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
transport, use, disposal, or foreseeable upset of hazardous materials with mitigation incorporated.	<p>potentially be encountered during construction activities. The SMPs shall provide the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.</p> <p>To evaluate potential impacts associated with prior on-site structures, the soil profiling shall include (but not be limited to) the collection of shallow soil samples (upper one-foot) and analyses for lead and organochlorine pesticides.</p> <p>If there are no contaminants identified on the 300 Mathilda Avenue project site that exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, its SMP does not need to be submitted to an oversight agency and only submitted to the City prior to construction earthwork activities. If contaminants are identified at concentrations exceeding applicable screening levels at the 300 Mathilda Avenue project site, the SMP and planned remedial</p>	<p>measure MM HAZ-1.2 and prepare a SMP and HSP.</p> <p>During construction, applicant and their contractors are responsible for implementing the approved SMP and HSP.</p>	Project-specific SMPs (approved by the RWQCB or similar oversight agency) and HSPs.	

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>measures shall be reviewed and approved by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH), and the HSPs and approved SMPs shall be submitted to the City prior to the issuance of a permit for grading and excavation.</p> <p>MM HAZ-1.6: Prior to commencement of earthwork activities, geophysical surveys shall be completed of the former gasoline service station location to evaluate if USTs remain on the site. If identified, the USTs shall be removed under permit from the Sunnyvale Bureau of Fire Services and underlying soil and groundwater shall be sampled and evaluated for potential contaminants of concern.</p>	<p>Prior to issuance of grading permit, applicant is responsible for implementing mitigation measure MM HAZ-1.6.</p>	<p>All mitigation measures required shall be printed on all construction documents, contracts, and project plans.</p> <p>Permit for UST removal (if found) from the Sunnyvale Department of Public Safety, Bureau of Fire Services.</p>	<p>Bureau of Fire Services</p>

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact HAZ-4: The project is not located within the vicinity of a private airstrip and is located within two miles of a public airport. The project would not result in a safety hazard for people residing or working in the project area with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	MM HAZ-4.1: Prior to the issuance of a building permit for above ground construction, if proposed structures exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1 for the permanent structure prior to submittal for the temporary construction equipment (outlined in mitigation measure MM HAZ-4.2 below). A “Determination of No Hazard” or “Determination of No Hazard with Conditions” shall be obtained prior to permit issuance for any above ground improvements. If a “Determination of No Hazard with Conditions” is issued, the conditions shall be included on the approved plan set and implemented.	Prior to issuance of building permit, if structures exceed the FAA Part 77 Surface, applicant are responsible for submitting an FAA form 7460-1 for the permanent structure, as detailed in mitigation measure MM HAZ-4.1.	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Federal Aviation Administration, Community Development Director
	MM HAZ-4.2: Prior to the issuance of a building permit, if construction equipment has the	Prior to issuance of grading,	All mitigation measures shall be	Federal Aviation Administration,

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	potential to exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA at least 45 days (60 to 90 days recommended) prior to construction of the project, which shall specify the equipment type (e.g., crane) and duration to be used. An Aeronautical Study Number for the permanent structure shall be included in the submittal form. A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for above ground activities. If a "Determination of No Hazard with Conditions" is issued, all conditions shall be included on the approved plan set and implemented.	demolition, and, building permits and at least 45 days prior to construction activities, if construction equipment has the potential to exceed the FAA Part 77 Surface, applicant is responsible for submitting an FAA form 7460-1 for the construction equipment as detailed in mitigation measure MM HAZ-4.2.	printed on all construction documents, contracts, and project plans.	Community Development Director.

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Impact HAZ-C: The project would not have a cumulatively considerable contribution to a significant cumulative hazardous materials impact with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	See mitigation measures MM HAZ-1.2, MM HAZ-1.6, MM HAZ-4.1, and MM HAZ-4.2 above			
NOISE AND VIBRATION				
Impact NOI-1: The project would not result in the exposure of persons	MM NOI-1.1: Prior to the issuance of building permits, a qualified acoustical consultant shall prepare a report documenting the projected mechanical and emergency generator noise and	Prior to issuance of building permits, applicant is	All mitigation measures shall be printed on all construction	Community Development Director

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300 MATHILDA AVENUE SPECIFIC DEVELOPMENT Mitigation Monitoring and Reporting Program Downtown Specific Plan Amendments and Specific Development Project Sunnyvale Planning Project #2017-8047 (Specific Plan Amendment) and #2016-7438, #2017-7848, #2017-7872 (Development Applications) State Clearinghouse #2018052020				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or local general plan or noise ordinance, or applicable standards of other agencies with mitigation incorporated. Less than Significant Impact with Mitigation Incorporated	identify specific noise reduction measures necessary to reduce noise to comply with the City's 50 dBA L _{eq} nighttime residential noise limit at the shared property lines. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. The specific equipment shall be included on the approved building permit plan set.	responsible for retaining a qualified acoustical consultant to implement mitigation measure MM NOI-1.1.	documents, contracts, and project plans.	
Impact NOI-4: The project would result in a	MM NOI-4.1: Future development shall prepare a noise control plan to be submitted for review and approval by the City prior to construction.	Prior to the construction, applicant are	All mitigation measures shall be printed on all	Community Development Director

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substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project with mitigation incorporated. Significant and Unavoidable with Mitigation Incorporated	The noise control plan shall be included in the approved building permit plan sets and address, at a minimum, the following: <ol style="list-style-type: none"> 1. 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). 2. 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. 3. Construct temporary noise barriers, where feasible as determined by the City, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. 	responsible for preparing noise control plans pursuant to mitigation measure MM NOI-4.1 and submitting the plans to the City for review and approval. During construction, applicant and their contractors shall be responsible for the measures in the noise control plan.	construction documents, contracts, and project plans.	

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	4. Unnecessary idling of internal combustion engines shall be strictly prohibited. 5. Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible as determined by the City, from residential receptors. 6. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. 7. Where feasible as determined by the City, temporary power service from local utility companies shall be used instead of portable generators. 8. Locate cranes as far from adjoining noise-sensitive receptors as possible. 9. During final grading, substitute graders for bulldozers where feasible as determined by			

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	<p>the City. Wheeled heavy equipment are quieter than track equipment and should be used where feasible, as determined by the City.</p> <p>10. Substitute nail guns for manual hammering, where feasible as determined by the City.</p> <p>11. Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible as determined by the City, shield saws with a solid screen with material having a minimum surface density of two pounds per square feet (e.g., such as ¾-inch plywood).</p> <p>12. Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.</p> <p>13. During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.</p> <p>14. During interior construction, locate noise-generating equipment within the building to</p>			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	break the line-of-sight to the adjoining receptors. 15. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. 16. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.			
Impact NOI-C: The project would	See mitigation measure MM NOI-1.1 and MM NOI-4.1 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
result in a cumulatively considerable noise or vibration impacts with mitigation incorporated. Significant and Unavoidable Cumulative Impact with Mitigation Incorporated				
TRANSPORTATION/TRAFFIC				
Impact TRN-1: The project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for	MM TRN-1.1: Prior to issuance of building permits, future development under the proposed project shall pay a fair-share payment contribution to VTA's VTP 2040 Improvement VTP ID H3: SR 237 Express Lanes (North First Street to Mathilda Avenue). This improvement would convert HOV lanes to express lanes on SR	Prior to issuance of building permits, applicant is responsible for implementing mitigation measures MM	All mitigation measures shall be printed on all construction documents, contracts, and project plans.	Public Works Director

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit with mitigation incorporated.	<p>237 between North First Street and Mathilda Avenue.</p> <p>MM TRN-1.2: Intersection 55: De Anza Boulevard/Homestead Road (Cupertino) – The project shall pay its fair-share payment contribution towards the addition of a third westbound left-turn lane. This improvement can be accommodated within the existing right-of-way with modifications to the median and lane widths.</p> <p>MM TRN-1.3: Intersection 76: Lawrence Expressway/Homestead Road (VTA/Santa Clara County) – Santa Clara County’s Expressway Plan 2040 Study identifies an interim (near-term) improvement that includes the addition of an eastbound through lane on Homestead Road. With this improvement, intersection operations would improve, but the intersection would continue to operate at LOS F under both background and background plus project conditions. The ultimate improvement identified</p>	TRN-1.1 through MM TRN-1.3.	Documentation of fair share contributions.	

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Significant and Unavoidable Impact with Mitigation Incorporated	by the County's Expressway Plan 2040 is to grade-separate the intersection. The County designates the grade separation as a Tier 1 improvement and the project shall pay a fair-share contribution to this improvement.			
Impact TRN-2: The project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or	See mitigation measures MM TRN-1.1 through MM TRN-1.3 above			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
highways with mitigation incorporated. Significant and Unavoidable Impact with Mitigation Incorporated				
Impact TRN-C: The project would result in a cumulatively considerable contribution to a significant transportation impact with mitigation incorporated.	See mitigation measure MM TRN-1.2 above MM TRN-C.1: Intersection 19: Hollenbeck Avenue/Remington Drive – The project shall pay its fair-share contribution towards restriping the northbound and southbound approaches on Hollenbeck Avenue to provide for a dedicated left-turn and a shared through/right-turn lane. This improvement would require parking restrictions on east side of the northbound approach and the west side of the southbound approach for between 75 and 125 feet to accommodate the striping of the dedicated left-	Prior to issuance of building permits, applicant is responsible for implementing mitigation measures MM TRN-1.1, and MM TRN-C.1 through MM TRN-C.7.	All mitigation measures shall be printed on all construction documents, contracts, and project plans. Documentation of fair share contributions.	Public Works Director

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Significant and Unavoidable Cumulative Impact with Mitigation Incorporated	<p>turn lane. The signal phasing on the northbound and southbound approaches could remain “permitted.”</p> <p>MM TRN-C.2: Intersection 20: Hollenbeck Avenue/Fremont Avenue – The project shall pay its fair-share payment contribution towards adding an eastbound right-turn lane from Fremont Avenue onto southbound Hollenbeck Avenue is required. A dedicated right-turn lane, through lane, and a bike lane would require a minimum width of 25 feet. The available width between the number two through lane and the curb is about 19 feet. This mitigation measure would require removing the raised median on the eastbound approach to allow for adequate ROW.</p> <p>MM TRN-C.3: Intersections 29: Mathilda Avenue/Washington Avenue and Intersection 30: Mathilda Avenue/McKinley Avenue – The project shall pay its fair-share payment contribution to the City’s planned improvements along Mathilda Avenue of providing bike lanes</p>			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>between El Camino Real and Washington Avenue, including ROW costs for both the northbound and southbound sections.</p> <p>MM TRN-C.4: Intersection 33: Mathilda Avenue/El Camino Real – The project shall pay its fair-share payment contribution toward the installation of a third eastbound left-turn lane.</p> <p>MM TRN-C.5: Intersection 38: Washington Avenue/Frances Street – The project shall pay its fair-share payment contribution towards converting the intersection to an all-way stop-controlled intersection.</p> <p>MM TRN-C.6: Intersection 52: Sunnyvale-Saratoga Road/Remington Drive – The project shall pay its fair-share payment contribution towards the City’s TIF Program, specifically towards the identified improvement of adding a northbound right-turn lane from Sunnyvale-Saratoga Road onto eastbound Remington Drive. In addition, the project shall pay a fair-share</p>			

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>contribution for the installation of the separated eastbound right-turn lane.¹</p> <p>MM TRN-C.7: Intersection 53: Sunnyvale-Saratoga Road/Fremont Avenue – The project shall pay its fair-share payment contribution to the addition of a dedicated southbound right-turn lane from Sunnyvale-Saratoga Road onto westbound Fremont Avenue. The additional southbound right-turn lane would require modifying the bus duckout and northwest corner at Sunnyvale-Saratoga Road and Fremont Avenue.</p> <p>MM TRN-C.8: Intersection 60: Fair Oaks Avenue/Duane Avenue – The project shall pay its fair-share payment contribution towards providing a second westbound left-turn lane from</p>			

¹ With the additional northbound right-turn lane, the intersection would improve from unacceptable LOS F to acceptable LOS E during the AM peak hour but would remain an unacceptable LOS F during the PM peak hour. This is consistent with the results presented in the TIF Nexus Study. A dedicated southbound right-turn lane would be needed to fully mitigate the impact. However, there are right-of-way constraints that limit the physical feasibility of the dedicated southbound right-turn lane. An additional southbound right-turn lane would require an additional 11 feet of right-of-way from existing properties along the west side of Mathilda Avenue.

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Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	Duane Avenue onto southbound Fair Oaks Avenue and restripe the intersection and remove the on-street parking on the south side of Duane Avenue for about 200 feet from the intersection. This improvement requires modification to the traffic signal and relocation of the bus stop on the south side of Duane Avenue. The City, when implementing this improvement, shall coordinate with VTA to relocate the existing bus stop.			