



**REPORT TO PLANNING COMMISSION**

**Hearing Date:** November 25, 2013

**FILE #:** 2013-7258  
**Location:** 1095 W. El Camino Real (APN: 161-41-008)  
**Proposed Project:** **SPECIAL DEVELOPMENT PERMIT** to allow a mixed-use project with 156 residential apartment units in a four-story building and an approximately 41,000 square foot three-story office building. **VESTING TENTATIVE MAP** for condominium purposes.  
**Applicant / Owner:** The Sobrato Organization / Sobrato Interests 2  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Shaunn Mendrin, (408) 730-7429, [Smendrin@sunnyvale.ca.gov](mailto:Smendrin@sunnyvale.ca.gov)

**REPORT IN BRIEF:**

**Existing Site Conditions** Vacant (Former Auto Sales and Repair)  
**Existing General Plan / Zoning** Commercial General Business/Highway Business (C-2) and El Camino Real Precise Plan (ECR)  
**Surrounding Land Uses**  
North Multi-Family Residential  
South Commercial  
East Commercial (Auto Sales)  
West Retail (Cala Shopping Center)

**Issues** Architecture and Neighborhood Compatibility

**Environmental Status** A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approval with conditions

## **PROJECT DESCRIPTION**

The proposed project is located at 1095 W El Camino Real (see Attachment A-Vicinity and Noticing Map) and consists of demolishing the existing vacant auto dealership and constructing two new structures including a new 4-story residential building with 156 units and a separate 3-story office building with approximately 41,000 square feet with two levels of underground parking, surface parking and landscape improvements. The approximately four acre site extends from El Camino Real to Olive Avenue.

- **Special Development Permit**

A Special Development Permit (SDP) is required for projects within the Precise Plan for El Camino Real Combining Zoning District (ECR) for site and architectural review. An SDP also allows for consideration of deviations from specified Zoning Code requirements in exchange for superior design, environmental preservation or public benefit. The project applicant is proposing to allow shared parking between the two uses as provided for in the parking regulations. A deviation for lot coverage is also being requested. The applicant has designed the residential component to comply with the R-4 Zoning Standards. The findings for the SDP have been included in the findings in Attachment C.

- **Vesting Tentative Map**

The proposed project requires a Tentative Map to allow the future creation of condominium space (air space) for future sale of the residential structure independent of the office structures. If the applicant wishes to create ownership units, they would need to submit a new map at a later date. All landscaping and parking will remain in common interest as determined by this application for those shared areas. The Vesting Tentative Map vests the developer's right to build the project for the life of the map. It also secures the approved project against future Sunnyvale Municipal Code (SMC) changes by the City that might otherwise affect the project.

The Vesting Tentative Map is valid only in conjunction with the approved site map and approved Conditions of Approval. The Tentative Map Conditions of Approval are listed in Attachment D and the Tentative Map plans can be found in Attachment F.

## **BACKGROUND**

The original buildings were constructed in 1968 for an auto dealership and have been traditionally used by Chrysler Dodge for auto sales and repair. Approximately in 2008, the site was vacated and has remained vacant since. There have been numerous planning applications approved over the years for minor additions and various sign permits.

## **Planning Commission Study Session**

On June 10, 2013, the Planning Commission reviewed the proposed project at a study session. Staff provided an overview of the project and identified concerns with architecture, compliance with the Precise Plan for El Camino Real (Precise Plan) and neighborhood compatibility and density. The Planning Commission provided comments noting: 1) concerns with the amount of glass on the office building; 2) the Olive elevation was too boxy; 3) the exterior materials need to be improved; 4) an explanation of how the shared parking will work would need to be provided; and 5) additional architectural accents should be used to reduce the boxiness of the buildings. Staff has included two of the original elevations along with the revisions for reference.

**June 10, 2013 Proposal (El Camino Real)**



**September 18, 2013 Proposal (El Camino Real)**



**June 10, 2013 Proposal (Olive Avenue)**



**September 18, 2013 Proposal (Olive Avenue)**



**ANALYSIS:**

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**Architecture and Site Design**

The proposed development will consist of one large residential building and a 41,000 office building to be used for medical office and services. Both buildings will be located on a large podium with underground parking for the residential and the office building. The underground parking will include designated areas for residential and office with open common areas for shared parking. The proposed site plan includes a common main drive on El Camino Real with a second drive on the east side of the site for the office building. A second residential only entrance has been located on Olive Avenue and aligned across from an existing residential driveway on the north side of Olive to reduce light and glare impacts. The site plan has been designed to provide the required 15-foot public realm along El Camino as per the Precise Plan and the Olive frontage provides a 20-foot setback with varied building setbacks. The site plan also includes a fire access road along the west property line, which provides fire access and additional open space. In addition, the applicant has agreed to dedicate a public access easement through this area to provide a pedestrian connection between Olive Avenue and El Camino Real.

### Residential Building

A majority of the residential building is located on the north half of the site (Olive side) with a portion of the building extending south towards El Camino. A leasing office provides active space on El Camino Real frontage. The structure has been designed to maintain the four-story elements at the front of the building with a three-story element stepping down to the Olive elevation. The main south façade of the building also includes some of the amenity spaces for residents which will be adjacent to the parking area for both uses. The west side of the structure has been designed to acknowledge that there are commercial uses adjacent to the side (Cala Center) and orientation of the units has been adjusted to minimize impacts from early deliveries from the adjacent commercial tenants. In addition, the building will be over 40 feet from the western property line, which will allow for additional landscaping. The applicant made significant changes in the building form to address this and other issues raised by the Planning Commission and staff. The site to the east of the project site is current used for auto sales and the project provides an approximately 17-foot setback and an 8-foot buffer wall will also be required on this side of the project. The exterior of the building will include cementitious siding, metal panels, stucco, store front glazing for some ground floor and corner elements. All windows will provide a slight recess from the wall fascia to provide a shadow line and architectural interest.

### Office Building

The office building has been located at the southeast corner of the site with three stories of office space. The first floor will be a partial lobby area with surface parking located behind for short-term visitors. Office staff will be required to park in the underground garage. The building has been designed to include glazing, aluminum framing and metal panels. The building will also

have a composite metal screen located on the roof to provide screening for roof top equipment. Staff notes that the height of the screen is one foot over the maximum 55 feet and a condition requiring that the total height not exceed 55 feet. The applicant is aware of this minor change which they can address during construction design.

### **Development Standards**

The proposed site is located within the Precise Plan area and has a base zoning of C-2 (Highway Business). The following discussion provides an overview of the Precise Plan/C-2 requirements applicable to the project site. The proposal includes a request for one deviation for lot coverage over 35% (see discussion below). The project is also providing a large residential component to the site, which is allowed through the base zoning; however, the Zoning Code has limited guidance for residential development in the C-2 Zoning District. The Project Data Table (Attachment B) summarizes the proposed project and relationship to applicable zoning standards. The Data Table also indicates the requirements of the R-4 Zoning District, which have been referenced for reviewing the residential component of the project.

### **Precise Plan for El Camino Real**

The Precise Plan is a document intended as a guide to encourage well designed, appropriate development along El Camino Real. The Plan identifies areas of concentrated development located in nodes and contains general guidelines for those areas not located in a node. The subject site is located on the north side on El Camino Real between Grape Avenue and Mary Avenue, adjacent to the Cala Center. The site is not located within a node. Areas outside of the designated nodes are typically discouraged from providing mixed use development in midblock areas however, the Precise Plan acknowledges that mixed use is possible and indicates that commercial/retail should comprise at least 25% floor area of the project lot area. In this case it would be approximately 40,554 square feet (with the pedestrian access area deducted from the lot area).

Although the site is located within a mid-block area, the applicant has achieved the goal of providing 25% commercial/retail space of the lot area as commercial office space. Although this is not retail, the intended use is medical office for a local medical group which will provide services for the community. The site is also unique in that it is a through-lot which abuts an existing multi-family neighborhood. As noted above in the architecture and site design section, the applicant has designed the residential component along Olive Avenue to provide a buffer from the non-residential uses and the design has been stepped down to a height compatible with the immediate neighborhood.

The subject site base zoning is C-2 with a combining district of ECR. The base zoning requirements are very general and intended for commercial development, although residential uses can be allowed through a Special Development Permit. With regards to the zoning requirements of C-2, the proposed project complies with the development standards for the base zoning (except for lot coverage) and the additional requirements set forth under the Precise Plan. The Project Data Table (Attachment B) indicates how the project complies with the basic zoning requirements.

### Residential Development

Neither the C-2 zoning district nor the Precise Plan specifies residential density maximums or minimums. Residential density is evaluated on the merits of the project and conformance with the Precise Plan, and compatibility with surrounding uses. Staff has worked with the applicant to design the project at an R-4 density (36 units per acre), which is lower than the applicant initially intended. Staff reviewed the adjacent uses such as the Cala Shopping center and surrounding multi-family uses on Olive Ave (which are generally R-3). Development of the site at an R-4 density would allow up to 149 dwelling units and the applicant has also committed to achieving 110 Build-it-Green points which would allow an additional 7 dwelling units for a total of 156 units. The applicant has designed the project to comply with all R-4 requirements, such as density, setbacks, open space, storage and height. The Project Data Table contained in Attachment B indicates those requirements that are residential in the far left column or they are noted in italics for reference.

### Setbacks

The Precise Plan requires a front setback of 15 feet with a rear setback of 20 feet for developments adjacent to residential. The required side setbacks for this district are zero, but the project is providing over 40 feet setback along the west side and approximately 17 feet setback along the east property line. If it were assuming a residential zoning district, the rear setback on Olive Avenue would need to be 38 feet since the structure is 4 stories at the interior of the building. The last 40 feet of the north side of the building on Olive is 3 stories and the setback for a three story structure would be 29 feet. The residential building on Olive Avenue is setback 20 feet from the rear property line (which complies with C-2). Staff notes that the average along this frontage is approximately 38 feet which staff finds meets the intent of the R-4 setbacks.

### Lot Coverage

The maximum lot coverage for a project in a C-2 district is 35% of the total lot area. Based on the lot size and total building footprint, the project would result in lot coverage of 42.7% due to the larger footprint of the residential structure in combination with the office building. The proposed lot coverage is approximately 7% over the maximum allowed. Lot coverage over the maximum

of 35% for C-2 requires a deviation. Staff finds that the deviation can be supported since the project helps activate the streetscape along El Camino Real; promotes walkability with residential uses near services; improves pedestrian access to El Camino Real from the neighborhood to the north; and will have an office tenant that will also provide additional services for the community. The site provides landscaping over the required 20% which will soften the appearance of the additional hardscape and structure on the site.

### Building Height and Number of Stories

The maximum height for structures located in the midblock areas on El Camino Real is 55 feet. The office building on El Camino has been designed at 56 feet which included the mechanical screening. The applicant will make a slight adjustment to the screening to keep the total height at 55 feet (staff has added a condition requiring this). The residential building has been design to keep the taller 4-story portion of the building away from the Olive Avenue side of the project. The northern portion of the buildings have been reduced to three stories to provide a transition to the existing two and three story multi-family developments located to the west of the site and on the north side Olive Avenue. Staff worked closely with the applicant to ensure that the development provides a visual transition to Olive Avenue. If the applicant commits to a LEED Gold (certified) design for the office building the project could receive a 10-foot height incentive.

### Traffic and Parking

A Traffic Impact Analysis (TIA) was prepared for the City by TJKM Transportation Consultants for the proposed project (Attachment I). The TIA evaluated the project based on the Valley Transportation Authority Guidelines. The TIA projected a total of 1,656 new daily trips resulting from the total project with 168 a.m. peak and 217 p.m. peak hour trips. Based on the analysis, the proposed project traffic would not result in any significant impacts for any of the projected scenarios. The TIA also evaluated access to the site and found that the two driveway access points on El Camino Real and the residential access on Olive Avenue were sufficient. The TIA recommends restrictions on construction traffic on Mathilda Avenue during peak hours, which has been included as a mitigation measure. The project will be subject to payment of Traffic Impact Fees (TIF) projected to be approximately \$226,000.

The TIA also evaluated the proposed parking and the proposed shared parking configuration. The proposal includes a total of 439 parking spaces for both the office and residential units. The residential component will have a total of 235 dedicated parking spaces and the office building will have a total of 163 dedicated parking spaces. An additional 41 shared parking spaces would be

located on the first underground level (see sheet A3.0.2 of the plans). The TIA found that the peak demand on a weekday morning would be approximately 362 spaces, while the maximum demand on a weekend would be approximately 252. The Parking Requirements of the Zoning Code allow the approving body to consider shared parking as long as the proposed parking ratios can accommodate the development. Based on the TIA analysis, the proposed 439 spaces will provide sufficient parking for the site at peak times. Staff notes that the plans indicate that there are 38 compact spaces. This exceeds the maximum of 10% of the residential unassigned spaces. Staff has included a condition requiring the applicant to reduce the amount of compact spaces to no more than 10% of the unassigned residential spaces, which is approximately 11 spaces.

### Landscaping and Tree Preservation

The proposed project will be removing approximately 39 existing trees located on site including several liquidambar on El Camino Real and iron bark eucalyptus trees on Olive Avenue. The proposed landscape plan will include replacement trees consistent with the public realm requirement on El Camino Real, including wider sidewalks and tree wells. The Olive side of the project will also include the installation of new sidewalks and tree wells. The landscaping on the project site will exceed the required 20% by providing approximately 40% landscaping. As noted above, the project site will also provide a pedestrian connection along the west side of the site, which will provide a dedicated pedestrian connection between Olive Avenue and El Camino Real.

### Green Building Requirements

The project applicant has indicated that they will achieve 110 Build-it-Green points for the residential development. The applicant will be required to achieve a minimum of LEED Silver for the office building.

### Visibility and Surroundings

The proposed project will be just south of an existing residential neighborhood north of the site. The project has been designed to step the structure down to three stories as a means to transition to the existing neighborhood. In addition, the Olive frontage provides varied setbacks to break up the mass of the structure in addition to substantial landscaping. The project plans include a variety of renderings along Olive and El Camino Real. In addition to the renderings, the applicant has also prepared two context studies to indicate the potential view of the project from single family neighborhood's (see Attachment H). The studies indicate that the proposed project will have minimal visual impacts. Based on the conservative projections in the TIA, the project would result in approximately 125 new am peak hour trips and 161 pm peak hour trips on Olive Avenue.

### **Environmental Review**

A Mitigated Negative Declaration (MND) has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (Attachment E). The MND requires that the residential portion of the project be designed to comply with the noise requirements of the General Plan and the project Noise consultant will provide a final review of the building permit plans. Since the project will require significant grading for the underground garage, the project will be required to have an archeologist present during grading of the site. Lastly, soil removed from the site will need to be transported in accordance with the Bay Area Air Quality Management District requirements due to past underground storage tanks. Several other mitigations are standard for this type of development. The project will result in construction noise and construction traffic for a temporary period, which is to be expected for construction projects and staff has included a condition requiring a construction management plan and noise coordinator for the site. Overall, all impacts can be mitigated to a less than significant level.

**FISCAL IMPACT**

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No fiscal impacts other than normal fees (such as Park In-lieu, TIF, sewer and water connections, building permits) and property taxes are expected.

**PUBLIC CONTACT**

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Staff received two letters inquiring about the project. Staff provided information to the contact and also notified the project applicant so they could arrange to meet with the community members.

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 928 notices mailed to the property owners and tenants within 1,000 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

**Neighborhood Meeting**

The applicant conducted an Open House meeting on July 11, 2013 to update. The project applicant's team, staff, Mayor Spitaleri and Councilmember Davis,

neighboring property owners and a few community members attended the meeting. The applicant went over the proposal with the attendees.

## **CONCLUSION**

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Although the project site is not located within a node, the site is a through-lot that is adjacent to an existing medium density residential neighborhood. Staff finds the residential uses on this site are compatible with the adjacent residential neighborhood. The project applicant has designed the project to comply with the 25% commercial requirement for non-node areas and placed the commercial (office) building on the El Camino Real frontage. The residential portion of the building has been designed to provide active space on the El Camino frontage with the larger four-story portion located at the center of the site. The architecture is stepped down to three stories on Olive Avenue. The project will be enhancing the pedestrian realm on both street frontages. In addition, the project will be dedicating a public access easement connecting Olive Avenue and El Camino Real. The Findings for the Special Development Permit and Tentative Map are located in Attachment C and the project is subject to the Recommended Conditions of Approval in Attachment D.

## **ALTERNATIVES**

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1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

## **RECOMMENDATION**

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Alternative 1: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Prepared by:

Shaunn Mendrin  
Project Planner

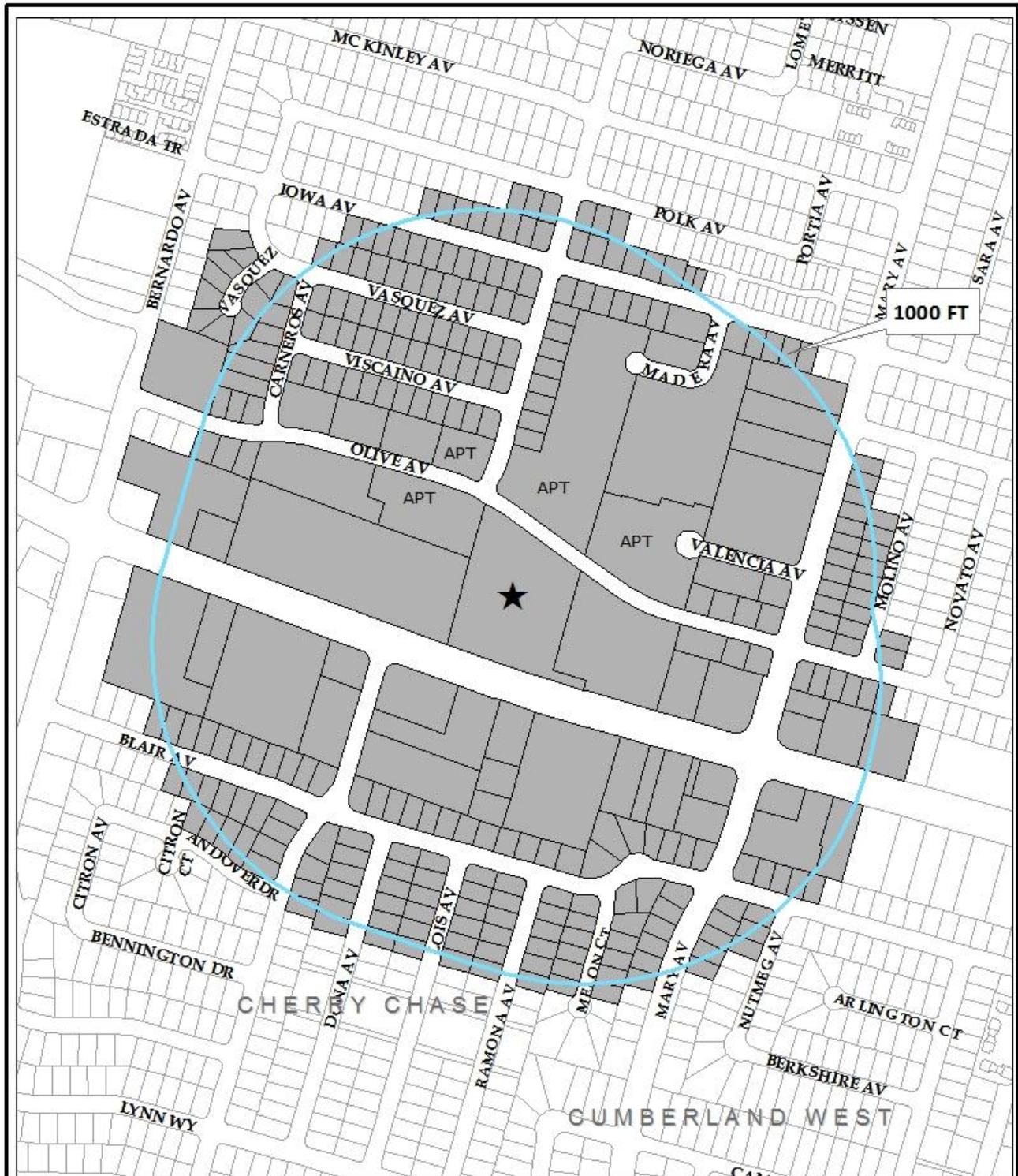
Reviewed by:

Trudi Ryan  
Planning Officer

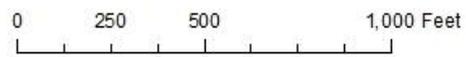
**Attachments**

- A. Vicinity Map
- B. Data Table
- C. Findings for Approval
- D. Conditions of Approval
- E. Mitigated Negative Declaration
- F. Project Plans
- G. Project Description
- H. Context Studies
- I. Traffic Impact Analysis

### VICINITY AND NOTICING MAP



PUBLIC NOTICING MAP  
2013-7258  
1095 W El Camino Real  
SPECIAL DEVELOPMENT PERMIT | VESTING TENTATIVE MAP



**PROJECT DATA TABLE**

		<b>EXISTING</b>	<b>Proposed</b>	<b>REQUIRED/ PERMITTED</b>
<b>★ General</b>	<b>General Plan</b>	Commercial Business District	No Change	Commercial Business District
	<b>Zoning District</b>	C-2/ECR	No Change	C-2/ECR
	<b>Lot Size (s.f.)</b>	179,467 (4.12 acres)	No Change	None
	<b>Gross Floor Area (s.f.)</b>	N/A	N/A	None
	<b>Lot Coverage (%)</b>	15%	45.7%	35%
	<b>Floor Area Ratio (FAR)</b>	15%	105%	None
<b>Residential</b>	<b>No. of Units</b>	N/A	156	N/A (156 with 110 Build-it-Green Points for R-4)
	<b>Density (units/acre)</b>	N/A	37.9	N/A
	<b>Meets 75% min?</b>	N/A	Yes	111 (R-4)
	<b>Bedrooms/Unit</b>	N/A	1 Bed: 82 2 Bed: 74	N/A
	<b>Unit Sizes (s.f.)</b>	N/A	1 Bed: 740-759 2 Bed: 1460-1098	N/A
	<b>Lockable Storage/Unit (cf)</b>	N/A	300 total per unit Partial in Unit and Lockers in Garage	300 cubic feet
<b>General</b>	<b>No. of Buildings On-Site</b>	3	2	2
	<b>Distance Between Buildings</b>	N/A	40'	26'
	<b>Building Height (ft.)</b>	24'	55'	55' (19.26.160)
	<b>No. of Stories</b>	1	4 (Res) 3 (Office)	N/A
<b>General</b>	<b>Setbacks</b>			
	<b>Front -El Camino (ft)</b>	N/A	18	15
	<b>Rear - Olive (ft)</b>	N/A	20 (38.2 Avg.)	20 (38 for R4)
	<b>Left Side - west (ft)</b>	N/A	40	0

		<b>EXISTING</b>	<b>Proposed</b>	<b>REQUIRED/ PERMITTED</b>
	<b>Right Side –east (ft)</b>	N/A	17	0
<b>General</b>	<b>Landscaping</b>			
	<b>Total Landscaping</b>	N/A	40%	20%
<b>Residential</b>	<b>Landscaping/Unit (sf)</b>	N/A	374/unit	N/A (374/unit for R4)
	<b>Usable Open Space/Unit</b>	N/A	411/unit	N/A (380/unit for R4)
	<b>Frontage Width (ft.)</b>	N/A	20 (Olive Ave)	N/A
	<b>Recreation Building (s.f.)</b>		2,227	450
<b>General</b>	<b>Parking Lot Area Shading (%)</b>	N/A	50% for Surface Lot	50%
	<b>Water Conserving Plants</b>	N/A	83%	80%
<b>General</b>	<b>Parking</b>			
	<b>Total Spaces</b>	N/A	439	433
	<b>Office</b>	N/A	163	162 (4/1,000)
	<b>Residential</b>	N/A	235	123 (82 1 bed) 148 (74 2 bed) Total 271
	<b>Standard Spaces</b>	N/A	428	428
	<b>Compact Spaces/ % of Total</b>	N/A	11 Max	155 (Residential Unassigned)
	<b>Covered Spaces</b>	N/A	381	156
	<b>Aisle Width (ft.)</b>	N/A	24	24
	<b>Bicycle Parking</b>	N/A	Provided in Garage	1 per 4 Dwelling Units 5% for Office Parking Spaces

		<b>EXISTING</b>	<b>Proposed</b>	<b>REQUIRED/ PERMITTED</b>
<b>General</b>	<b>Stormwater</b>			
	<b>Impervious Surface Area (s.f.)</b>	166,413	155,625	No max.
	<b>Impervious Surface (%)</b>	93	87	No max.

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

1. Fire code requirement, per Fire Marshall.

## RECOMMENDED FINDINGS

### Special Development Permit

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#### General Plan Goals and Policies:

- **Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- **Policy LT-3.1** Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.
- **Policy LT-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.4** Preserve and enhance the high quality character of residential neighborhoods.
- **Policy CC-2.1** Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.
- **Policy HE-1.1** Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.
- **Policy HE-4.2** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

#### Precise Plan for El Camino Real

- **3.2.1** To provide a variety of needed retail services for residents, particularly those types of retail services which are not normally found in the downtown or in neighborhood shopping areas.

- **3.2.3.** To maintain and enhance the capacity of the street to accommodate automobile and transit traffic, while providing improved facilities for bicyclists and pedestrians.
  - **3.2.5** To ensure that properties are developed and operated in such a manner as to minimize their negative impacts upon adjacent residential areas.
  - **3.2.6** To design, develop and maintain the public right-of-way in a manner which creates a strong, positive image of the city of Sunnyvale for both residents and visitors.
1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (*Finding Met*).

The proposed project meets the goals and policies of the General Plan as listed above by creating 156 residential units that promote housing goals for the community. In addition, the project also meets the intent of non-node areas on El Camino by providing 41,000 square feet of office space on the site.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. (*Finding Met*)

The development has been designed to provide an active presence on El Camino Real with a residential leasing office and medical office building. The streetscape improvements will enhance the pedestrian realm on both frontages of the project site. The project has been designed to be sensitive to existing commercial and residential uses adjacent to the site.

### **Tentative Map**

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In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.

3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (1-8), and recommends approval of the Vesting Tentative Map.

# ATTACHMENT D

## RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS NOVEMBER 25, 2013

### Planning Application 2013-7258

1095 W El Camino Real

Special Development Permit to allow a new 156 residential unit structure achieving 110 Build-it-Green Points and a 41,000 square foot office building (LEED Silver) and Vesting Tentative Map

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. USE EXPIRATION:**

The approved Use Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

**GC-3. 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-4. INDEMNITY:**

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

**GC-5. NOTICE OF FEES PROTEST:**

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

**GC-6. GREEN BUILDING REQUIREMENTS:**

The residential structure shall achieve 110 Build-it-Green points and the office building shall achieve LEED Silver. The applicant may propose alternatives to achieve the 110 Build-it-Green points for the residential structure in the common, leasing and recreational areas subject to review and approval by the Director of Community Development. [COA] [PLANNING]

**GC-7. ON-SITE AMENITIES:**

Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

- GC-8. **BELOW MARKET RATE PROGRAM:**  
Any future subdivision resulting in the individual sales of the residential units will require the submittal of a Tentative Map application subject to review by the City and compliance with the City's Below Market Rate program and SMC 19.66. [SDR] [PLANNING]
- GC-9. **RECREATION FACILITIES:**  
The recreation facilities (pool and clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-10. **SIGNS:**  
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]
- GC-11. **TEMPORARY TRAILERS:**  
The temporary trailer(s) shall be subject to following requirements:
- a) Trailer(s) shall be placed on the premises not sooner than 15 days following the date of City approval and shall be removed on or before 30 days of occupancy of the first building.
  - b) Trailer entrance(s) shall be oriented towards El Camino Real
  - c) Area lighting shall be provided in the vicinity of the trailer(s).
- Any variation from the location of the trailer(s), as represented by the submitted plan, is subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- GC-12. **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-13. **PUBLIC IMPROVEMENTS:**  
The developer is required to install all public improvements, including but not limited to: curb and gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, streetlights, etc. as required by the Director of Public Works. All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and American with Disabilities act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. All public improvement plans shall be submitted to and

be approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-14. 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. All construction-related materials, equipment and construction workers parking shall be on-site. Public streets shall be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

GC-15. FINAL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a tentative map and recordation of a final map. The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit issuance. The final map shall be recorded prior to any grading or building permit issuance. [COA] [PUBLIC WORKS]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address the following:

- a) The color palette of the exterior materials shall be further refined to provide more architectural interest and to reduce the amount of beige;
- b) The number of compact spaces shall be reduced to no more than 11% of the residential unassigned spaces. [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. PARKING AND CIRCULATION PLAN:

Submit a revised parking and circulation plan subject to review and approval by the Director of Community Development prior to

submittal of a building permit including signage samples and enforcement mechanisms for the shared areas. [COA] [PLANNING]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR BUILDING SUPERSTRUCTURE PERMIT AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT.**

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:

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- a) Match the design, materials and color of the main building.
  - b) Be of masonry construction. [COA] [PLANNING]
- BP-6. 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-7. 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-8. 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-9. 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 \$225,701.46, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
  - b) PARK IN-LIEU - Pay Park In-lieu fees based on the acreage requirement of 3.5 acres per 1,000 (.98 acres) estimated at \$2,953,942.99, prior to approval of the Final Map or Parcel Map. (SMC 19.74). [SDR] [PLANNING]
  - c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire shopping center development project will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]
- BP-10. MECHANICAL EQUIPMENT (EXTERIOR):  
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical

equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-11. EXHAUST AND OPENINGS:

No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Planning Director. [COA] [PLANNING]

BP-12. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks along El Camino Real or as approved by the Art Commission. The applicant may post the required art bond while developing the art proposal. The project will not be finalized or occupancy released until the art has been installed or in-lieu fee paid. [COA] [PLANNING]

BP-13. 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) The planter beds within the rear setback located along Olive Ave shall include some flowering specimen trees for accent elements.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- g) Provide a ten-foot wide landscape buffer along the west property line.

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- h) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
  - j) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]
- BP-14. 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, this may be included with the above condition. [COA] [PLANNING]
- BP-15. LANDSCAPE BUFFER:  
Install and maintain a 8 foot solid decorative masonry wall, along the west and east property lines in areas adjacent to the residential structure measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]
- BP-16. 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-17. STORMWATER MANAGEMENT PLAN:  
Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]
- BP-18. 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-19. 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:

- d) 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.
- e) 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.
- f) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- g) Covered trash, food waste, and compactor enclosures.
- h) 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-20. CITY STREET TREES:**

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

**BP-21. EXTERIOR LIGHTING PLAN:**

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.

- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

BP-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. LIGHTING POLE HEIGHTS:

Pole heights shall not to exceed 8 feet. [COA] [PLANNING]

BP-24. LIGHTING SPACING:

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

BP-25. PARKING MANAGEMENT PLAN:

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

- a) A clear definition of “guest” as proposed by the property manager/owner’s association and subject to review and approval by the Director of Community Development.
- b) The property manager/owner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use.
- c) Clearly indicate that the property manager/owner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans.
- g) Employee parking locations shall be away from the building, in parking spaces that are the least used.
- h) Specify the location and term of short-term parking.
- i) Allow the use of valet parking when appropriate on sites with limited parking.

- j) Employees shall be required to park on the site.
- k) Provide adequate signage to direct traffic and pedestrians  
[PLANNING] [COA]
- BP-26. COMPACT SPACES:  
Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]
- BP-27. BICYCLE SPACES:  
For the 156 residential units, provide 39 secured bicycle parking spaces. For the office (non-residential development), provide 2 secured bicycle parking spaces and 8 unsecured bicycle parking spaces. Bicycle parking shall be dispersed in several common areas throughout the site and shown on the building permit plans. Locate the office-related bicycle parking in close proximity of the office building near the building entrance and the residential parking within the residential parking area. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING/PUBLIC WORKS]
- BP-28. 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 wetstamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**
- BP-29. DEMOLITION AND GRADING:  
All demolition and grading work shall comply with the Bay Area Air Quality District and the Santa Clara County Department of Health requirements for removal, transport and disposal. The project applicant shall provide the appropriate documentation demonstrating compliance with these regulations. [COA] [BUILDING] **Mitigation Measure**
- BP-30. CONSTRUCTION TRAFFIC AND STAGING PLAN:  
The project applicant shall prepare a construction truck traffic route that does not use Mathilda Avenue during the hours of 7:00-9: a.m. and 4:00-6:00 p.m.). The truck route shall be included on a plan sheet and include all staging areas and noise coordinator sign locations. [COA] [PLANNING AND PUBLIC WORKS] **Mitigation Measure**

## BP-31. HISTORIC AND CULTURAL REMAINS:

Although the discovery of cultural resources on these sites is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level:

## WHAT:

1) For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future development projects that the CHRIS determines may be located in a sensitive area, on or adjoining an identified archaeological site, shall proceed only after the project sponsor contracts with a qualified archaeologist to provide a determination in regard to cultural values remaining on the site and warranted mitigation measures.

2) In the event that subsurface cultural resources are encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

3) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have

adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)]. [COA] [PLANNING] **MITIGATION MEASURE**

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

PF-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] **MITIGATION**

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

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

A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-2. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-3. EL CAMINO PRECISE PLAN:

This project is in the El Camino Precise Plan area, therefore, the developer shall comply with all of the design guidelines as identified in the Plan or as amended and approved by the City. [COA] [PUBLIC WORKS]

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EP-4. UTILITY CONNECTION:

This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]

EP-5. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole, except where the point of the connection is within close vicinity of an existing down-stream manhole where a “Y” connection is permitted as determined by the Director of Public Works. All storm drain lateral connecting to the main shall be with 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. The conceptual utility design shown on the vesting tentative map is subject to review and approval by the City during the plan check review stage. [SDR] [PUBLIC WORKS]

EP-6. EXISTING UTILITY ABANDONMENT:

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 to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City’s Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-7. 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-8. 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 public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. All dry utility companies shall be contacted for their review/approval requirements and/or procedures to establish

- appropriate easements to provide service and to eliminate conflicts with each utility during construction. [SDR] [PUBLIC WORKS]
- EP-9. WET UTILITIES:  
All wet utilities (water, sanitary sewer, storm drain) beyond the property line shall be privately owned and maintained. For each public domestic master water meter installation, install a reduced pressure double check detector assembly per City standard detail 20B. For private sanitary sewer and storm, install a manhole or cleanout at the right-of-way line. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS]
- EP-10. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:  
The re-use of any existing City utility 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. [COA] [PUBLIC WORKS]
- EP-11. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES  
Each building shall have separate and independent utility service lines. [COA] [PUBLIC WORKS]
- EP-12. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINES:  
Provide separate fire protection and domestic service line to each building. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install separate double check detector assembly (DCDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-13. PUBLIC FIRE HYDRANTS:  
Remove and replace the existing two public fire hydrants barrel(s): both located along El Camino Real with Clow Rich 75. Public fire hydrants shall be free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-14. DUAL CONNECTION WATER SERVICE SYSTEM:  
Provide two domestic water and two fire service points of connections, with two separate radio-read domestic master water meters, two separate reduced pressure backflow assemblies and two separate double check detector assemblies (DCDA) with fire service meter(s) for the new residential development in accordance with current City standards. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

## EP-15. WATER METER:

Install new radio-read domestic master water meter(s) at each point of connection to the water main. 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. [SDR] [PUBLIC WORKS]

## EP-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow preventor per City standards. 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 backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventor enclosure where applicable. [SDR] [PUBLIC WORKS]

## EP-17. SANITARY SEWER ANALYSIS:

Submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed and allocation of wastewater discharge from the project site. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. [COA] [PUBLIC WORKS]

## EP-18. 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 Director 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-19. SEWER CLEANOUT:

Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

**EP-20. STORM DRAIN RELOCATION:**

This project is subject to relocation of an existing storm drain system along the westerly property. After project approval and before map recordation, unless an alternative schedule is approved by the Director of Public Works, developer shall obtain an on-site utility permit to complete installation of the new storm drain pipe. Subsequently, developer shall obtain an encroachment permit to abandon the existing storm drain pipe. The improvement plans and hydraulic calculations for the storm drain relocation shall be reviewed and approved by the Department of Public Works prior to aforementioned permit issuance. [SDR] [PUBLIC WORKS]

**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 only shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

**EP-22. STREETLIGHTS:**

Replace existing HPS light fixtures to new LED light fixtures for two existing streetlights along Olive Avenue.

Provide photometric analysis on Olive Avenue based upon the new LED light fixtures to confirm if the street lighting along Olive Avenue street frontage is in accordance with the City's Roadway Lighting Design Criteria. The minimum average illuminance shall be 0.4fc and the uniformity ratio shall be 4.0. If new streetlights need to be installed or existing streetlights need to be relocated to comply with City's design criteria, the following items are required:

- a) Replace existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.
- b) Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, location 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 Developer per latest City standard details and specifications. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

**EP-23. DRIVEWAY APPROACHES:**

Replace existing driveway approaches with new driveway approaches per City standard detail 5C-5. All unused driveway approaches shall

be replaced with City standard curb, gutter and sidewalk per current City standards. [COA] [PUBLIC WORKS]

EP-24. CURB, GUTTER AND PUBLIC SIDEWALK:

Install new curb and 1-foot wide gutter along the Olive Avenue project frontage. Remove existing sidewalk and install 10-foot wide sidewalk with 4-foot by 5-foot tree wells (spaced approximately 35 feet apart) along Olive Avenue. Along El Camino Real, remove existing sidewalk and install a new 12-foot wide sidewalk with 4-foot by 5-foot tree wells (spaced approximately 35 feet apart) behind the curb. The construction of a smooth curb, gutter and sidewalk transition into the existing sidewalks based upon applicable design standards will be evaluated during the public improvement plan review phase. Any proposed transition shall occur only fronting the project site without impact to the frontage of the adjacent property. COA] [PUBLIC WORKS]

EP-25. STREET PAVEMENT RESTORATION:

Developer shall install Type II slurry seal along the entire street width of Olive Avenue, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-26. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to the City for review and approval by the Public Works Department. [COA] [PUBLIC WORKS]

EP-27. TRAFFIC CONTROL

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-28. CITY STREET TREES:

Submit landscape plans, including existing and proposed City street trees for review and approval by the City prior to issuance of encroachment permit. The street tree shall be 15 gallon (or 24 inch box) of Shumard Oak on El Camino Real and Autumn Purple Ash on Olive Avenue (approximately 35 feet apart). No street trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-29. ROOT BARRIER:

Install a continuous root barrier along the project frontages per City standard details and specifications. [SDR] [PUBLIC WORKS]

EP-30. 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 Director of Public Works. [COA] [PUBLIC WORKS]
- EP-31. RECORD DRAWINGS:  
Record drawings, including all off-site improvements, shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-32. CALTRANS APPROVAL:  
An encroachment permit from the Department of Transportation (Caltrans) is required for any improvements along El Camino Real. Submit improvement plans to Caltrans for review and approval. Traffic signal upgrades at El Camino Real/Mary and/or El Camino Real/Grape may be required by Caltrans. Temporary traffic signal modification during construction would be part of the traffic control plan reviewed and approved by Caltrans. Coordinate with Caltrans regarding any asphalt paving restoration/slurry seal requirements along El Camino Real. [COA] [PUBLIC WORKS]

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

- TM-1. TENTATIVE MAP ITEMS:  
The final map shall address comments provided on november 11, 2013. The plans shall provide a written response clarifying how each item has been addressed and the appropriate sheet. [coa] [public works]
- TM-2. 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
- TM-3. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:  
The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. The existing buildings shall be demolished prior to final map recordation. [COA] [PLANNING/PUBLIC WORKS]

- TM-4. TITLE 18 AND SUBDIVISION MAP ACT:  
The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements.  
[COA] [PUBLIC WORKS]
- TM-5. RESERVATION/ABANDONMENT OF EASEMENTS:  
Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be delineated on the map or recorded concurrently with the map with a separate instrument. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Quitclaim existing Non-Access recorded under Book 7807 O.R. 737 before or concurrently with the map. [COA] [PUBLIC WORKS]
- TM-6. PEDESTRIAN, BICYCLE AND EMERGENCY VEHICLE ACCESS EASEMENT:  
The developer shall dedicate a new 36'-wide easement for Emergency Vehicle Access, Pedestrian Access and bicycle pathway for public purpose along the westerly property line. Define a single easement on the final map. [COA] [PUBLIC WORKS]
- TM-7. MAINTENANCE AGREEMENT FOR EASEMENT AREA:  
Prior to encroachment permit issuance, developer shall execute a Maintenance Agreement for perpetual maintenance of the easement area. The subject Maintenance Agreement shall be recorded prior to first building occupancy. The facilities to be maintained by the developer include but not limited to the following: all private improvements such as walkways, color concrete paths, turf block, grass cell paving, trees, groundcover, irrigation system, entry/exit bollards, walkway lighting, fire hydrant and fire hydrant laterals, etc. and includes provisions for maintenance and repair responsible party, indemnification, insurance requirements and binding succession, etc. except public storm drain. [COA] [PUBLIC WORKS]
- TM-8. STORM EASEMENTS:  
Upon completion of the new storm drain pipe and abandonment of the existing storm pipe, the developer shall dedicate a new 15' wide City storm drain easement and vacate the existing easement on the final

map, unless otherwise separate instrument is recorded for the new easement and a vacation process is completed for the existing easement. [COA] [PUBLIC WORKS]

TM-9. PEDESTRIAN REALM EASEMENT:

This project requires a 7' wide dedication as a pedestrian realm easement on El Camino Real for public purpose. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. The property owner shall be responsible for the maintenance of all improvements within the easement area, including but not limited to, repair and/or replacement of the public sidewalk. [COA] [PUBLIC WORKS]

TM-10. PUBLIC WORKS 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, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. An initial minimum fee of \$3,741.00 is due upon submittal of the first completed plan check set to Public Works and subject to change to the city's fee schedule. The incremental sewer and water connection fees are as follows based on FY13/14 fee schedule:

- a) Residential water connection fee (based on 156 low occupancy units and 9,826 square feet of amenities/leasing space) is \$63,283.68.
- b) Residential sanitary sewer connection fee (based on 156 low occupancy units and 9,826 square feet of amenities/leasing space) is \$362,892.49.
- c) Commercial water connection fee (based on an office building of 40,544 square feet) is \$2,704.77.
- d) Commercial sanitary sewer connection fee (based on an office building of 40,544 square feet) is \$54,904.53.

The exact fee amount shall be determined based upon the fee rate at the time of fee payment.[COA] [PUBLIC WORKS]

TM-11. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:

The developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

## TM-12. COVENANTS, CONDITIONS AND RESTRICTIONS:

This project requires covenants, conditions and restrictions (CC&R's) to be recorded with provisions including, but not limited to, the following items:

- a) 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.
- b) The owners association shall maintain landscaping in perpetuity along the public street fronting the project site except City trees.
- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowner's Association following sale of at least 75% of the units, whichever comes first.
- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. [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-2. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

## PF-3. COMPACT SPACES:

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

## PF-4. PARKING LOT STRIPING:

All parking lot striping, carpool and compact spaces shall be striped as per SMC. [COA] (PLANNING/ENGINEERING)

## PF-5. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&amp;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 of utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

## PF-6. IRRIGATION METERS:

For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]

## PF-7. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on 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-8. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

**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:

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

- a) The hours of operation are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

## AT-2. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

## AT-3. RECYCLING AND SOLID WASTE:

- All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-5. EXTERIOR EQUIPMENT:  
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-6. 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-7. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  - b) Maintain all parking lot striping and marking.
  - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
  - d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
  - e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-8. UNENCLOSED STORAGE (PROHIBITED):  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-9. 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-10. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained as follows:

- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
- b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- c) Maintain all parking lot striping and marking.
- d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]

AT-11. RECREATIONAL VEHICLE STORAGE PROHIBITED:

Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-12. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under one account for the residential building and one for the office building 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] [PUBLIC WORKS]

AT-13. BMP MAINTENANCE:

The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-14. 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]