



City of Sunnyvale

Memorandum

To: Planning Commissioners

From: Mariya Hodge, Project Planner

Through: Trudi Ryan, Planning Officer

Date: November 9, 2012

Re: Modifications to project #2012-7531 located at 636 West Fremont Avenue (Agenda Item #2)

This project was considered at a Planning Commission Study Session on October 22, 2012. The applicant has since revised the proposal to address comments received from Commissioners at the Study Session. Lot lines have been reconfigured and homes shifted in order to meet the required front setbacks along Cordilleras Avenue. A pedestrian walkway has also been added to one side of the private street.

These revisions were completed after preparation of the staff report and are not addressed in the text of the report. Please note the following changes to the staff report based on the proposed revised project:

- The R-0/PD portion of the project is increased to 1 acre in area while the R-2/PD portion of the project is decreased to 1.3 acres in area.
- A deviation is no longer required for reduced lot area on Lots 2-4. All proposed R-0/PD lots now exceed 6,000 square feet in area.
- A deviation is no longer required for minimum or average front setbacks on Lots 1-5 along Cordilleras Avenue. The 15-foot minimum front setback and 20-foot average front setback are now met.
- Additional deviations for minimum and average front setbacks are requested for Lots 7-10, 12-13, and 15-17 along the private street. These lots were decreased in depth to accommodate increased setbacks along Cordilleras Avenue.
- The requested Floor Area Ratios on Lots 6-11 have increased to a maximum of 70.5% where up to 66.5% was previously requested.

Attached are a revised Project Data Table and a revised Conditions of Approval document which address these proposed changes to the project. The project plans provided in Attachment E are the revised plans. Staff recommends approval of the revised project with the requested deviations and subject to the attached revised conditions.

PROJECT DATA TABLE (revised project)

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	0.4 acres Residential Low Density and 1.9 acres Residential Low-Medium Density	Same	Residential Low Density and Residential Low-Medium Density
Zoning District	0.4 acres R-1 and 1.9 acres R-2/PD	1 acre R-0/PD and 1.3 acres R-2/PD	Pending approval of Rezone
Lot Size (s.f.)	100,306	R-0 lots: 6,154 to 6,913 (6,363 avg.); R-2 lots: 3,523 to 10,101 (4,647 avg.)	R-0: 6,000 min.; R-2: 8,000 min.* (3600 s.f. per dwelling unit)
Lot Width (ft.)	299	R-0 (corner): 70' R-0 (interior): 65' min., 65' 4" avg.; R-0 (cul-de-sac): 76' 4" min., 77' 8" avg.; R-2 (interior): 42' min., 47' avg.	R-0 (corner): 62 min.; R-0 (interior): 57 min.; R-0 (cul-de-sac): 45 min.; R-2 (interior): 76 min.*
Gross Floor Area (s.f.)	14,000	42,572	45,137 max. without PC review
Lot Coverage (%)	<14%	One-story homes: 37% to 47.3% (43.6% avg.); Two-story homes: 35.1% to 39.1% (38% avg.)	One-story homes: 45% max.** Two-story homes: 40% max.**
Floor Area Ratio (FAR)	14%	32.9% to 70.5% (42.4% avg.)	45% max. without PC review
No. of Units	0	18	25 max. per current zoning; 22 max. per requested zoning
Density (units/acre)	N/A	7.8	10.9 max. per current zoning; 9.6 max. per requested zoning
Meets 75% min?	N/A	Yes (per requested zoning)	19 min. per current zoning; 17 min per requested zoning

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Bedrooms/Unit	N/A	7 three-bedroom + 11 four-bedroom	---
Unit Sizes (s.f.)	N/A	1,606 to 2,258 excluding garages	---
Lockable Storage/Unit	N/A	Enclosed 2-car garages	300 cu. ft. min.
No. of Buildings On- Site	0	18	---
Building Height (ft.)	unknown	One-story homes: 26' 1" max. Two-story homes: 29' 6" max.	30 max.
No. of Stories	2	12 one-story homes and 6 two-story homes	2 max.
Setbacks – homes fronting on Cordilleras Avenue (Lots 1-5)			
Front	10'	15' min., 20' avg.	15' min., 20' avg.
Sides, min.	N/A	5' min., 7' 8" avg.	4' min. per side
Sides, combined total	N/A	13' min., 15' 3" avg. (meets 20% per lot)	20% of lot width, not less than 10'
Rear	Opposite Fremont: 206' Opposite Cordilleras: 200'	16' 9" min., 18' 9" avg.	20' min., with limited one-story encroachment to 10' allowed
Setbacks – homes fronting on private street (Lots 6-18)			
★ Front (first/second)	N/A (30' along Fremont Ave.)	8' 6"/14' 7" min., 18' 7"/20' 8" avg.	15'/20' min, 20'/25' avg.
★ Sides, min. (first/second)	N/A	One-story homes: 5' min., 6' 6" avg.; Two-story homes: 5'/5' min., 6' 1"/6' 5" avg.	4'/7' min. per side
★ Sides, combined total (first/second)	N/A	One-story homes: 10' min., 13' avg. (meets 20% per lot); Two-story homes: 12'/12' min., 12' 2"/12' 10" avg. (does not meet 20% per lot)	20% of lot width, not less than 10'/ first story total + 6'

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Rear	Opposite Fremont: 206' Opposite Cordilleras: 200'	15' min., 19' avg.	20' min., with limited one-story encroachment to 10' allowed
Landscaping (sq. ft.)			
Total Landscaping	41,316	42,250	20,061 min.
Landscaping/Unit	N/A	2,347 avg.	R-0: No min.; R-2: 850 min.
Usable Open Space/Unit	N/A	1,066 avg.	R-0: No min.; R-2: 500 min.
Water Conserving Plants	unknown	Final landscape plans will comply	80% + limit turf, or water budget
Parking			
Total Spaces	140	78	78 min.
Covered Spaces	0	36 (2-car garage per unit)	36 min.
Driveway Spaces	0	36	36 min.
Guest Spaces	N/A	6	6 min.
Stormwater			
Impervious Surface Area (s.f.)	58,990	54,931	No max.
Impervious Surface (%)	58.8%	54.8%	No max.
*Reduced lot area and lot width may be allowed by SDP for individual R-2 lots if the overall site density is consistent with zoning.			
**Projects achieving 110 points on the Build It Green checklist may increase lot coverage by 5%.			

★ Starred items indicate requested deviations from Sunnyvale Municipal Code requirements.

ATTACHMENT B (revised project)

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS DECEMBER 4, 2012

Planning Application 2012-7531 636 West Fremont Avenue

Project Description: Rezone a 2.3-acre site from a mix of R-1 and R-2/PD zoning to a mix of R-0/PD and R-2/PD zoning; Vesting Tentative Map to subdivide one lot into 18 single-family lots and one common lot; and Special Development Permit to allow development of 18 new single-family homes, with the following deviations from standard Municipal Code requirements:

- ~~Minimum lot area for Lots 2-4~~
- ~~Minimum front setbacks along the private street eul de sae for Lots 7-10, 12-13, and 15-18 and along the west side of the private street for Lots 15 and 17~~
- Average front setbacks along the private street (Lots 6-18)
- Minimum and total side setbacks for second floors on Lots 6-11

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.
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GC-1. CONFORMANCE TO APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform to 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. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. TITLE 25:

Provisions of Title 25 of the California Administrative Code shall be satisfied with respect to dependence on mechanical ventilation. [SDR] [BUILDING]

GC-4. BMR UNITS (OWNERSHIP):

The approved project shall comply with the City's Below Market Rate (BMR) requirements as set forth in Sunnyvale Municipal Code Chapter (SMC) 19.67 and the Developer Guidelines, both as may be amended from time to time. The standard (“on-site”) method of compliance is to provide 12.5% of the homes in the project as BMR units subject to SMC 19.67. Several alternative compliance methods, such as payment of in-lieu fees, are available under SMC 19.67.090, if approved by Council at entitlement. The on-site requirement for this project is 2.25 BMR units. Any fractional unit requirement may be satisfied by paying a fractional in-lieu fee or providing an additional BMR unit, at Developer’s option, as described further in SMC 19.67.040 and the Developer Guidelines. [SDR] [HOUSING]

GC-5. 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 requires a compliant Stormwater Management Plan per SMC 12.60.140 prior to issuance of a building permit. [SDR] [PLANNING]

GC-6. ENCROACHMENT PERMIT:

Obtain an encroachment permit from the Department of Public Works for all off-site improvements. [SDR] [PUBLIC WORKS]

GC-7. 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. [SDR] [PUBLIC WORKS]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

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

- a) ~~Modify plans to meet~~The project shall achieve the minimum 15-foot front setback and average 20-foot front setback for all building areas, including front porches, on Lots 1-5. ~~Modifications may include shifting the homes on these lots toward their rear property lines (without exceeding permitted rear yard encroachment), adjusting lot lines between these lots and Lots 6-11 (while maintaining required setbacks for Lots 6-11 and meeting the overall density requirements for the R-2/PD portion of the project), reducing the sizes of the homes on Lots 1-5, or a combination of these strategies.~~ Final site layout is subject to review and approval by the Director of Community Development
- b) ~~Modify plans to ensure the lots zoned R-0/PD do~~The project shall not exceed 50% paving of required front yards for lots zoned R-0/PD. Final site layout is subject to review and approval by the Director of Community Development
- c) ~~Relocate~~ Individual exterior mechanical equipment including air conditioning units shall be located to meet minimum setbacks. Prior to submittal of a building permit, submit detailed plans of exterior equipment locations for each lot to the Director of Community Development for review. Proposed equipment locations shall have minimal visual and noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features.
- d) Introduce additional materials and/or details to add visual interest to the side and rear elevations for Plan 3B homes. Final design and exterior materials are subject to review and approval by the Director of Community Development.
- e) ~~Modify plans to~~The project shall provide a pedestrian walkway along one side of the private street extending from the end of the cul-de-sac to Fremont Avenue and connecting to the public sidewalk. The walkway shall be designated by alternate paving materials/colors. Rolled curbs may be used along the edges of the private street to incorporate the walkway into the required Fire lane width if required. Final layout is subject to review and approval by the Director of Community Development.

- f) Plans shall be modified to eliminate the proposed new street light along Cordilleras Avenue.
[COA] [PLANNING]
- PS-2. EXTERIOR MATERIALS REVIEW:
Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit.
[COA] [PLANNING]
- PS-3. BMR STANDARD PERMIT CONDITION:
The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines]

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

- BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded

document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

BP-5. CERTIFIED ELEVATION DATA:

The building permit plans shall include certified elevation data clearly establishing finished grade levels and resulting building heights for each lot to verify compliance with height limits. [SDR] [PLANNING]

BP-6. FEES AND BONDS:

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

- a) TRANSPORTATION IMPACT FEE - Pay Transportation Impact fee for the net new trips resulting from the proposed project, estimated at \$19,026.00, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) PARK DEDICATION IN-LIEU FEE - Pay Park Dedication In-lieu fee estimated at \$491,797.85, prior to approval of the Final Map. (SMC 18.10). [SDR] [PLANNING]
- c) BMR IN-LIEU FEE – If Developer has chosen to pay in-lieu fees to satisfy all or part of the BMR requirement applicable to the project, please contact the Housing Division for an estimate of the total fee amount due, based on Developer’s estimated average sales price. Actual fee calculations will be made by the City upon receipt of an estimated settlement statement for each market-rate home, and payment will be due from seller’s proceeds at close of escrow. (SMC 19.67) [HOUSING] [SDR]

BP-7. MECHANICAL EQUIPMENT (EXTERIOR):

Building permit plans shall include detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units and any proposed screening by architecture or landscaping features. [PLANNING] [COA]

BP-8. BMR DEVELOPMENT AGREEMENT:

Before issuance of building permits for the project, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must be executed by both parties and recorded against the property, and will run with the land.

In the event that any Below Market Rate dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the BMR requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR ADMINISTRATIVE GUIDELINES]

BP-9. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) All areas not required for parking, driveways or structures shall be landscaped.
- b) Provide trees at minimum 30 feet intervals along side and rear property lines of the overall project area, except where mature trees are located immediately adjoining on neighboring property.
- c) At least 10% of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- d) Any “protected trees” (as defined in SMC 19.94) approved for removal shall be replaced with a specimen tree of at least 36-inch box size.
- e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- f) Provide a fifteen-foot deep band of decorative paving for the width of the private street immediately behind the public sidewalk. Decorative paving design shall be submitted to the Director of Community Development for review and approval.
- g) Landscape plans shall be developed to minimize obstruction of corner and driveway vision triangles. For landscaping located in or near vision triangles, particularly at the corner of Fremont Avenue

and Cordilleras Avenue, species and locations shall be carefully selected to reduce the potential for foliage intruding in the triangles.

- h) The design of each perimeter wall/fence for the development shall be similar in appearance and construction material. Final design is subject to review and approval by the Director of Community Development prior to issuance of a building permit.
- i) Backflow devices and other appurtenances are to include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located in the front or side yard landscape areas. Covers shall consist of black metal mesh with rounded tops (“mailbox style”) per City standard details. [COA] [PLANNING]

BP-10. PRE-APPROVED WATER EFFICIENT LANDSCAPE PLANS:

The developer shall submit a minimum of one rear yard landscape plan for each lot configuration for review and approval by the Community Development Department. These plans will be subject to review through the Miscellaneous Plan Permit process to ensure they meet the City’s Water Efficient Landscaping requirements. These plans shall be available for purchase by the future homeowners. [PLANNING] [COA]

BP-11. PRIVATE INSTALLATION OF LANDSCAPING:

Future homeowners who choose to install rear yard landscaping privately (private landscape company or self-installed) shall submit a Miscellaneous Plan Permit for review and approval of proposed landscape plans to ensure they meet the City’s Water Efficient Landscaping requirements. The Miscellaneous Plan Permit must be approved prior to installation of landscaping. [PLANNING] [SDR]

BP-12. 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 shall be indicated on the plans, showing size and varieties, and clearly specify which are to be retained, removed, or relocated.

- c) Provide fencing around the drip line of trees that are to be retained and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) Establish protection measures for all trees to be relocated, including methods of excavation, storage, transport, and replanting to ensure trees are not damaged during relocation efforts.
- e) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-13. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by the Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-14. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

BP-15. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:

- i) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
- ii) Swimming pool water, spa/hot tub, water feature and fountain discharges, if discharge to on-site vegetated areas is not a feasible option.
- iii) Fire sprinkler test water, if discharge to on-site vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-16. STORMWATER BMP MAINTENANCE MANUAL:

Prepare a maintenance manual for structural and treatment control best management practices related to stormwater to guide ongoing maintenance efforts of these areas. The manual shall be subject to review and approval by the Director of Community Development prior to issuance of building permit and shall be provided to the Homeowners Association and individual homebuyers at the time of purchase. [COA] [PLANNING]

BP-17. CITY STREET TREES:

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

BP-18. EXTERIOR LIGHTING PLAN:

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the area, including the adjacent residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

BP-19. 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-20. LIGHTING SPACING:

Install lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]

BP-21. GREEN BUILDING:

The plans submitted for building permits shall demonstrate the project achieves a minimum of 110 points on the Green Point Rated checklist (to enable lot coverage up to 5% over maximum). Project plans shall be accompanied with a letter from the project's Green Point Rater/LEED AP verifying the project is designed to achieve the required points. [COA] [PLANNING/BUILDING]

BP-22. NOISE REDUCTION:

Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures" in the approved environmental document (Mitigated Negative Declaration) and all building permit plans shall be wet-stamped and signed by the project noise consultant. [COA] [PLANNING]

Mitigation Measure

WHAT: To reduce interior and exterior noise levels for the project, the following mitigation measures are required:

1. All door and window assemblies used in the homes on lots 4-8 and 15-18 shall be STC-rated with the ratings specified in the Project Noise Study (prepared by Charles M. Salter Associates and dated 10/05/12). For lots 4-5, 8, and 15-18, a rating of STC 28 is required. For lot 6 and 7, ratings ranging from STC 28 to STC 32 are required for various areas of the buildings; see the Figure 1 of the Project Noise Study for details.

2. A six-foot tall noise barrier shall be installed along the rear property lines of the homes on lots 15-18 as well as along a portion of the rear property line of lot 14 (along the western boundary of the project site) as shown in Figure 1 of the Project Noise Study. This barrier shall consist of a wood fence with no cracks or gaps and a minimum surface density of three pounds per square foot.

3. A seven-foot tall noise barrier shall be installed along two portions of the Fremont Avenue street frontage adjacent to lots 5, 6, and 18 as shown in Figure 1 of the Project Noise Study. This barrier shall consist of a wood fence with no cracks or gaps and a minimum surface density of three pounds per square foot.

WHEN: These mitigation measures shall be incorporated into the construction plans. All mitigation measures must be installed prior to building permit final.

WHO: The property owner (developer) will be solely responsible for implementation and maintenance of these mitigation measures.

HOW: These mitigation measures shall be incorporated into the project construction plans.

BP-23. MECHANICAL VENTILATION:

Mechanical ventilation shall be provided for all homes requiring interior noise mitigation measures (Lots 4-5, 6-8, and 15-18) to allow windows to be kept closed. [COA] [PLANNING]

BP-24. CONSTRUCTION MANAGEMENT PLAN:

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

1. 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.
2. Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
3. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
4. 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.
5. Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
6. 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.
7. 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.
8. Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.

9. 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.
10. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
11. Cover all hauling trucks or maintain at least two feet of freeboard.
12. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
13. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
14. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
15. Limit traffic speeds on the construction site to 15 mph.
16. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
17. Install windbreaks or fences along adjacent residential properties.
18. Maintain access to existing pedestrian walkways, bicycle lanes, and accessible pathways during construction to the extent feasible.
18. Designate a construction coordinator who will be responsible for responding to any complaints about construction noise or other impacts. The coordinator will determine the cause of complaints (e.g., starting too early, bad muffler, dust not appropriately controlled, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the construction coordinator at the construction site and include it in the notices sent to neighbors regarding construction schedules. The construction coordinator shall be authorized to address and accommodate special circumstances (such as adjacent homeowners who are home-bound or have medical conditions).

[COA] [PLANNING]

BP-25. FIRE PREVENTION REQUIREMENTS:

The following requirements and upgrades are required and are subject to review and approval by the Department of Public Safety:

- a) As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, California Fire Code,

Title 19 California Code of Regulations, and California Residential Code.

- b) The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety (508 CFC).
- c) A private on-site fire hydrant is required along the private street; the location of the hydrant is subject to approval by the Department of Public Safety. Hydrants shall be Clow 75 (508 CFC). The property owners and/or Homeowners Association shall be responsible for all future maintenance and testing of private fire hydrants.
- d) A fully automatic fire sprinkler system is required for the new homes. The fire sprinkler systems shall be in accordance with NFPA 13 and CFC (16.52.270 SMC & Section 903 CFC).
- e) Install approved smoke detectors and carbon monoxide detectors in accordance with the Sunnyvale Municipal Code section 16.52.280.
- f) Provide required number of approved fire extinguishers (minimum size of 2A10BC)(CCR Title 19: 568).
- g) Approved emergency responder radio coverage is required throughout the project. Radio retransmission equipment may be required in areas lacking sufficient coverage. (Refer to SMC 16.52.203, Emergency Responder radio coverage, and CFC Appendix J for details.)
- h) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems (Chapter 14 CFC).
- i) Provide a written construction Fire Protection Plan (Section 1408 CFC)(Refer to Unidocs.org, Fire Prevention documents).
- j) Provide an electronic version of plans to assist with Fire Department “Pre-Fire Survey” maps.

[COA] [PUBLIC SAFETY/FIRE PROTECTION]

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

EP-1. HYDRAULIC CALCULATIONS:

Provide hydraulic calculations to correctly size the master water meter. [COA] [PUBLIC WORKS]

EP-2. DOUBLE-CHECK DETECTOR ASSEMBLY REMOVAL:

Remove the existing below ground fire double-check detector assembly. [COA] [PUBLIC WORKS]

- EP-3. OFF-SITE IMPROVEMENTS ESTIMATE:
Provide an engineer's estimate for all off-site public improvements.
[COA] [PUBLIC WORKS]
- EP-4. SIGNING AND STRIPING PLAN:
Submit a signing and striping plan (showing existing and proposed) with the off-site improvement plans for review and approval. The developer is responsible to replace any damaged traffic control devices caused by the project. New pavement markings must be installed in thermo plastic and follow the provisions of the 2012 CA MUTCD.
[COA] [PUBLIC WORKS]
- EP-5. TRAFFIC CONTROL PLAN:
Submit a traffic control plan with the off-site improvement plans for review and approval. 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-6. UTILITY MODIFICATIONS:
The 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 park strip area, caused by the development. (SMC 18.20.250) [SDR] [PUBLIC WORKS]
- EP-7. PUBLIC IMPROVEMENTS REQUIRED:
The developer is required to install all public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc. prior to occupancy as required by the Director of Public Works. This includes extension of the existing city water line from Fremont Avenue to serve the project's Cordilleras Avenue frontage. [SDR] [PUBLIC WORKS]
- EP-8. PUBLIC IMPROVEMENTS STANDARDS:
All public improvements shall be installed per City's design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless

otherwise approved by the Director of Public Works. (SMC 18.12) [SDR] [PUBLIC WORKS]

EP-9. IMPROVEMENT PLANS:

All public improvement plans shall be submitted to and be approved by the Department of Public Works. (SMC 13.08.60) [COA] [PUBLIC WORKS]

EP-10. UPGRADE OF PUBLIC IMPROVEMENTS:

Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-11. UTILITY EASEMENTS:

All utility companies shall be contacted to establish appropriate easements to provide services to each lot. [COA] [PUBLIC WORKS]

EP-12. UTILITY CONFLICTS:

The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project. [COA] [PUBLIC WORKS]

EP-13. ABANDONMENT OF UTILITIES:

All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City. [COA] [PUBLIC WORKS]

EP-14. NO TREES NEAR LATERALS:

No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line. [COA] [PUBLIC WORKS]

EP-15. DRAINAGE PATTERN – NO IMPACT:

This project shall not cause any negative impact on the drainage pattern for adjacent properties. (SMC 18.12.110 (e)) [SDR] [PUBLIC WORKS]

EP-16. DRAINAGE AND EROSION CONTROL:

Adequate drainage/erosion control shall be provided at all times during each phase of the development per the Stormwater Management Plan (SWMP), Stormwater Pollution Prevention Plan (SWPPP), and BMP's. [COA] [PUBLIC WORKS]

- EP-17. PRIVATE OWNERSHIP OF ON-SITE SYSTEMS:
All proposed on-site drainage and sanitary sewer systems shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter. (SMC 12.24.080(c)) [SDR] [PUBLIC WORKS]
- EP-18. REMOVE AND REPLACE DRIVEWAYS:
Remove existing driveway approaches and install new driveway approaches along Cordilleras Avenue to comply with ADA requirements as per city standard detail 5C-5. [COA] [PUBLIC WORKS]
- EP-19. RIGHT-OF-WAY IMPROVEMENTS – CORDILLERAS AVENUE:
Confirm, along Cordilleras Avenue, if the width from the existing face of curb to the existing property line is 10.5' or 11'. If the width is 10.5', provide and show a 5' parkstrip and 5' sidewalk with a 6" curb. If the width is 11', provide and show a 5' parkstrip, a 5' sidewalk, a 6" curb, and 6" between the back of the walk and the property line. Install city street trees (minimum 24" box or 15 gallon size) at 35' spacing. Tree species to be provided by the City Arborist. [COA] [PUBLIC WORKS]
- EP-20. CURB AND GUTTER – CORDILLERAS AVENUE:
Retain the existing city standard curb and gutter along Cordilleras Avenue; do not replace with a rolled curb. [COA] [PUBLIC WORKS]
- EP-21. RIGHT-OF-WAY IMPROVEMENTS – FREMONT AVENUE:
Install an 8' monolithic sidewalk along the Fremont Avenue frontage with city tree wells at the back of the sidewalk at approximately 35' spacing. Install city street trees in a minimum 24" box or 15 gallon size. Tree species to be provided by the City Arborist. [COA] [PUBLIC WORKS]
- EP-22. CURB RAMP:
Install a full city standard curb ramp (13C-4) at the corner of Fremont and Cordilleras Avenues. [COA] [PUBLIC WORKS]
- EP-23. STREET LIGHTING PLAN:
Provide a separate street lighting plan as part of the improvement plans. Remove and replace street light conduits and conductors along the property frontage. New conduits, pullboxes, LED fixtures and conductors are required. Provide a table showing the loading analysis

including the identified size of the new conduits. [COA] [PUBLIC WORKS]

EP-24. STREET LIGHTING UPGRADE:

Upgrade the 2 existing street light luminaires along the project's Cordilleras Avenue frontage to LED luminaires. [COA] [PUBLIC WORKS]

EP-25. SUBDIVISION AGREEMENT:

The developer shall execute a Subdivision Agreement and post surety bonds and/or cash deposits for all proposed public and/or private improvements prior to any permit issuance. [COA] [PUBLIC WORKS]

EP-26. DEVELOPMENT FEES:

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance. (SMC 18.16) [SDR] [PUBLIC WORKS]

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

TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining the common facilities shall be mandatory for all property owners within the development whose lots share access to the common facilities (Lots 6-18).
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such

improvements or until the improvements are transferred to individual owners or an owners association, following sale of at least 75% of the units, whichever comes first.

- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #2012-7531, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- e) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- f) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- g) The CC&Rs shall contain the following provisions:
 - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
 - ii) The owners association shall maintain in perpetuity the stormwater management areas located on individual lots along the private street and along the project's Fremont Avenue street frontage.
 - iii) The owners association shall maintain in perpetuity and regularly test all private on-site fire hydrants per Department of Public Safety standards.
 - iv) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- h) The CC&Rs shall contain the following language:
 - i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City

shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.

- v) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- vi) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- vii) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- viii) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- ix) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-2. HOA CREATION:

The developer/Owner shall create a Homeowners Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The

Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-3. HOA TRANSFER:

At the time the Homeowners Association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]

TM-4. DEVELOPER MAINTENANCE OF LOTS EXCLUDED FROM HOA:

For Lots 1-5 which are not proposed to be included in a Homeowners Association, the developer shall maintain all private utilities and landscaping for each lot until the improvements on the lot are transferred to individual owners. [COA] [PLANNING]

TM-5. BMP MAINTENANCE FOR LOTS EXCLUDED FROM HOA:

For Lots 1-5, prior to Final map the developer shall establish an appropriate means of sharing among property owners the responsibility of ongoing stormwater treatment facility maintenance. Facilities to be maintained include the bioretention area located on Lot 5 and the trench drains, inlets, and pipes located on all five lots feeding the bioretention area. Options include a shared maintenance agreement between the owners, a separate Homeowners Association for these five lots, or membership in the Homeowners Association for the development as a whole. The proposed means for sharing maintenance responsibility shall be subject to review and approval by the City [COA] [PLANNING/PUBLIC WORKS]

TM-6. BMP MAINTENANCE – NOTICE OF PROJECT RESTRICTIONS:

For Lots 1-5 which will not be included in a Homeowners Association, the project applicant shall record a Notice of Project Restrictions for each lot in the official records of the County of Santa Clara concurrent with recordation of the Final Map, and provide proof of such recordation to the City. The Notice of Project Restrictions shall establish the individual property owners' responsibility for ongoing maintenance of all structural or treatment control best management practices related to stormwater, and shall be reviewed and approved by the City Attorney prior to recordation. The Notice of Project Restrictions shall provide a description of the subject properties, shall identify the related Planning Application number and any accompanying subdivision map, including book and page and recorded document number, if any, and be signed and notarized by the property owner of record. [COA] [PLANNING]

- TM-7. BMP MAINTENANCE – MAP NOTATION:
The Final Map shall include a notation referencing the Notices of Project Restrictions for Lots 1-5 related to stormwater BMP maintenance. [COA] [PLANNING]
- TM-8. BMP MAINTENANCE MANUAL:
The maintenance manual for structural and treatment control best management practices related to stormwater shall be provided to the Homeowners Association and individual homebuyers at the time of purchase. [COA] [PLANNING]
- TM-9. COMMON LOT - STREET NAMING:
The common lot shall be assigned a private street name to be selected by the Director of Community Development in accordance with the City's official Street Name System prior to Final Map. [COA] [PLANNING]
- TM-10. RESERVATION/ABANDONMENT OF EASEMENTS:
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map or prior to occupancy. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements. Quitclaim Deed is required for abandonment of private easements). No permanent structures are allowed within any of the easement limits. [SDR] [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 building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):
The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-3. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the Homeowners Association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-4. BMP MAINTENANCE – NOTICE OF PROJECT RESTRICTIONS (RECORDATION):

The Developer/Owner shall submit a copy of the recorded Notices of Project Restrictions for Lots 1-5 related to stormwater BMP maintenance prior to release of utilities or certificate of occupancy. [COA] [PLANNING]

PF-5. DISCLOSURE:

The owner/subdivider shall provide full written disclosure of all stormwater treatment areas and maintenance requirements, as well as all public/private easements, to homebuyers within the project. [COA] [PLANNING]

PF-6. NOISE REDUCTION VERIFICATION (MITIGATION MEASURE):

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA or less is met on the finished units, and that an exterior Ldn scale of 61 dBA or less in rear yards is met in the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING] **Mitigation Measure**

PF-7. BMR COMPLETION 60 ADVANCE DAY NOTICE:

The Developer/Owner must provide a written “Notice of Intent to Sell” to the Affordable Housing Manager for each BMR unit(s) to be provided in the development sixty days (60) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the Administrative Procedures and updated annually. The developer must also request and pass a site inspection by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

- PF-8. GREEN BUILDING:
Prior to occupancy/final inspection, provide a letter from the project's Green Point Rater/LEED AP verifying the project's actual construction achieves the required 110 points on the Green Point Rated checklist. [COA] [PLANNING/BUILDING]

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 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. CONSTRUCTION MANAGEMENT PLAN:
All best management practices identified in the approved construction management plan shall be maintained for the duration of the project's construction including the demolition, grading, construction, finishing, and landscaping installation phases. [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. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plans 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-2. OFF-STREET PARKING:
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-3. HOA REVIEW AND APPROVAL:
In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require

- consent of the board of directors of the Homeowners Association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]
- AT-4. HOA RESPONSIBILITIES:
The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]
- AT-5. BMP MAINTENANCE:
The project applicant, owner(s), landlord(s), or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans:
- a) Lots 1-5: After transfer of improvements from the developer, the individual property owners shall maintain in perpetuity the stormwater management facilities located on their individual lots (along the project's Cordilleras Avenue street frontage).
 - b) Lots 6-18: After transfer of improvements from the developer, the Homeowners Association shall maintain in perpetuity the stormwater management facilities located on individual lots along the private street and along the project's Fremont Avenue street frontage.
- [SDR] [PLANNING]
- AT-6. BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan. [SDR] [PLANNING]
- AT-7. PARKSTRIP MAINTENANCE:

The Homeowners Association shall maintain parkstrip landscaping in perpetuity along Fremont Avenue fronting the project site. The individual homeowners on Lots 1-5 shall maintain parkstrip landscaping in perpetuity along Cordilleras Avenue fronting the project site; each homeowner shall maintain the landscaping area in front of his/her property. (SMC 13.08.370 and 13.08.380) [SDR] [PUBLIC WORKS]

AT-8. NO MODIFICATION OF DRAINAGE FACILITIES:
Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City. [COA] [PUBLIC WORKS]