



Council Date: June 23, 2009

SUBJECT: 2007-1293 - Palo Alto Medical Foundation
[Applicant/Owner]: Application for related proposals on six sites at **301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court** in an R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) Zoning District; (APNs: 209-31-069, 209-32-041, 209-32-039, 209-32-027, 209-32-028, and 209-32-029)

Resolution **Certify** Final Environmental Impact Report and adopt Statements of Overriding Consideration,

Introduction of an Ordinance **Rezone** from R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) to PF/PD (Public Facilities/Planned Development),

Motion **Special Development Permit** to allow development of a 120,000 sf. medical clinic, a two level parking garage, and a storage building.

REPORT IN BRIEF

Existing Site Conditions Two medical clinic buildings and three single-family residences.

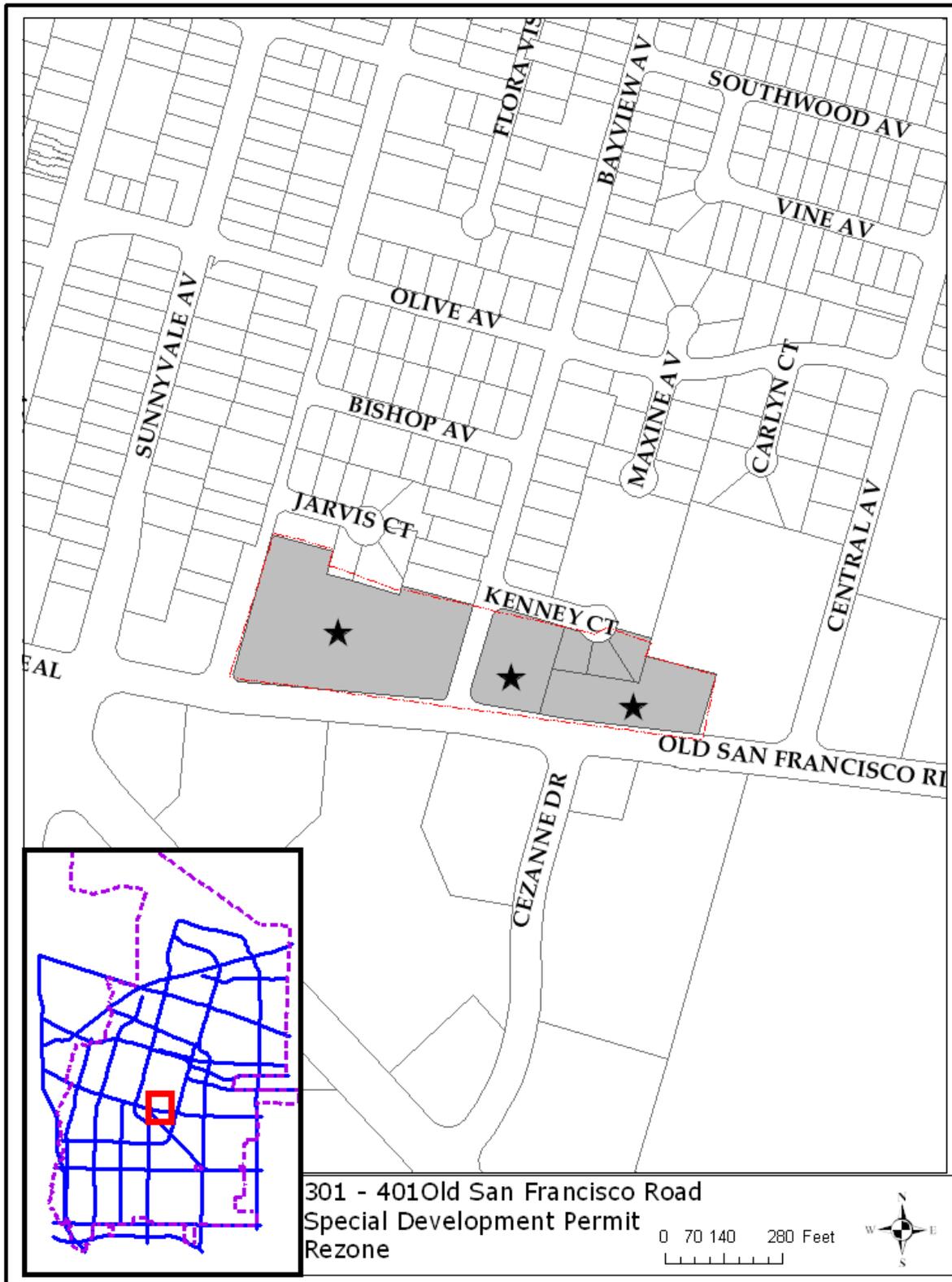
Surrounding Land Uses

- North Single-family residential
- South Commercial retail center
- East Church and private school
- West Single-family residential and medical office

Primary Issues Neighborhood compatibility, parking, traffic, and architecture
Environmental Status An Environmental Impact Report (EIR) has been prepared in compliance with California Environmental Quality Act provisions.

Planning Commission's Action Recommended the City Council Certify the EIR, maintain the existing zoning, and approved the Special Development Permit with added conditions and direction to staff, including pursuing street closures.

Staff Recommendation In accordance with the Planning Commission actions (except pursuing street closures) certify the EIR, maintain the existing zoning, approve the Special Development Permit with conditions, and direction to staff.



301 - 401 Old San Francisco Road
Special Development Permit
Rezoning

0 70 140 280 Feet



ANALYSIS

Description of Proposed Project

The proposed project would allow for the demolition of one existing medical office building, a surface parking lot, and three single-family residences on the project site, and for the construction of a 120,000 square foot medical office building with two levels of underground parking and surrounding surface parking, and a two-level parking garage on-site. The project specifically proposes the following: 1) Rezone 301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court from *Low-Medium Density Residential with an Office/Planned Development Combining District (R-2/O/PD)* to *Public Facilities/Planned Development Combining District (PF/PD)*; 2) Demolish the existing 72,065 sf. medical office building located at 301 Old San Francisco Road and construct a 120,000 sf., three-story medical office building with two levels of underground parking; 3) Demolish the three single-family residences located at 420, 428, and 448 Old San Francisco Road and construct a 2,550 sf. solid waste area (no medical waste) with a 750 sf. storage building; and 4) Replace the existing surface parking lot located at 401 Old San Francisco Road with a two-level, above ground parking structure. The existing 16,195 sf. medical building at the 401 Old San Francisco Road parcel which is developed with a 14,373 square foot medical office building would remain. Note that no changes are proposed for 201 Old San Francisco Road. Refer to Attachment F (Project Data Table) for a full comparison of the project with the zoning standards for both R-2/O and PF districts.

Background

The applicant initially submitted plans showing a new medical building of 150,000 sf. and a new four-level parking structure. After a number of meetings with the City and the neighboring residents, the applicant reduced the overall square footage for the building and reduced the parking garage to two levels. Their intent was to resolve a number of concerns that the City and neighbors had voiced with the project, including privacy impacts, neighborhood compatibility, security, traffic, etc. The following is a summary of the changes:

Medical Building – 301 Site

- Third story reduced by 35,000 sf. (67% reduction)
- Portions (67%) of the building reduced in height from 52' down to 38'
- Stairwell glass design changed to solid brick veneer
- Overall window area on all elevations (including third story) was reduced
- 3,500 sf. lab placed underground at basement parking level

Parking Structure – 401 Site

- Two levels eliminated (four level reduced to two level)
- 150 parking spaces eliminated due to square footage reduction

Previous Actions on the Sites: This application was heard before the Planning Commission at their June 8, 2009 meeting. The Commission voted 7-0 to approve the project.

Environmental Review

An Environmental Impact Report (EIR) was prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines. Since preparation of the EIR the project has been modified to reduce square footage, the height of portions of the medical clinic building and the height of the free-standing parking structure. The overall square footage of the proposal has been reduced from 150,750 to 120,750, and the total number of parking spaces has been reduced from 835 to 685.

The services of David J. Powers and Associates, Inc. were secured by the City to prepare the Draft EIR. The following are key dates in the EIR process:

Document	Date Posted	Time Available
Notice of Preparation	October 22, 2008	30 days
EIR Scoping Meeting	October 29, 2008	N/A
Notice of Completion (begins required 45-day public review period)	January 6, 2009 – February 23, 2009	48 days
Final EIR minimum 10-day public review	May 28, 2009	12 days

Environmental Evaluation: The EIR evaluated the potential environmental impacts of the following areas:

- Land Use
- Transportation
- Air Quality
- Noise
- Visual and Aesthetics
- Biological Resources
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Cultural Resources
- Utilities and Service Systems
- Geology and Soils Energy
- Energy

In addition, the EIR evaluated the availability of public services, growth inducing impacts, and cumulative impacts associated with the project.

Alternatives: As required by the California Environmental Quality Act (CEQA) the EIR evaluated, or provided a comparison of, the impacts associated with alternatives to the project. The EIR evaluated the following four alternatives: No Project, Reduced Density Alternative, Residential Use Alternative, and Closure of S. Bayview Avenue Alternative. As required by CEQA, an environmentally superior project must be identified. The No Project alternative avoided the significant noise impacts associated with the project, but did not meet the project objectives. Also, the Residential Use Alternative was identified as reducing the

noise impacts associated with the project, but it also would not meet the project development objectives. See Attachment C for additional Alternative Project Details.

Impacts: A summary of project impacts and recommended mitigations are listed in the EIR on page two. The following project environmental impacts were identified as significant and unavoidable:

Construction Noise Impacts – Even with mitigation, the proposed project would create construction noise impacts resulting in significant unavoidable impacts to nearby sensitive receptors.

Cumulative Regional Air Quality Impact – The proposed project would contribute to cumulative regional air quality impacts resulting in a significant unavoidable air quality impact.

In order to approve the Palo Alto Medical Foundation (PAMF) project, the City Council will be required to adopt statements of overriding consideration essentially stating that the benefits of the project outweigh the potential significant unavoidable impacts.

The staff recommendation is to certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program and make statements of overriding consideration to enable approval of the project.

Expected Impact on the Surroundings: In the short term, construction related activities will increase noise and dust in the area. Over the long term, the proposed development is expected to increase traffic flow to and from the subject site, as well as increase noise levels. Given that the site is located close to a major transportation corridor (El Camino Real) and retail commercial centers, heavier traffic flow and additional noise may be expected in this area. The site plan, building design, and conditions of approval will help to minimize any expected negative impacts. The additional impacts are not expected to be significant.

Rezoning

The project site is currently zoned R-2/O/PD, Low-Medium Density Residential with an Office/Planned Development Combining District (301 and 401 Old San Francisco Road, and 420, 428 and 448 Kenney Court). The project proposes to rezone the parcels to PF/PD, Public Facilities/Planned Development Combining District. The PF-Public Facilities designation is intended for the construction, use and occupancy of governmental, public utility, and educational buildings and facilities, as well as other uses compatible with the public character of the district. Attachment E contains a comparison table from Title 19 (Zoning Code) of the O and PF zone allowed uses. Attachment E also included the allowed land uses in the R-2 zone.

The combined PF-Public Facilities/PD-Planned Development District is intended to facilitate development or redevelopment of the site with a proposed use that is compatible with the surrounding uses but deviates from the development standards. Deviations can include reduced setbacks, increased building heights, increased lot coverage, and modified parking standards (number or size). Under the PF/PD zoning district, the project includes the following deviations from Sunnyvale Municipal Code (SMC) with a comparison of the deviations necessary if the site is not rezoned. Refer to Attachment F (Project Data Table) for a detailed comparison of the R-2/O and PF development standards for this project.

Zoning Remains as R-2/O/PD	Rezone to PF/PD
301 Site	301 Site
1. The building height is 52' where 35' is allowed.	---
2. The number of stories is 3 where only 2 are allowed.	---
3. The front setback is 10' where 20' is required.	1. The front setback is 10' where 31' is required.
4. The left side yard setback is 19' 5" where 20' is required.	2. The left side yard setback is 19' 5" where 31' is required.
5. The right side yard setback is 19' 5" where 20' is required.	3. The right side yard setback is 19' 5" where 31' is required.
6. The driveway aisle width is 24' where 26' is required.	4. The driveway aisle width is 24' where 26' is required.
401 Site	401 Site
7. The left side yard setback is 15' where 23' is required.	5. The left side yard setback is 15' where 23' is required.
8. The rear yard setback is 10' where 23' is required.	6. The rear yard setback is 10' where 23' is required.

Discussion of Rezoning: Currently the six subject parcels are the only sites zoned R-2/O in the neighborhood and have a General Plan designation of Office. The properties to the north are currently zoned for Low-Density Residential uses and are developed with single-family homes; the General Plan calls for those areas to remain as Residential Low Density. The properties to the east are General Planned as School, and are zoned PF and are occupied by St. Martins church and school. The properties to the west and south are zoned C-2 (Highway Commercial) and are occupied by commercial retail buildings; the General Plan uses are called as Professional/Medical Office and Commercial General Business respectively.

Staff is recommending the existing R-2/O/PD zone be retained since there is not a significant difference in the zoning development standards between the existing and proposed zones. Under the existing zone, the project would have additional building height and building stories deviations. The project would still be permitted through a Use Permit or Special Development Permit under the existing zoning designation. The primary difference between the two districts pertains to

allowable uses. The R-2/O district has a more restrictive list of uses which may be conditioned. The neighborhood has expressed concerns that the PF zone could encourage further intensification in the future by allowing consideration of a larger medical clinic, office, hospital, or other higher intensity uses. Under the PD combining district though, any new redevelopment project would be required to be reviewed and approved at a new public hearing.

Special Development Permit

Site Layout: The project is configured so the new medical office building at 301 Old San Francisco Road, existing building on the 401 site, and the new parking structure function as one medical campus. There will be vehicle access from four points: on Carroll Street, S. Bayview Avenue (x2), and the existing driveway to 401 on Old San Francisco Road. The parking structure and underground parking areas both have two entry/exit driveways.

The new medical building has been sited as close to Old San Francisco Road as possible in order to minimize potential privacy impacts to the adjacent residents. There will be a surface parking lot between the building and the existing homes. Refer to the site plan in Attachment H for additional details.

The applicant is requesting several setback deviations for both the 301 and 401 sites. The proposed PF zone does not have specific setbacks but relies on a sliding scale based on the most restrictive zoning district and the height of the proposed buildings. Refer to the Project Data Table in Attachment F for additional details. In this case, the applicant is requesting a 19' 5" front yard setback where 31' is the minimum for the medical building for the three story portion. The applicant is also requesting a deviation from the left and right side yards (23' setback) for the parking structure.

Staff believes the applicant has sited the buildings appropriately for the parcels and the surrounding neighborhood. If a strict interpretation of SMC is enforced the additional setback along three streets would likely reduce the building floor areas and move the building closer to the residential sides of the project. Staff finds justification to support the deviation based on the optimal siting of the building and the high quality of architecture proposed. In addition, staff finds justification to support these deviations based on the front yard average (not minimum) setback on Old San Francisco of 30'.

Staff is recommending a minor modification to the site plan related to the eastern most parking structure air vent near S. Bayview Avenue. The garage vents will discharge through louvers at 10' minimum above the nearest adjacent grade but may be as high as 14' high. Exhaust air will discharge away from property lines and the exhaust fans will be located within the below grade parking structure in order to minimize noise. The fans will be controlled via a carbon monoxide sensor system. Staff believes the vent may have an aesthetic impact on the adjacent

residents and is recommending the vent be redesigned to minimize the visual impact or relocated on-site, subject to review and approval of the Director of Community Development. The intent is to reduce or eliminate the visual and acoustical impact on the adjacent home.

Architecture: The applicant is proposing a contemporary style medical office building with a primarily brick façade. The elevations show a number of large windows as well as a ribbon window on the south side of the third story portion of the building. The roof will be a standing seam metal roof. For additional details, refer to the plans in Attachment H. Staff finds the proposed architecture is in compliance with the City Wide Design Guidelines.

The project also includes a 750 sf. storage building that will consist of a light maintenance/repair space with an associated storage area for building maintenance supplies. The structure will be one story with compatible finish materials relating to the other campus buildings.

Privacy Impacts: During regular outreach meetings with the neighbors, concerns were raised over privacy impacts from the parking structure and the medical building. The applicant has responded with a number of site design and architectural solutions, such as reducing the parking structure height, landscape screen on the northern property line, opaque or clerestory windows on the third floor, etc. Staff believes these site features will significantly mitigate future privacy issues. Staff is recommending conditions of approval to require a privacy window solution and landscaping screening.

Landscaping: The project will meet current requirements for landscaping at 51,800 sf., where 20% (28,200 sf) is the minimum landscaping required. Landscaping will be located throughout the site, with a larger portion of landscaping near the front of the medical building and surrounding the parking structure. The areas around the parking garage in particular, are heavily landscaped with trees that will create a good visual screen around the structure. The proposal meets Sunnyvale Municipal Code 19.38.070(d) that requires 50% of the parking areas to be shaded within 15 years.

There are 91 existing trees onsite and the applicant is proposing to remove 60. Twenty six (26) of the 60 trees proposed for removal are considered protected but cannot be saved due to redevelopment of the sites. The conditions of approval require that any protected tree removed be replaced by a 36-inch box tree. The City Arborist has reviewed the plans and is not recommending saving additional trees.

Parking: Medical clinic uses require a minimum of one parking space per each 200 square feet of gross floor area and a Parking Management Plan. The proposal meets the first standard by providing 685 spaces. During the neighborhood outreach meetings, concerns were raised over employee and patron parking on

the neighboring streets. Residents voiced strongly the need to manage employee and patron parking in the future. Staff finds that the requirement for a Parking Management Plan will address this issue, as well as a number of other parking operation issues, such as the employees being required to park in the new 401 garage. This has been included in the conditions of approval.

Neighborhood Traffic and Circulation

Existing Context and Future Impacts: Traffic and circulation issues are a significant concern for the residents in the vicinity of the project. The EIR's traffic analysis concludes that anticipated near term traffic growth will cause an increase in traffic on these streets, and the project will add an increment of additional traffic. While this traffic growth is not considered a significant impact from a CEQA perspective, residents have requested measures to address the increase in traffic on their streets. Staff acknowledges that these streets will experience some degree of non-residential traffic, due in large part to the layout of the Sunnyvale Avenue/Old San Francisco Road intersection and traffic from the general downtown area. The intersection is designed so that Old San Francisco Road traffic is restricted to right turns only. The intersection also stops southbound traffic on Sunnyvale Avenue from making a left turn onto to Old San Francisco Road. As a result, Carroll Street and to a lesser extent S. Bayview Avenue become alternative routes for southbound Sunnyvale Avenue traffic trying to reach Old San Francisco Road.

Measures suggested by residents to address non-residential traffic on these streets have included closure of one or both of the streets, implementation of traffic calming measures, and provisions for a left turn lane from southbound Sunnyvale Avenue to Old San Francisco Road. None of these measures are required to mitigate project related traffic impacts per the EIR, as the project will not generate traffic that exceeds any CEQA threshold. However, staff and the project proponent recognize that these streets are more likely to experience non-residential traffic in the existing condition and in the future (including some additional project related traffic). Therefore, conditions of approval and Council direction to staff are proposed to address these concerns. This approach is consistent with City policies to discourage non-neighborhood traffic on residential streets and encourage non-residential street traffic to utilize major collector streets.

Sunnyvale Avenue Intersection: Currently left turns in and out of Old San Francisco Road from Sunnyvale Avenue are restricted by medians. If a left turn lane could be provided here, it would likely improve traffic access and circulation in the area to a greater extent. It could also significantly reduce non-residential traffic on Carroll Street and S. Bayview Avenue by eliminating the "couplet" traffic pattern with Sunnyvale Avenue.

Staff's initial analysis on a southbound left turn lane is that there are significant feasibility, operational, construction, and administrative issues to be addressed. Construction could involve extensive modification of the roadway geometry and medians; regrading of the roadway section; modification of drainage facilities; and construction of new traffic signals and modification of existing traffic signals. Such an improvement will likely carry a considerable cost, potentially approaching one million dollars or more. In addition, the California Department of Transportation's (Caltrans) approval would be required, as modifications to the roadway geometry and traffic signal at El Camino Real and Sunnyvale Avenue would be necessary. Caltrans sign-off may require approval of roadway design exceptions, which must be justified, and sign-off will require a considerable amount of time to complete.

At this time, staff does not have any professional analysis beyond engineering judgment, to assess the feasibility and cost of providing a left turn. While the project could provide significant improvement to traffic access and reduce neighborhood traffic impacts, it may require significant financial resources and is subject to approval of outside jurisdictions. Staff believes it is sensible to conduct a preliminary engineering feasibility analysis of the improvement at this time. A civil/traffic engineering firm would be retained and a preliminary analysis would be prepared. The analysis will not include a detailed conceptual design or traffic analysis, but it would assess vertical and horizontal geometric changes, required traffic control, and provide a probable cost. Staff is recommending the City Council direct staff to conduct this study, utilizing operating funds from the Division of Transportation and Traffic, and report back to Council no later than December 2009 with the study results. At that time, the Council could consider whether such an improvement is a desirable investment for the City.

Traffic Calming Measures: Project traffic will continue to use local residential streets for access to the project site, even if the left turn lane on Sunnyvale Avenue proves to be a viable option. Therefore, staff is recommending that the project applicant provide neighborhood traffic calming measures with approval of the project. At a minimum, the applicant will be required to install bulb-outs, or similar City approved traffic calming measures, in the vicinity of the project site on both Carroll Street and S. Bayview Avenue. Additionally, the applicant will be required to contribute a maximum of \$50,000 for the design and construction of other neighborhood traffic calming measures as determined by the City through consultation with the affected residents.

In addition to the above permanent measures, staff is recommending that the project be conditioned to provide interim devices that limit construction access on Carroll Street and S. Bayview Avenue north of the project site, during the construction phase. The project will also be required to provide signage discouraging through traffic and encourage exiting project traffic to utilize Old San Francisco Road.

The traffic calming analysis and Sunnyvale Avenue left turn analysis initially would proceed in parallel, but it is likely that traffic calming options will be influenced by the feasibility of providing the left turn from Sunnyvale Avenue. At such time that a determination of technical feasibility is made, staff will return to the City Council with a status report and potentially a request to give direction on how to proceed with study and implementation of traffic measures in the area.

Carroll and S. Bayview Street Closures: Staff has received a petition from S. Bayview residents to formally request a street closure. Some residents of Carroll Street have also expressed interest in street closures. The intent is to block traffic entering or exiting from the medical office project. Closure of S. Bayview only was studied in the EIR, as this was an early proposal by the applicant. The analysis showed clearly that traffic will be diverted to nearest residential streets. One of the City's traffic calming objectives is to implement traffic calming measures, without adversely affecting the adjacent streets by causing traffic diversions. Closure of S. Bayview, or closure of both Carroll and S. Bayview, will cause diversion on the order of over 1,000 vehicles a day to other residential streets (this assumes no new left turn lane on Sunnyvale Avenue). Central Avenue to the east will likely be the recipient of the majority of these vehicle trips.

Staff believes that keeping the streets open, while discouraging through traffic with traffic calming measures, will more evenly distribute traffic and minimize diversion to other streets. Closure of streets could require the construction of a cul-de-sac or other turn-around configuration option at S. Bayview and Carroll, which would also hamper resident's access to the south end of the street and entail fairly significant construction. Street closure would negatively affect emergency vehicle and garbage truck access. Transit access on Carroll would also be interrupted unless the left turn lane on Sunnyvale Avenue is created. In restricting public access, street closure sets an example that could result in additional closures elsewhere in the City in the future, which will further imbalance the roadway network and traffic flow. Staff is not recommending Council pursue street closures on S. Bayview or Carroll.

The City Council may elect to study and later support closure of these streets. In this case, staff recommends that the cost of road closure be borne by the project applicant, including any costs associated with providing cul-de-sacs as necessary.

Bayview Crosswalk: Installing a mid-block crosswalk on Bayview Ave. between the medical building and the parking structure (employees only) has been raised at several public meetings. The crosswalk would allow employees to cross S. Bayview mid-block, rather than cross at the crosswalk on Old San Francisco Road (a stop controlled intersection approximately 120 feet to the south). Staff is not recommending approval of a mid-block crosswalk since it will likely create a safety hazard for pedestrians for the following reasons: too close the existing crosswalks, adjacent driveways would create vehicle/pedestrian conflicts, and the

crosswalk would be uncontrolled, thereby creating a false sense of security for pedestrians. Staff is suggesting several conditions of approval that would discourage jaywalking at this location and would highlight the existing crosswalk. These measures may include pedestrian barriers, landscaping in desire lines, signs, and education of employees on the proper location to cross. The Parking Management Plan will also address a number of issues relating to pedestrian safety.

Staff Conclusion: Staff recommends that the project applicant should be responsible for providing and contributing funds for neighborhood traffic calming measures. Staff does not recommend however, studying the closure of Carroll Street and S. Bayview Avenue for the reasons previously discussed. Although providing a left turn from Sunnyvale Avenue onto Old San Francisco Road raises significant design, operational, and cost issues, staff prefers exploring this option over street closures. Therefore, staff recommends preparing a preliminary engineering feasibility analysis for modifying this intersection. This analysis is necessary for discussions with Caltrans staff and can be completed with existing City traffic funds.

Other Project Items

Green Building Features: The applicant has stated their commitment to the Leadership in Energy and Environmental Design (LEED) Green Building design intent and has identified key areas that would meet the design intent of LEED certified development. The project will include recycled demolition debris, drought tolerant plants, lighting controls, parking management plan, etc. As of January 1, 2010, this project will be required to meet LEED Silver levels, or equivalent, if building permit applications are not complete by that date. Staff acknowledges that certain exceptions may be needed because the special nature of the medical offices. The City's green building ordinance allows for consideration of exceptions that may help to address medical offices/clinics.

Stormwater Management: The project exceeds 10,000 square feet of impervious surface therefore; the project is required to manage post construction stormwater runoff on the site through the inclusion of Best Management Practices (BMP). BMPs either reduce the amount of impervious surface on the site or provide methods of treatment and reduced flow rates of stormwater. The applicant has included a variety of treatment methods including natural pervious landscape areas, bioretention areas, and vegetated swales.

Easements/Undergrounding: All utilities shall be placed underground per the SMC requirements and as reflected in the conditions of approval.

Transportation Impact Fee: The project is subject to a Transportation Impact Fee for net new peak hour trips, as specified in the conditions of approval.

Art in Private Development: Sites over two acres are required to provide art in private development (SMC 19.49). The approval of specific installations is subject to the Arts Commission. The code requires that artwork be visible from the street. The applicant has not indicated locations for the artwork. Staff has included a condition of approval addressing the placement and integration of the art and to ensure the art work will be designed specifically for these sites and not be “plop-art”, or art work otherwise having no association with the sites. Staff has also included a condition that the free-standing parking garage not be included in the construction valuation of the project, which is consistent with construction valuations of other larger projects.

Planning Commission Hearing: On June 9, 2009 the Planning Commission reviewed this application and received testimony from the applicant and 23 other members of the public. The speakers who live in the neighborhood generally stated their opposition to the proposed project due to privacy impacts, pedestrian safety concerns, rezoning of the properties, traffic, parking, and architectural compatibility. Some of these speakers indicated they may be able to support the project after the traffic circulation concerns are addressed. Still other speakers voiced their support of the project and urged the Commission to approve the project. At the hearing, the Commission discussed the project issues including the issues raised by the public, as well as General Plan goals and policies. The Commission voted 7-0 to certify the EIR, make Statements of Overriding Consideration, deny the Rezone, and approve the SDP application with conditions. See Draft Planning Commission Meeting Minutes in Attachment O for additional detail.

At the meeting the Commission recommended several modifications and additions to the Conditions of Approval in Attachment B. The following is a list of the Commission’s action and recommended changes to the Conditions of Approval and staff’s recommendation.

(Regarding EIR Actions) Alternative 1: Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration and adopting the Mitigation Monitoring and Reporting Program;

(Regarding Rezoning Actions) Alternative 3: Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning;

(Regarding the Special Development Permit Actions) Alternative 6: Approve the Special Development Permit with modified findings and conditions of approval (listed below);

(Regarding the Transportation Policy Actions)

1. Modified Alternative 8a: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:
 - That the applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
 - If the City determines that full or partial street closures are necessary, the applicant/developer shall be responsible for the additional cost (up to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court).
 - Adding (from Alternative 9a.): that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Jarvis Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Kenney Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy”; Alternative 10. Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road;
2. Alternative 11. If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City council with a status report or study results no later than December 2009;
3. To add to Alternative 10 that if a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real);

Recommended modifications or additions to the Conditions of Approval are:

- To add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll

Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy;

- To add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- To add a condition that the applicant work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- To add a condition (12.C) that the applicant be required to provide mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential community;
- To add a condition that the applicant consider with staff the addition of a mid-block crosswalk with in-ground sensor lighting on S. Bayview Avenue.

Staff Recommendation on Planning Commission Action: Staff is recommending (reflected in the Conditions of Approval in Attachment B) the Planning Commission's modified Conditions of Approval except the follow:

1. Do not include street closure of Bayview and Carroll as a Condition of Approval. Staff's justification for this recommendation is discussed in this report.

Economic Development Implications

A direct economic benefit from the proposed project will be local expenditures by PAMF's staff and patients. Beneficiaries of this spending will include restaurants, drug stores, as well as grocery stores in Sunnyvale that are patronized by workers and patients seeking convenient shopping for all type of goods. The City would benefit from increased sales tax. Another direct economic benefit will be the creation of jobs. The project will create construction related jobs while it is under construction, which will give a boost to an industry that was affected by the recent downtown turn in the economy. The project will also provide an estimated 225 permanent jobs upon completion. Many of the permanent jobs will be highly skilled in nature with considerable levels of pay. Based on figures used by the International Council of Shopping Centers, staff estimates that PAMF's staff and patients together will spend approximately \$1.5 million annually patronizing Sunnyvale businesses. Staff arrived at this figure by estimating that each employee, on average, will spend about \$1,100 per year visiting Sunnyvale businesses totaling \$247,500 annually. Staff also estimates that the clinic will see a minimum of 500 patients per day, with each patient spending \$10 per visit on average, totaling \$1,300,000 annually.

Overall, the community and economic benefits will include the availability of high-quality medical services, the creation of temporary and permanent jobs, and the reuse of a currently vacant site.

Public Contact

The applicant’s team and City staff undertook the following meetings with the public during the past six months:

- Almost weekly meetings (Friday mornings) with the neighbors or other interested parties and staff since January 2009
- November 2008 and March 2009, PAMF held public outreach meetings and City staff attended
- PAMF has send out several informational flyers and posted plans and other information on their website
- Several Planning Commission study sessions

Notice of EIR and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 660 notices mailed to the property owners and tenants within an expanded notification area (>500 ft.) of the project site, including all residents on Carroll and S. Bayview up to Olive Ave. 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Recommended Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit as conditioned. Findings and General Plan Goals are located in Attachment A.

Recommended Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

EIR Actions:

1. Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program.
2. Do not recommend certifying the EIR, do not adopt the Statements of Overriding Consideration, and direct staff as to where additional environmental analysis is required.

Rezoning Actions:

3. Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.
4. Introduce an ordinance to amend Sunnyvale Municipal Code Title 19 to Rezone the site from R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) to PF/PD (Public Facilities/Planned Development).

Special Development Permit Actions:

5. Approve the Special Development Permit with the attached findings and conditions of approval.
6. Approve the Special Development Permit with modified findings and conditions of approval.
7. Do not approve the Special Development Permit.

Transportation Policy Actions:*Planning Commission Recommended Alternative:*

- 8a. Direct staff to study neighborhood traffic calming, **including closure options**, for S. Bayview Avenue and Carroll Street with the following conditions of approval:
 - The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
 - If the City determines that full or partial street closures are necessary, the applicant/developer shall be responsible for the additional cost (up to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court).
 - The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

8b. Direct staff to study neighborhood traffic calming, **including closure options**, for S. Bayview Avenue and Carroll Street with modified conditions of approval.

Staff Recommended Alternative:

9a. Direct staff to study neighborhood traffic calming, **excluding closure options**, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.
- Additionally, the applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct additional neighborhood traffic calming measures on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permit applications. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.

9b. Direct staff to study neighborhood traffic calming, **excluding closure options**, for S. Bayview Avenue and Carroll Street with modified conditions of approval.

10. Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road. *If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).*

11. If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009.

Recommendation:

Recommend Alternatives 1, 3, 5, 9a, 10, and 11:

1. Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program.
3. Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.
5. Approve the Special Development Permit with the attached findings and conditions of approval.

- 9a. Direct staff to study neighborhood traffic calming, **excluding closure options** on S. Bayview Avenue and Carroll Street with the recommended conditions of approval.
10. Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road and return to the City Council with study results no later than December 2009. *If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).*
11. Direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009.

Reviewed by:

Hanson Hom
Director of Community Development

Reviewed by:

Marvin Rose
Director of Public Works

Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Steve Lynch, Project Planner

Approved by:

Gary Luebbers
City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Summary of EIR Project Alternatives
- D. Citywide Design Guidelines Considered in the Project
- E. Comparison Table of O and PF Zone Uses and R-2 Zone Allowed Uses
- F. Project Data Table
- G. Letters from the Public
- H. Site and Architectural Plans
- I. Draft Resolution for the FEIR with Findings, and Statements of Overriding Consideration
- J. Draft Ordinance to Rezone the Site from R-2/O/PD to PF/PD
- K. Draft Parking Management Plan
- L. Draft Environmental Impact Report and Technical Appendix (transmitted separately to Planning Commission, available at the Sunnyvale Public Library, One-Stop Permit Center and Senior Center)
- M. Final Environmental Impact Report and Response to Comments (transmitted separately to Planning Commission, available at the Sunnyvale Public Library, One-Stop Permit Center and Senior Center)
- N. Mitigation, Monitoring, and Reporting Program
- O. Draft Planning Commission Meeting Minutes of June 8, 2009

General Plan Goals and Policies

Land Use and Transportation Element: Strong Economy Policies

Goal C4 - *Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.*

Policy C4.1 - *Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

Policy C4.3 - *Consider the need of business as well as residents when making land use and transportation decisions.*

Staff finds that Palo Alto Medical Foundation is a unique and desirable use for the City that provides a service to residents that cannot be provided by other uses currently located in Sunnyvale. The expansion of the existing site allows for the expansion of an existing business and helps provide a mix of jobs opportunities in the City.

Land Use and Transportation Element: The Neighborhoods Policies

Policy N1.1 - *Protect the integrity of the City's neighborhoods; whether residential, industrial, or commercial.*

Action Statement N1.1.1 - *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Policy N1.3 - *Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

Action Statement N1.3.1 - *Review development proposals for compatibility within neighborhoods.*

Policy N1.14 - *Support the provision of a full spectrum of public and quasi public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

Palo Alto Medical Foundation is located in an area of the City that has a mix of uses, including medical office, commercial retail, residential, religious institution, and schools. While there are other areas of the City where this use could be accommodated, staff finds that the project is appropriately located in the City since it replaces an existing medical clinic and is located close to a major transportation corridor.

Socio-Economic Element: Economy and Employment

Goal B – *Maintain and establish policies that promote a strong economy which provides economic opportunities for all Sunnyvale residents within existing environmental, social, fiscal and land use constraints.*

Policy B.1 - *Provide existing employers with opportunities to expand employment within land use constraints and in accordance with regional planning goals.*

Policy B.3 - *Monitor the effect of City policies on business development and consider the effects on the overall health of business within the City.*

Policy C.4 - *Promote business opportunities and business retention in Sunnyvale.*

Staff finds that the proposed project would not hinder business development in this area of the City and would promote a strong/balanced economy. The project will also provide Palo Alto Medical Foundation the opportunity to expand their existing business within Sunnyvale.

Socio-Economic Element: Health and Social Services

Policy H.10 - *Encourage adequate provision of health care services to Sunnyvale residents.*

Action Statement H.10b - *Assure that adequate medical care facilities are available to Sunnyvale residents.*

Action Statement H.10e - *Support an active role in El Camino Hospital District and assure that its services address community needs.*

Staff finds that the proposed expansion of the existing Palo Alto Medical Foundation site would provide additional health care programs and services to Sunnyvale residents.

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The project meets the goals and policies of the General Plan, as enumerated above.

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.

Staff finds this use, at this location, where the land use and zoning is medical office, commercial retail, residential, religious institution, and schools, would not impede the existing uses being made of the surrounding properties. Staff believes this site is an appropriate location for the proposed medical office building and parking garage as conditioned.

Recommended Findings - Rezone

In order to approve a Rezoning request the City Council is required by Zoning Code Section 19.92.050 to make a finding that "the amendment, as proposed, changed, or modified, is deemed to be in the public interest."

The proposed Rezoning is consistent with this finding because it is consistent with the General Plan land use designation and assists the City in meeting its General Plan goals and policies, as enumerated above.

**Recommended Conditions of Approval
Special Development Permit/Rezone/EIR**

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. Project shall be in conformance with the plans and project description as approved by the City Council on June 23, 2009. Minor changes (i.e. repainting, minor landscaping, floor plan changes, repair and replacement) may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project.
- D. Building Permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the project complies with each condition and mitigation measure.
- E. The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- F. If the sites maintain a R-2/O/PD zoning designation, the deviations allowed under this Special Development Permit are:

301 Site

1. The building height is 52' where 35' is required.
2. The number of stories is 3 where 2 are required.
3. The front setback is 10' where 20' is required.
4. The left side yard setback is 19' 5" where 20' is required.
5. The right side yard setback is 19' 5" where 20' is required.
6. The driveway aisle width is 24' where 26' is required.

401 Site

7. The left side yard setback is 15' where 23' is required.
8. The rear yard setback is 10' where 23' is required.

G. Deviations allowed under this Special Development Permit if the sites are rezoned from R-2/O/PD to PF/PD are:

301 Site

1. The front setback is 10' where 31' is required.
2. The left side yard setback is 19' 5" where 31' is required.
3. The right side yard setback is 19' 5" where 31' is required.
4. The driveway aisle width is 24' where 26' is required.

401 Site

5. The left side yard setback is 15' where 23' is required.
6. The rear yard setback is 10' where 23' is required.

H. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

I. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit.

J. The applicants shall implement a Construction Management Plan, approved by the Director of Community Development or Director of Public Works, to minimize impacts on surrounding sensitive land uses. The Construction Management Plan shall include the Mitigation Monitoring and Reporting Program measures as well as the following measures to minimize the impacts of construction upon adjacent land uses:

1. Measures to control dust, noise and water pollution result from construction activities.
2. Measures to keep all streets and public ways clean of debris, dirt, dust and other undesirable outcomes of construction.
3. Measures to control noise by limiting hours of operation of construction activities, avoiding more sensitive early morning and evening hours, and scheduling equipment selection.
4. Selection of access routes for trucks delivering materials to and from the site which minimize neighborhood disturbance.
5. Notification of neighbors about significant construction activities, start times, and durations.

Planning Commission Added Conditions Recommended by Staff:

K. The applicant shall investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road.

L. The applicant shall work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking

structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise.

M. The applicant shall consider with staff the addition of a mid-block crosswalk with in-ground sensor lighting on S. Bayview Avenue.

Planning Commission Added Conditions Not Recommended by Staff:

N. Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street

Other Planning Commission Added Conditions Recommended:

O. The applicant shall be required to provide mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential community.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

A. Obtain all necessary permits from the Department of Public Works for all proposed off-site improvements.

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

3. OPERATIONAL

A. The general public hours of operation shall be 7:00am to 7:00pm Monday to Friday.

B. Evening classes weekdays and weekends outside of the hours of operation are permitted on a regular basis with a cumulative total attendance size (regardless of the number of classes) not to exceed 100 persons.

C. Solid waste pick-up shall occur after 7:00am and not later than 5:00pm.

D. Night custodians or janitors are required to park in the underground parking levels in the 301 OSF site, not in the surface lots at 301 or 401 OSF.

E. Special events are permitted during daytime hours of operation that exceed the amount of required parking, subject to the following:

1. Events outside of the hours of operation are permitted twice per year.

2. Notification of the event is given to neighbors within 300 feet of the project at least 72 hours prior to the event.

3. Events may be subject to the requirements of the City's Special Event Permit.

4. The event notification needs a contact person and phone number to call.

5. A parking management plan for the event must be created for each event that includes a provision for parking management

services (valet, directional staff, etc.) and on-site personal to manager parking and traffic.

4. ENVIRONMENTAL MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the Palo Alto Medical Foundation Medical Clinic Project EIR includes mitigation measures that are incorporated into the project's approval. The Mitigation Monitoring and Reporting Program, adopted by the City Council must be complied with, and are, by reference, incorporated into, these final conditions of approval.

5. ART IN PRIVATE DEVELOPMENT

- A. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52.
- B. The free-standing parking garage (401 site only) shall not be used in determining the total construction valuation of the project.
- C. The art work shall be integrated with the landscaping or building architecture of the two sites. The art work shall be designed specifically for these sites and shall not be "plop-art" or art work otherwise having no strong association with the site.
- D. The conceptual placement(s) of the art work(s) shall be reviewed and approved by Director of Community Development.
- E. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building Permit.

6. DESIGN/EXTERIOR COLORS AND MATERIALS/SITE LAYOUT

- A. Prior to issuance of a building permit, the plans shall be revised and are subject to the review and approval of the Director of Community Development. to provide the following:
301 OSF Medical Building:
 1. The third story "ribbon window" on the northern elevation shall be redesigned so the line of sight onto the adjacent property is minimized or eliminated. This may be achieved through opaque windows or clerestory windows.
 2. The three brick wall sections in front of the stairwells (formerly glass materials) shall be redesigned to incorporate more significant detailing, such as brickwork designs, murals, vines, green screens, or other visually attractive elements.
- B. The eastern most parking structure air vent near S. Bayview Avenue shall be designed to minimize the visual impact on the adjacent home on S. Bayview Ave. Vents shall face southward, the exterior shall be treated architecturally to match the main building and landscape screening shall be provided. Alternatively, the structure could be

- moved south approximately 20 feet which may result in the reduction of up to nine parking spaces (1.5% of required parking). Final design is subject to review and approval of the Director of Community Development.
- C. If a Building Permit application is not complete by January 1, 2010, this project will be required to meet the City's Green Building Ordinance.
 - D. High quality materials shall be used on the exterior (e.g. no low grade foam trim, EIFS, etc., unless the materials proposed can be shown to be of a quality, appearance, and longevity equivalent to real wood).
 - E. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

7. EASEMENTS AND DEDICATIONS

- A. This project requires a 10-foot wide dedication for a public utility easement (PUE) along the Old San Francisco project frontage prior to issuance of a Building Permit or Final Map.
- B. Improvements and drainage crossing property lines are not allowed. Developer to submit Lot Line Adjustment for improvements and drainage to occur as shown on plans.

8. FEES

- A. Pay Traffic Impact fee estimated at \$189,988.59, prior to issuance of a Building Permit. (SMC 3.50)

9. FENCES/WALLS

- A. Install and maintain an 8' solid decorative masonry wall, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the northern property line of 301 Old San Francisco Road, unless otherwise agreed upon by a majority of the adjacent neighbors for an alternative design.
- B. Design, height, and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- C. Chain link and barbed wire fences are not allowed on this site.

10. LANDSCAPING

- A. The northern property line of the 301 and 401 properties shall be landscaped with a row or grove of evergreen trees intended to create a privacy screen in the line of sight between the parking structure, the 301 building's first, second, and third story building windows and the adjoining neighbors (abutting, across the street, and adjoining).
- B. The applicant/owner shall consult with the adjoining neighbors (abutting, across the street, and adjoining) on the proposed tree

- species, and the Community Development Director shall have final review and approval. The tree species may vary from adjoining property to property.
- C. Landscape and irrigation plans are subject to review and approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
 - D. Provide separate meter for domestic and irrigation water systems.
 - E. 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 should be black, metal mesh with rounded top covers (e.g. – “mailbox style”).
 - F. The landscape plans shall include new street trees and shall be submitted and approved per the City Arborist in accordance with the adopted species for the adjacent streets.
 - G. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
 - H. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
 - I. 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.
 - J. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - K. 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.
 - L. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - M. All areas not required for parking, driveways, walkways, or structures shall be landscaped.

11. TREE PRESERVATION

- A. 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.
- B. The tree protection mitigation shall be installed prior to commencement of any construction activities on-site, subject to the on-site inspection and approval by the City Arborist. Street trees and nearby off-site trees shall be included in the protection plan.

- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. 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).
 - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

12. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture, and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - 1. Sodium vapor (or illumination with an equivalent energy savings).
 - 2. Light standards shall not exceed 8 feet in height on the residential side of the project.
 - 3. The light poles on the second level of the parking structure shall be 8' or less and shall contain house side shields and shall be as centrally located as possible.
 - 4. Provide photocells for on/off control of all security and area lights.
 - 5. All exterior security lights shall be equipped with vandal resistant covers.
 - 6. Wall packs shall not extend above the roof of the building.
 - 7. Lights shall have shields to prevent glare onto adjacent residential properties.
- B. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development.

13. PARKING

- A. Parking Management Plan must be submitted to the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

1. Employees shall be required to park on-site. The Parking Management Plan should indicate that primary location for employee parking is the free-standing parking structure at the 401 Old San Francisco Road site and employees must park on other on-site facilities if the structure is full. North side of parking garage shall be for employees only.
 2. Employees are not allowed to park in the adjacent residential neighborhood.
 3. Palo Alto Medical Foundation shall provide an employee parking permit system that includes ongoing education. The intent is to eliminate employee parking on adjacent streets by tracking violator vehicles.
 4. Palo Alto Medical Foundation shall provide ongoing customer/patient education and monitoring of parking operations. The intent is to eliminate customer parking on adjacent residential streets.
 5. Primary parking for visitors and patients shall be in the parking structure located in the levels beneath the 301 OSF building and shall be clearly labeled (Patient Parking Only). Employees are not allowed to park in the 301 parking levels, with limited exceptions (e.g. evening classes, accessible spaces or lack of available space at the 401 Old San Francisco Road garage).
 6. Specify the location and term of short-term parking.
 7. The plan allows the use of valet parking (or equivalent private management system) when appropriate (such as during peak periods) on sites with limited parking.
 8. The plan will require the use of on-site personnel for operations management, if parking lots become full and enforcement is necessary.
 9. The plan shall be periodically reviewed and updated by PAMF and resubmitted to City staff for approval, subject to appropriate fee for review.
- B. The parking areas shall be maintained as follows:
1. Clearly mark all patient parking spaces on the Building Permit plans and shall be completed prior to occupancy.
 2. Maintain all parking lot striping and marking.
 3. Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 4. Require signs to direct vehicles to additional parking spaces on-site, as needed.
- C. Provide Class I/Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development and outlined in this report. The required number and

location of the Class I and Class II bicycle parking (i.e., bike lockers and racks), specifications of selected models, and installation details/spacing must be shown on the improvement plans.

14. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall:
 1. Match the design, materials and color of the main building.
 2. Be of masonry construction
- D. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

15. TRAFFIC/ROADWAY IMPROVEMENTS

Planning Commission Recommended Alternative:

- A. City Council directs staff to study neighborhood traffic calming, **including closure options**, for S. Bayview Avenue and Carroll Street:
 1. The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
 2. If the City determines that full or partial street closures are necessary, the applicant/developer shall be responsible for the additional cost (up to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between and Old San Francisco Road and Kenney Court) and on Carroll Street (between Old San Francisco Road and Jarvis Court).
 3. The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

Staff Recommended Alternative:

- B. If the City Council directs staff to study neighborhood traffic calming, **excluding closure options**, for S. Bayview Avenue and Carroll Street:
1. Additionally, the applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct additional neighborhood traffic calming measures on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permit applications. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
 2. The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.
- C. Barricades and signs shall be provided on S. Bayview Ave. (between Kenney Court and Old San Francisco Road) and on Carroll St. (between Old San Francisco Road and Jarvis Court) prior to initiation of construction to restrict the roadway width, discourage through traffic north of the project site, and prohibit construction vehicle traffic north of the project site, per the review and approval of the Director of Public Works.
- D. Construction vehicle traffic shall be prohibited from using S. Bayview Avenue and Carroll Street north of the project site, unless otherwise approved by the Director of Public Works.
- E. The applicant shall install signs at driveway exits on Carroll Street and S. Bayview Avenue directing medical clinic traffic to use Old San Francisco Road, per the review and approval of the Director of Public Works.
- F. The applicant shall provide measures to direct pedestrians to the crosswalk at the intersection of Bayview Avenue and Old San Francisco Road and discourage jaywalking across Bayview Avenue between the medical clinic facility and the staff parking garage.
1. Features shall be approved by the Director of Public Works and may include pedestrian barricades on the sidewalks, nearest the pedestrian exits of the parking structure and building; signage directing pedestrians to use the crosswalk at Bayview Avenue and Old San Francisco Road; landscaping (i.e. street trees, in-ground bushes) in the landscape strip nearest the pedestrian exits of the parking structure and building to block pedestrian desire lines; and employee

- education on use of the crosswalk at Bayview Avenue and Old San Francisco Road.
2. The visibility of the existing crosswalk at Old San Francisco Road shall be enhanced with zebra striping, per the review and approval of the Director of Public Works.
- G. The project shall submit a construction traffic management plan, covering the different phases of project construction with the objective to minimize construction impacts on the surrounding community. The plan shall describe and illustrate the temporary traffic circulation patterns and parking arrangement during project construction. All regulatory and warning signs, marking, physical traffic calming devices, etc. must be shown on the plan and must be consistent with the CA MUTCD and other applicable standards and City requirements. Truck routes to and from the project site must also be described. It should be noted that construction related parking, storage of construction materials and/or equipment must not occur in the public right-of-way, and the public right-of-way must be kept free of debris, unless otherwise approved by the Director of Public Works. The traffic and parking management plan must be reviewed and approved by the Public Works Department prior to the issuance of a building permit.
- H. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit. The street improvement plans shall include the following:
1. The project shall upgrade street lighting along the project frontages (301 and 401 sites only) in order to meet current City standards. This could include installation of new marbelite poles, conduits, pullboxes, conductors, and LED streetlight fixtures. The project shall provide separate streetlighting plan, including loading analysis, as part of the improvement plans for review and approval by the City's Transportation and Traffic Division.
 2. The project shall remove and replace all cracked, failing, and lifted sidewalk, curb and gutter along the project frontages.
 3. The project shall identify and provide ADA compliant curb ramps where deficient in order to meet current standards.
 4. The project shall remove and replace cracked, failing and lifted AC roadway along the project frontages. Associated with this work, the project shall slurry seal the subject road segments. All pavement markings must be grinded and removed prior to the slurry sealing. The striping shall be reinstated in thermoplastic, and all pavement markings shall be done in accordance with the California Manual on Uniform Traffic Control Devices (MUTCD).

- I. If the existing parcels are to be under separate control, each parcel shall function independently in terms of site access, parking space requirements, utility service lines, etc. Easements may be established for cross-parcel functions (e.g., cross-parcel drainage easements, access easements, etc.).
- J. Submit a preliminary on-site utility plan and grading/drainage plan. The plans should show existing and proposed sewer, storm drain and water mains and laterals that serve or will serve the new development.
- K. Improvement plans (24" x 36" in size) for public, off-site improvements are required and are to conform to City standard requirements for such plans. These plans should show existing and proposed demolition and construction of public improvements (driveways, curb, gutter and sidewalks, water meters for domestic and irrigation with backflow device, overhead utilities, etc.) Any existing deficient public improvements shall be upgraded to current City standards.
- L. Any existing utility lines and /or their appurtenances that will be abandoned as part of this project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed in accordance with utility abandonment policies of the City.
- M. The developer is responsible 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 caused by the development.
- N. Obtain an encroachment permit from the Public Works Department/Engineering for all improvement in the public right-of-way.

16. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

17. ROOF/ROOF SCREENS

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

18. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code.

19. STORAGE

- A. Unenclosed storage of any vehicle shall be prohibited.

20. TRAILERS

- A. The temporary trailer(s) shall be subject to following requirements:
 - 1. Trailer(s) shall be placed on the premises not sooner than 15 days following the date of City approval and shall be removed 90 days after final occupancy is granted by the City.
 - 2. Any variation from the location of the trailer(s), as represented by the submitted plan, shall be subject to approval by the Director of Community Development.
 - 3. Area lighting shall be provided in the vicinity of the trailer(s).

21. UNDERGROUND UTILITIES

- A. All proposed utilities shall be under grounded, including transformers.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- C. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- D. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- E. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- F. Improvement plans showing conduits for future undergrounding of existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.

22. PUBLIC SAFETY – FIRE PREVENTION

- A. As applicable, comply with the requirements contained in SMC Chapter 16.52, 16.53 and 16.54; California Fire Code (CFC), and Title 19 California Code of Regulations.

- B. Standpipes will be required for the building and garages and are required to be located away from residential parcels, and located at less prominent locations.
- C. All standpipes are to be fully screened.
- D. The building will require Class 1 Standpipes in the stair shaft landing areas at the east and west ends of the building.
- E. The riser/standpipe/floor control valves may be allowed in a sheetrock box/enclosure with only the connection and valve visible. If an access panel is used with all the hardware behind the panel, the space within the opening must be of sufficient size to allow complete access to all devices in the enclosure. When using the access panel method, the panel door must be labeled to identify "Standpipe Connection" or similar, and shall not require any special tools to open. Required exit width of the stairs shall not be impacted by the enclosure.
- F. Class 1 standpipes in the garages shall be generally spaced at approximately 125 feet apart and no more than 150 feet apart.
- G. Standpipes (exclusive of combination systems) shall be run off of a dedicated water line. The system may be manifolded with the fire sprinkler system.
- H. Sprinkler piping shall be of adequate size to meet required flow, or a fire pump may be utilized to meet required flow, per code requirements.
- I. A city fire hydrant will be needed along S. Bayview Avenue in the area of the access driveway (either side of the street).
- J. All other city standards for hydrant spacing and type shall be followed - 300 foot spacing, Clow 75 model, etc.
- K. An onsite fire hydrant shall be required on the north side of the building, mid-building, on the south side of the driveway (building side). Markings and clearance of the hydrant shall be in accordance with SMC and CFC.
- L. The Fire Department Connection (FDC) shall be clearly visible from the street.

PALO ALTO MEDICAL FOUNDATION 2009 EIR SUMMARY OF ALTERNATIVES

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which "would feasibly attain the most basic objectives of the project but avoid or substantially lessen many of the significant environmental effects of the project," or would further reduce impacts that are considered less than significant with the incorporation of identified mitigation.

1. No Project Alternative

The CEQA Guidelines specifically require consideration of a "No Project" Alternative. Since the project site is currently developed with medical office buildings and surrounding parking, the "No Project" Alternative would include the site remaining in its current condition.

The No Project Alternative would avoid the project's significant construction noise impact and cumulative construction noise impacts. If the existing buildings remain vacant or become re-occupied, the No Project Alternative would avoid the less than significant (with mitigation incorporated) transportation, air quality, cultural resources, utility, biological resources, and utility impacts of the proposed project.

While the No Project Alternative would avoid the project's significant and unavoidable cumulative air quality impact and would avoid some of the proposed project's less than significant impacts with mitigation, it would not meet the objectives of the proposed project to redevelop the site with increased medical office uses and parking on the site.

2. Reduced Project Site and Development Alternative

The Reduced Project Site and Development Alternative would reduce the size of the proposed medical office building on the 301 parcel to 100,000 square feet. The building could be two-stories in height rather than three-stories, and the amount of required parking would also be reduced proportionally.

Overall, the Reduced Project Site and Development Alternative would be environmentally superior to the proposed project because it would reduce the number of trips generated by the project, therefore, reducing the transportation impact from the proposed project. The significant cumulative noise and construction noise impacts would be lessened as well, but not eliminated because the construction period would likely still exceed one year. The Reduced Density Alternative would slightly reduce construction impacts, although the project's less than significant (with mitigation incorporated) air

quality and utilities impacts related to short-term demolition and construction would still occur. Impacts to raptors and trees; water quality impacts during and post-construction; and possible impacts to buried cultural resource, would also be reduced, but would not be eliminated. In addition, this Alternative is inconsistent with several of the project's objectives.

The revised project is compatible with this alternative.

3. Residential Use Alternative

The Residential Use Alternative would include the development of the 301 and 401 parcels with Low-Density Residential uses. Under this alternative, the 301 and 401 parcels would be developed with 38 dwelling units. The proposed residential use on the project site would be consistent with the residential uses located to the north of the site at a slightly higher density, however, the residential use would fragment the medical office campus surrounding the site to the east and west, and would eliminate surface parking for the existing 401 medical office building.

Residential uses would likely reduce the significant cumulative noise and construction noise impacts since the construction period would likely be less than one year in length. The Residential Use Alternative would also reduce, and possibly avoid, the project's less than significant (with mitigation incorporated) air quality, transportation, water quality, and utility impacts. Biological resources and cultural resources impacts would be approximately the same as under the project.

This Alternative is inconsistent with all of the project's objectives.

4. Closure of Bayview Avenue Alternative

The Closure of Bayview Alternative would maintain the project as proposed, including the redevelopment of the 301 parcel with a 120,000 square foot medical office building and two levels of underground parking, a two level parking structure on the 401 parcel, and a waste management area located on the 420, 428, and 448 Kenny Court parcels. The Bayview Closure Alternative would be intended to reduce traffic through the residential neighborhood located north of the project site. The Closure of Bayview Alternative would reduce clinic and local cut-through traffic on Bayview Avenue, but would add additional traffic to Carroll Street and Central Avenue. The shift in traffic would result in a new significant impact on Central Avenue, and the addition of new project traffic is estimated to cause a significant impact on Carroll Street.

The Closure of Bayview Alternative would not lessen the environmental impacts resulting from the proposed project. The alternative would not alter the proposed project, but would include the closure of Bayview Avenue with the intention of reducing the traffic impacts to the adjacent residential neighborhood. The significant cumulative noise and construction noise impacts, and all the project's other less than significant impacts would not change because the rest of the proposed project would remain the same.

5. Alternative Location

The CEQA Guidelines require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the project [§15126.6(f)(2)(A)]." No location alternatives were identified, because contiguous parcels comparable in size to the project site, near transit, with redevelopment potential for medical office uses could not be identified within Sunnyvale.

Since no suitable alternative site was found that could meet the basic objectives of the project, and significant impacts would not be reduced, a location alternative was not analyzed further.

6. Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative, which would avoid both the cumulative noise impact and the significant construction noise impact.

Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Based on the previous discussion, second most environmentally superior alternative is the Residential Use Alternative. The Residential Use Alternative would reduce the significant cumulative noise impact and the significant construction noise impact. The Residential Use Alternative would not fulfill any of the development objectives, but it would be the environmentally superior alternative.

The following Guidelines were considered in analysis of the project site design:

<p>City-Wide Design Guidelines (Site Layout)</p>	<p>Comments</p>
<p>Setting A1: <i>New projects shall be compatible with their surrounding development in intensity, setbacks, building forms, material, color, and landscaping.</i></p>	<p>The proposed medical building is a two and three story building with the majority of the roofline at 38' high. While some portions of the building at up to 52' high, they have been minimized and setback as far as possible from the existing residents to the rear. The freestanding parking structure is 27 feet high.</p>
<p>Setting A2: <i>Site design shall respect existing roadway patterns and driveways. Align new curb cuts with existing driveways and streets for streetscape continuity.</i></p>	<p>The site layout utilizes the existing roadways and the general configuration of the existing driveways.</p>
<p>Setting A3: <i>Develop transition between projects with different uses and intensities to provide a cohesive visual and functional shift. Create transition by using appropriate setbacks, gradual building height, bulk, and landscaping.</i></p>	<p>While the proposed medical use intensifies the site, this project does provide a buffer between the existing residents and the retail commercial center across Old San Francisco Road.</p>
<p>Site Organization B5: <i>Do not dominate street frontage of projects by surface parking to encourage pedestrian orientation and a continuous streetscape. Limit paved areas on street frontages of non-residential developments to one double row of parking and locate the rest of the parking elsewhere on the site.</i></p>	<p>The new building has been sited adjacent to the major street and the surface parking area is located behind the building.</p>

City-Wide Design Guidelines (Site Layout)	Comments
Site Organization B7: <i>Site design of non-residential projects shall have external orientation for a positive street experience. Orient buildings toward public streets and provide view corridors into the project site. View corridors may be provided by controlling the spacing and angles of buildings on the site and by providing open vistas and plazas.</i>	The building has an external orientation with numerous windows on all sides, as well as pedestrian entrances on the east and west sides.
Site Organization B8: <i>Building facades in non-residential projects shall be lively and include windows and main entries which face public streets for a pedestrian friendly environment.</i>	The fenestration of the building meets this goal and there are pedestrian staff entrances facing towards public streets.
Site Organization B11: <i>Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.</i>	The sites are ringed with landscaping and the surface paving will contain enhanced paving materials.

The following Guidelines were considered in the analysis of the project architecture:

City-Wide Design Guidelines (Architecture)	Comments
Scale and Character B1: <i>Break up large buildings into groups of smaller segments whenever possible, to appear smaller in mass and bulk.</i>	The proposed architectural breaks up a large 120,000 sf. building into three segments.
Scale and Character B5: <i>Step back upper stories of building 3 stories or taller from public roads and adjacent low scale development to reduce the bulk impact.</i>	The third story is stepped back from the second on the northern elevation facing the existing homes.

City-Wide Design Guidelines (Architecture)	Comments
Scale and Character B9: <i>Interrupt front facades on large structures by various architectural elements such as trellises, balconies, steps, openings, etc., about every 30 ft. to appear smaller in scale.</i>	The long façade incorporates a ribbon window on the second and third floors, stacked windows that create the appearance of columns, and low, varying rooflines.
Architecture and Design C5: <i>In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.</i>	The neighborhood is comprised of residential, commercial, and professional office buildings with a variety of architectural styles. The proposed architecture draws from some of these components through the larger rooflines, fenestration, and use of brick.
Architecture and Design C5: <i>Buildings shall have three distinct components: base, middle, and top. Define each component by horizontal and vertical articulation.</i>	The proposed design meets this policy with vertical and horizontal articulations.
Architecture and Design C13: <i>Define building entries by use of human scale architectural elements such as arches, posts, awnings, etc. Orient main entries toward public streets.</i>	Public entrances are oriented towards the public streets and are enhanced by significant architectural entryway features.

**TABLE 19.24.030
Permitted, Conditionally Permitted and
Prohibited Uses in Office Public Facilities Zones**

In the table, the letters and symbols are defined as follows:

- P** = Permitted use
- UP** = Use permitted required
- MPP** = Miscellaneous plan permit required
- N** = Not permitted, prohibited

OFFICE AND PUBLIC FACILITIES ZONES	O	P-F
1. Office/Care Facilities		
A. Administrative, professional, medical, and research and development offices	P	UP
B. Financial institutions such as banks and savings and loan associations	UP	N
OFFICE AND PUBLIC FACILITIES ZONES	O	P-F
1. Office/Care Facilities		
C. Hospitals	N	UP
D. Rest homes and convalescent hospitals	UP	UP
2. Public Facilities		
A. Buildings and facilities used by government agencies for government purposes	UP	P
B. Buildings and facilities used by federal, state or local government agencies (except city of Sunnyvale), for nongovernmental purposes	UP	UP
C. Public service buildings and accessory uses	UP	UP
D. Public utility buildings and service facilities	UP	UP
3. Personal Service		
A. Child care centers with occupancy of 30 or fewer persons	UP	MPP
B. Child care centers with occupancy of 31 or more persons	UP	UP
4. Education, Recreation and Places of Assembly		
A. Education - Recreation and Enrichment	N	UP
B. Education - Primary and High School	N	UP
C. Education - Institution of Higher Learning	UP	UP
D. Recreational and Athletic Facilities	N	UP
E. Places of Assembly - Business Serving	UP	UP
F. Places of Assembly - Community Serving	UP	UP
G. Cardrooms	N	N
H. Private golf courses	N	UP
5. Residential/Boarding/Lodging		
A. Residential uses	UP	UP
6. Other		
A. Adult business establishments	N	N
B. Outside display of merchandise or products	N	N

C. Electric distribution substations	N	UP
D. Electric transmission substations	N	UP
E. Massage establishments ¹	P	P
F. Recycling centers ²	UP	UP
G. Salt extraction	N	UP
H. Storage or parking of commercial or industrial vehicles	N	N
I. Storage or parking of public utility vehicles	N	N
J. Storage of materials, supplies or equipment for commercial or industrial purposes	N	N
OFFICE AND PUBLIC FACILITIES ZONES	O	P-F
K. Storage of materials, supplies or equipment for public utility purposes	N	N
L. Storage, warehousing, handling, processing or assembling merchandise or products	N	N

TABLE 19.24.030
Permitted, Conditionally Permitted and
Prohibited Uses in Office Public Facilities Zones

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RESIDENTIAL ZONES	R-0/R-1	R-1.5	R-1.7/RD	R-2	R-3	R-4	R-5	R-MH
Nos. 1-6 [Text unchanged]								
<i>7. Other Uses</i>								
A. Administrative, professional and medical offices, and medical clinics	UP	UP	UP	UP	UP	UP	UP	N
B. Adult business establishments	N	N	N	N	N	N	N	N
C. Electric distribution substations	UP	UP	SDP	UP	UP	UP	UP	UP
D. Electric transmission substations	N	N	N	N	N	N	N	N
E. Massage establishments	N	N	N	N	N	N	N	N
F. Public service buildings and accessory uses	UP	UP	SDP	UP	UP	UP	UP	UP
G. Public utility buildings and service facilities	UP	UP	SDP	UP	UP	UP	UP	UP
H. Recycling centers	N	N	N	N	N	N	UP	N
I. Storage of materials, supplies or equipment used for nonresidential purposes	N	N	N	N	N	N	N	N
J. Storage of materials or equipment between the face of the main building and a street-unless fully screened from view ⁵	N	N	N	N	N	N	N	N
K. Any use which is obnoxious, offensive or creates a nuisance	N	N	N	N	N	N	N	N
L. Automobile/vehicle repair ⁷	N	N	N	N	N	N	N	N

Footnotes

1. For use by owner and/or operator only.
2. For use by mobile home park occupants only.
3. Maximum of two dwelling units per parcel.
4. Processing requirements vary, see Chapter 19.40.
5. Does not apply to vehicles which are currently licensed and operable. Screening must meet requirements of Chapter 19.46.
6. Required to comply with setback, height, and lot coverage requirements of underlying zone.
7. Automobile/vehicle repair may only be allowed pursuant to Section 19.18.050

PROJECT DATA TABLE - 301 Old SF Road

	EXISTING	PROPOSED	R-2/O ZONE REQUIREMENTS	PF ZONE REQUIREMENTS
General Plan	Office	Same	Same	Same
Zoning District	Low-Medium Density Residential with an Office/Planned Development Combining District	Public Facilities/Planned Development	Same	Pending approval of Rezoning
Lot Size (s.f.)	141,000	Same	8,000	N/A
Gross Floor Area (s.f.)	72,065	120,000 (116,500 above grade)	N/A	N/A
Lot Coverage (%)	45%	35%	10%	N/A
Floor Area Ratio (FAR)	51%	85%	N/A	N/A
No. of Buildings On-Site	1	1	N/A	N/A
Building Height (ft.) - 1st Story	30'	52'	★ 35'	N/A
Building Height (ft.) - 2nd Story	30'	38'	★ 35'	N/A
No. of Stories	2	3	★ 2	N/A
Setbacks (facing prop.)				
Front - OSF Rd. - 2 nd Story	25'	10'	★ 20'	★ 24' min.
Front - OSF Rd. - 3 rd Story	25'	10'	★ 20'	★ 31' min.
Left Side - 2 nd Story	9'	19' 5"	★ 20'	★ 24' min.
Left Side - 3 rd Story	9'	19' 5"	★ 20'	★ 31' min.
Right Side - 2 nd Story	9'	19' 5"	★ 20'	★ 24' min.
Right Side - 3 rd Story	9'	19' 5"	★ 20'	★ 31' min.
Rear - 2 nd Story	20'	61'	20'	24' min.
Rear - 3 rd Story	20'	61'	20'	31' min.
Landscaping (sq. ft.)				
Total Landscaping	30,600	51,800 37%	28,200 min. 20% of lot area	28,200 min. 20% of lot area
• Frontage Width (ft.)	18' - 42'	10' - 69'	15' min.	15' min.
• Landscape Buffer	5' - 42'	10' - 69'	10' min.	10' min.
• % of Parking Lot	N/A	40%	20% min.	20% min.
• Parking Lot Area Shading (%)	N/A	51%	50% min. in 15 years	50% min. in 15 years
• Water Conserving Plants (%)	N/A	75%	70% min.	70% min.
Parking				
• Total No. of Spaces	186	450	600 min.	600 min.
• No. of Standards	186	450	600 min.	600 min.
• No. of Compacts / % of total	N/A	N/A	Per Building Code	Per Building Code
• Parking Stall Dimensions	N/A	9' 4" wide 18' deep	9' wide 18' deep	9' wide 18' deep
• Drive Aisle Widths	N/A	24'	★ 26'	★ 26'
• No of Accessible	5	14	12 min.	12 min.

	EXISTING	PROPOSED	R-2/O ZONE REQUIREMENTS	PF ZONE REQUIREMENTS
• Bicycle Parking	0	Per VTA Standards	Per VTA Standards	Per VTA Standards
Stormwater				
Impervious Surface Area (s.f.)	121,556	113,129	N/A	N/A
Impervious Surface (%)	86%	80%	N/A	N/A

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

PROJECT DATA TABLE - 401 Old SF Road

	EXISTING	PROPOSED	R-2/O ZONE REQUIREMENTS	PF ZONE REQUIREMENTS
General Plan	Office	Same	Same	Same
Zoning District	Low-Medium Density Residential with an Office/Planned Development Combining District	Public Facilities/Planned Development	Same	Pending approval of Rezoning
Lot Size (s.f.) - 5 parcels	109,000	109,000	8,000	N/A
Gross Floor Area (s.f.)	7,200 - 3 homes 16,195 - exist. bldg.	59,500 - garage 16,195 - bldg. 750 - storage	N/A	N/A
Lot Coverage (%)	14%	35%	40%	N/A
Floor Area Ratio (FAR)	15%	16% (not including garage)	N/A	N/A
No. of Buildings On-Site	4	3	N/A	N/A
Building Height (ft.)	36' - exist. bldg.	25' - new garage 36' - exist. bldg.	35'	N/A
No. of Stories	2	1 story 2 level garage	2	N/A
Setbacks (facing prop.)				
• Front - OSF Rd.	25'	35' 3" - new garage 25' - exist. bldg.	20'	23' min.
• Left Side	9'	15'	★ 20'	★ 23' min.
• Right Side	4'	180'	10'	7' min.
• Rear	20'	18' 3" - garage 10' - storage	★ 20'	★ 23' min.
Landscaping (sq. ft.)				
• Total Landscaping	44,300	38,500 35%	21,800 min. 20% of lot area	21,800 min. 20% of lot area
• Frontage Width (ft.)	20'	20' - 50'	15' min.	15' min.

	EXISTING	PROPOSED	R-2/O ZONE REQUIREMENTS	PF ZONE REQUIREMENTS
• Landscape Buffer	10' - 20'	10' - 50'	10' min.	10' min.
• % of Parking Lot	N/A	60%	20% min.	20% min.
• Parking Lot Area Shading (%)	N/A	65%	50% min. in 15 years	50% min. in 15 years
• Water Conserving Plants (%)	N/A	71%	70% min.	70% min.
Parking				
• Total No. of Spaces	190	235	85 min.	85 min.
• No. of Standards	190	235	85 min.	85 min.
• No. of Compacts / % of total	N/A	N/A	Not allowed for medical uses	Not allowed for medical uses
• Parking Stall Dimensions	N/A	9' wide 18' deep	9' wide 18' deep	9' wide 18' deep
• Drive Aisle Widths	N/A	26'	26'	26'
• No of Accessible	N/A	N/A	Per Building Code	Per Building Code
• Bicycle Parking	0	Per VTA Standards	Per VTA Standards	Per VTA Standards
Stormwater				
Impervious Surface Area (s.f.)	55,819	48,209	N/A	N/A
Impervious Surface (%)	77%	67%	N/A	N/A

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**Letters Received Before
May 2009 Project Changes**

On Apr 26, 2009, at 8:19 AM,

wrote:

Dear Sir or Madam:

Re the following:

AGENDA

SUNNYVALE PLANNING COMMISSION

April 27, 2009

456 W. Olive Avenue, Sunnyvale, CA 94086

7:00 PM - Study Session - West Conference Room

1. 2007-1293 - Review of Revised Architectural Plans for Palo Alto Medical Foundation located at 301 and 401 Old San Francisco Road, and 420, 428 and 448 Kinney Court. SL (45 minutes)
2. Public Comment on Study Session Agenda Items (5 minutes)
3. Comments from the Chair (5 minutes)

Since the 5 minutes allowed to public comments is FAR TO SMALL a time allocated to hear public comments, can you develop (as in before 4 pm Monday) a procedure for people to submit written comments in response to the presentation by Palo Alto Medical Foundation? For myself, in addition to concerns about the adequacy of parking and the mitigation of the effects of traffic (expressed in comments by both myself and my attorney, Alexander Henson), I am concerned about an excess amount of what I am thinking of as "fluffy space." When I attended the PAMF presented meeting at their facility in Mountain View, I noted an excess of beautiful but functionally useless "fluffy space" adjoining the meeting room -- the entrance foyer and the halls leading off of it. No one would be seeing semi-dressed patients in that space, no one would be having confidential patient discussions in that space, no patients would be receiving injections, having x-rays or other diagnostic procedures in that space. Given the space considerations in Sunnyvale, there should be virtually no "fluffy space" in the design. Virtually all space should be patient care space. [Perhaps Art Schwartz can give us a technical term for "fluffy pace" or for its opposite "non-fluffy-space."]

Eleanor Hansen

P.S. I plan to be one of the very probably silent attendees at your meeting. It looks like we should plan on having a designated speaker.

P.S. And by the way, the great excess of "fluffy space" at the Mountain View facility screws up the parking to patient and employee ratio. If the entire building is 250,000 ft sq, then there is probably not much more than 200,000 ft sq of patient care space, and perhaps not even that much. Thus assurances that the ratio of parking space to size of building based on the Mountain View facility are not credible.

Eleanor Hansen

February 10, 2009

Attn: Sunnyvale Planning Department
Sunnyvale Council Members
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, Ca. 94086

ATTACHMENT 6

Page 3 of 33

RECEIVED
MAR 16 2009
PLANNING DIVISION

RE: Comments on EIR for Palo Alto Medical Facility Expansion Project

Dear Planners and Council Members:

I do not feel that the current Environmental Impact Report adequately addresses the following areas:

1. Rezoning from R2/Office to PF Public Facility is taking away from the privacy of my house and backyard. My daughter's bedroom window, which is on the second floor of our house, will be directly facing the Medical Clinic with nothing blocking it from the soon to be windows of the clinic. A 53-foot building would put my house in the shade for majority of the day, blocking my solar heating panels. I will not have sun to help heat my house, sunlight for my fruit trees, plants, grass and flowers. Having glass on the top story of this building will not give my house any privacy during working hours at the clinic. Please rethink allowing the Medical facility to have such a tall building with an all glass top story.
2. Having one single lane right behind my back fence is going to have noise from opening to closing hours. Having cars pass my back fence all day long will have pollution coming in through my backyard and into my windows and pose a threat to our outdoor cats.
3. The 53-foot building would block our solar water heating panels.
4. The layer of dust that we will have for months to years will cause hardship for my family with allergies, to our animals, to our plants, trees, grass, windows, paint on the house, and our Solar Heating.
5. The noise from the construction for months to years will make it hard to enjoy every day living.
6. Parking was already an issue with employees and patients in our court. The trash, employees smoking in our court and leaving there cigarette butts in our front yards, and not being able to park in front of our own houses or getting into our driveways is still a big concern.
7. The invasive nature of the new construction is sure to not only infringe on our overall quality of living, but will also lower the sale value of our property.

Please review these sections and provide additional research or response on how to address and remediate these issues. I believe these areas require further community outreach communications:

Thank you,

Name: Cathy Magee and Jennie McAdams

Address: 334 Jarvis Ct. Sunnyvale, Ca. 94086

Email: Magcandj2@aol.com

**Letters Received After
May 2009 Project Changes**

WE SUPPORT THE PALO ALTO MEDICAL FOUNDATION'S
PROPOSED SUNNYVALE CENTER

ATTACHMENT 6

Page 5 of 33

TO: Sunnyvale City Council & Planning Commission

The undersigned Sunnyvale residents, business owners and individuals employed in Sunnyvale hereby express **SUPPORT** for the Palo Alto Medical Foundation's (PAMF, formerly Camino Medical Group) proposal to build a state-of-the-art medical center at 301 Old San Francisco Road in Sunnyvale. The center will include a full range of primary and specialty care, a cancer treatment center and vision care. We urge the Planning Commission and City Council to take all necessary actions to **APPROVE** the proposed project.

Signature: [Handwritten Signature] Print: Linda Cummings

Address: 1054 Castleton Way

Date: 3/2/09 *E-mail (optional): lcum1018@AOL.com

Comment: We need this!!

- Sunnyvale resident
- Business owner
- Employed in Sunnyvale
- Other _____

Signature: _____ Print: _____

Address: _____

Date: _____ *E-mail (optional): _____

Comment: _____

- Sunnyvale resident
- Business owner
- Employed in Sunnyvale
- Other _____

Signature: _____ Print: _____

Address: _____

Date: _____ *E-mail (optional): _____

Comment: _____

- Sunnyvale resident
- Business owner
- Employed in Sunnyvale
- Other _____

Signature: _____ Print: _____

Address: _____

Date: _____ *E-mail (optional): _____

Comment: _____

- Sunnyvale resident
- Business owner
- Employed in Sunnyvale
- Other _____

*Above names may be used in a public list of supporters, as well as become part of the public record of future hearings conducted by the City of Sunnyvale.
E-mail addresses will only be used to provide updates on the project.

A. PARKING MANAGEMENT PLAN TO BE DEVELOPED BY PLANNING DEPT.

1. Employees required to park in new garage
2. Employees not allowed to park in front of residents' homes, with penalties.
3. Employees not allowed to park on surface streets adjacent to Med Center.
4. Employees not allowed to park in Patient parking areas posted "Patient Parking" areas with signs.
5. "Patient safety is highest priority", but Patient Parking lot is filled with employee cars from 8:00 - 8:30 AM who park there all day
6. Med Center should attach notices on employee windshields of parking violations, with penalties.
7. Employee parking is insensitive to neighborhood parking requirements for at least 30 years.

- SUPPORTING STATEMENTS

A.

A.1

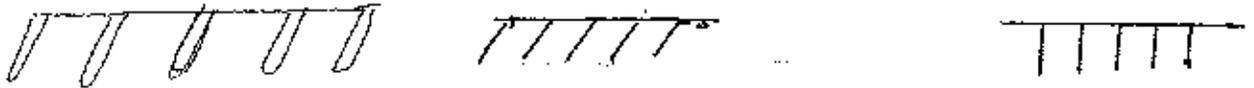
- A.2. Uncontrolled parking in front of residents' homes.
Residents unable to park in front of their homes for 30 years.
(Carrol + Bay View)
- A.3. Reserved for patients unable to walk or push strollers
long distances to reach front door access.
- A.4. Took 10 years of complaints to install 2 "Patient Parking Only"
signs. 2 days later both signs were torn down.
- A.5. Uncontrolled employee parking (without penalties).
Med Center hired a Lady Security Guard 10 to 15 years ago
who stopped employee parking in small patient area from 8-8:30 AM
very effectively for 2 weeks, but she was re-assigned and
disappeared.
- A.6 Med Center attached windshield notices a couple times in past 15 years.
This forced residents to attach notices repeatedly, without effect.

B. New Parking Garage

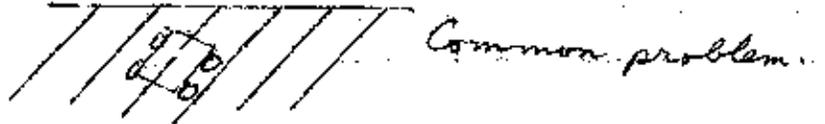
Should improve parking for elderly, limited mobility, and ill patients.

1) Add 12" to 18" more space between car spaces.

2) Stripe spaces for diagonal parking not perpendicular



3) Specify dollar penalties for purposely straddling 2 parking stalls.



➤ SUPPORTING STATEMENTS

- B1. Slow moving patients need help
- B2. 35 year history of skimpy parking spaces.
Common problem - too close causes many fender/bumper clashes
pulling out of perpendicular parking
- B3. Lady Security Guard issued tickets for this offence for
2 weeks about 15 years ago, but then she disappeared
without further enforcement.

C. PARKING MANAGEMENT PLAN 20+ YEARS AGO

- A. Approved 1 hour Planning Dept public meeting
- B. Approved 1 hour City Council public meeting
- C. Enthusiastic support by City, Planning Dept, Med Center, + residents
- D. Main Features -
 1. Employees not allowed to park in front of residents' homes
 2. Employees not allowed to park on surrounding Med Center streets
 3. Employees required to use numbered stickers on windshields
 4. Patient parking area identified with signs posted "Patient Parking Only"
 5. Med Center was given list of 10 employee parking offenders.
 6. Med Center response was "Too expensive and too hard to do"
 7. Parking Plan (20 pages) was not enforced, not monitored, and not audited by anyone.
 8. City was contacted for copy of Parking Mgmt Plan 5 years ago, and more recently Trudy Ryan (twice) and Gerri Caruso
 9. This entire 20 page acclaimed Parking Plan has disappeared.
 10. No Med Center support for 25 years
 - a. This forces residents to memorize offending car license numbers.
 - b. This forces residents to count employee cars parking on nearby business parking areas (60 to 70 cars per day).
 11. Daily jay-walking across Old S.F. Road for 25 years to use other nearby business parking areas.

- SUPPORTING STATEMENTS

- C. Plan developed by Planning Dept 20 to 25 years ago
During Mayor Don Logan's term in office
- A. 60 residents in attendance
 - B. 60 residents in attendance
 - C. -
 - D. -
1. -
 2. Reserved for patients
 3. -
 4. Took 10 years of complaints to get 2 "Patient Parking Only" signs,
but they were torn down 2 days later.
 5. -
 6. They unilaterally rejected the highly acclaimed Mgmt Parking Plan.
 7. -
 8. Without result.
 9. No one can find it. Incredible.
 10. -
 - a. -
 - b. Sport store, bank, dress shop, stationery store, etc.
 11. -

D. Noise of Garbage Pickup for 30 years.

Noise intensity of World War II - Gigantic 6ft x 8ft x 20ft long containers.

Steel on steel - 10ft. from residents' fence line
 - 18ft. from bedrooms.

3 Gigantic sheet steel containers with sheet steel covers
 Between 6:00 and 6:15 AM, 6 days per week.

Recorded daily time of early violent noise for years.
 asked for Med Center cooperation, NO action.

Steel containers hoisted up 20ft overhead and shake back and forth
 to make certain neighbors are all awake by 6:15 AM.
 One block away a chart of daily awakening of violent noise was made.

Protested for 20 years to Med Ctr. Response was "We contacted
 Garbage firm, but noise is out of our control".

20 years later, the Garbage representative came to a neighborhood
 meeting and said "No one ever contacted his firm and
 he could easily change pickup to after 7 AM!"

Requested container location be moved away from bedrooms, (Ignored!)
 1. Move to internal sheltered area between Med Ctr buildings (Ignored)
 2. Move along Old SF Road away from residents' homes. (Ignored)

Proposed new Med Ctr will have at least 5 steel on steel containers
 adjacent to residences.

RECOMMEND -

1. New containers should be sound proofed. No steel on steel.
2. Internal container walls and covers must be lined with rubber liners
 to deaden the violent noise.
3. Forbid shaking 20 ft. overhead
4. No garbage pickup before 7 AM
5. Med Ctr has been uncooperative and insensitive to neighborhood
 for 30 years,

ATTACHMENT 6

Page 13 of 33

From: Sameer Makada
To: <slynch@ci.sunnyvale.ca.us>
Date: 5/8/2009 12:23 AM
Subject: Concerns with File Number 2008-1259 Redevelopment of 585 Old San Francisco Road

Hello Steve,

I am writing this email to express my deep concerns for the proposed redevelopment by M Design Group of 585 Old San Francisco Road. I have the following concerns:

- 1) The proposed plans are extremely dangerous from a public safety perspective. Old San Francisco is a very busy road. There is a lot of traffic that takes turns onto Old San Francisco. Such a steep driveway undoubtedly will lead to an accident. I live on Blackwood Terrace and it's dangerous as it is getting out of the my townhome community. This will only increase the chances of an accident
- 2) I personally park on Old San Francisco. 12 waste containers will take up a lot of parking spots and result in this builder taking away parking spots from other residents. This is selfish and unfair.
- 3) This will severely degrade the Blackwood Terrace community by creating an eyesore. This will also negatively impact property values during a severe recession.
- 4) The plot of land is simply not big enough for that many condos and will detract from the neighborhood

I am planning on attending the June 9th meeting but wanted to make sure that my concerns were heard as I am deeply concerned with this redevelopment effort and believe the city of Sunnyvale should flat out reject it or make the owner Muhammed Irfan scale back the plans. The City of Sunnyvale should unconditionally reject the variance request to move away from the solid waste container.

This is a bad idea that should not move forward or be drastically altered,

Regards,

Sameer Makada

Dear Planning Commissioners,

I support **Alternative 8a** (neighborhood traffic calming **including closure options**) and **Alternative 10** (left turn from southbound Sunnyvale Avenue to Old San Francisco Road) for the Palo Alto Medical Foundation project (2007-1293).

I live at the corner of Carroll Street and Bishop Avenue, four homes north of the PAMF clinic site. In the last few years, traffic on Carroll has dropped off quite noticeably, probably through a combination of the 301 PAMF building closing, the Town Center shutting down during construction, and Circuit City going out of business. Carroll now feels more like a residential street appropriate for families and children and less like an thoroughfare.

I am concerned that, without traffic mitigation, Carroll could lose its neighborhood feel and see increased traffic in the coming years due to several factors:

- Projected congestion at El Camino Real and Sunnyvale Avenue -- causing clinic traffic to use neighborhood streets to access the PAMF clinic and Old San Francisco Road
- Projected congestion at Old San Francisco Road and Cezanne -- causing traffic leaving the clinic to use neighborhood streets to avoid the congestion
- Town Center redevelopment -- causing traffic to use neighborhood streets to access Old San Francisco Road or avoid congested El Camino intersections

The proposed left turn from Sunnyvale Ave to Old San Francisco Road would go a long way to reducing cut through traffic in my neighborhood. With the left turn in place, closing Bayview and Carroll may not be necessary or perhaps one-way closure would suffice. But **the proposed left turn faces significant obstacles** including Caltrans approval and finding funding for implementation given the city's tight budget. I am concerned that the neighborhood will have **no good fallback options** if the left turn turns out not to be feasible and street closure options have been excluded. Speed humps and bulbouts will do little good if there is no reasonable alternate route for traffic.

In light of the uncertainties around the proposed left turn, **please keep street closure options on the table by recommending Alternatives 8a and 10** to City Council.

Thank you,
Gustav Larsson
305 Bishop Avenue
Sunnyvale, CA 94086

Dear Trudi and Steve,

The following are concerns still related to the obscure glass on the 2nd floor:

Obscure Glass Requested on both the 2nd and 3rd floor of the proposed PAMF building:

We're living in extreme times which require extraordinary vigilance. The need for obscure glass to provide safety and privacy for the residents surrounding the proposed PAMF building has not been adequately studied and addressed to date. The topic first was discussed on Friday morning, April 3, 2009. During that week the crimes that were focused on the news were:

1. Binghamton, NY, Wong barges in a citizenship class and kills 13 people
2. Child Abduction and killing of Tracy, CA resident Sandra Cantu
3. 1988 Sunnyvale ESL killing spree anniversary of Farley
4. Discussion of Megan's Law and the 10 registered sex offenders in the neighborhood (90% pedophiles)

During this meeting of April 3, the discussion was the concern for neighborhood safety with regards to exposure and visibility. Because the waiting rooms for the PAMF line the north/residential side of the building, it is of utmost concern. What can be seen outside of the windows? How long is your typical wait for your Doctor's visit? What percentage of the public is prone to mental illness, crime and criminal activity? Of these numbers, how many will be patronizing the PAMF? What security measures would PAMF plan to implement to prevent resident monitoring by persons in the waiting rooms? How many criminals when asked why they committed a crime state "I saw the opportunity . . . instinctual?" Most claim it's instinctual, they sense vulnerability in their victims.

On that morning, April 3rd, Trudi responded that we "need to see visibility views" in order to know what the public would be able to see from the building looking into the neighborhood in order to determine what measure/precautions to take.

Trudi stated that she would request visibility views and stated that "visibility would be on the agenda for the following week."

On Friday, April 10, 2009, the "visibility from medical clinic and garage toward single-family homes/yards and school yard (discuss at future meeting)" was placed on hold.

The next Friday, April 24, 2009, the agenda stated: "Other issues on-hold, visibility from medical clinic and garage toward single-family homes/yards and school yard" placed on hold.

The following week, Friday, May 1, 2009, again "Other issues on-hold, visibility from medical clinic and garage toward single-family homes/yards and school yard" placed on hold.

The next meeting, Friday, May 22, 2009 (the few weeks in-between had been rescheduled by Trudi), we discussed visibility briefly; however, the visibility views still were not produced. My notes for that date state "Trudi states floors 2 & 3 partial obscure

window at eyesight level— clear window above for light. Obscure windows probably not on the first floor.” If there was an intention at this time to omit the 2nd floor from the promise of opaque glass (“opaque glass!” as exclaimed by David Jury during the presentation in the Sunnyvale City Conference Room Friday, April 17th, after resident Mary Adamson inquired about visibility out of the windows neighborhood northbound and wanted to be insured that “no one could see in my window!” I spoke with David Jury and Architect Synder after the meeting and they confirmed that the opaque glass would be on the 2nd and 3rd floor windows facing north. They agreed it should have been made clear to the attendees of this meeting.

The visibility views still need to be addressed in order to determine what the visual impact upon the neighbors will be. Views have not been adequately conducted, studied to warrant clear or opaque glass on the 2nd floor. This issue has not been satisfactorily studied, mitigated and resolved. Why was the visibility sights excluded? Why was the decision made to allow clear glass without studying and knowing if there is a foreseeable danger to the community? What was the basis for moving forward to allow clear glass without follow-through of requested study from the citizens/residents nearby?

This needs to be addressed prior to voting. If the solution is the proposed landscaping, how many years is the estimated growth factor? How will the visibility issue be solved prior to the maturity of landscaping?

The loss of privacy takes away the right to private ownership. We do not want the public to have access to our lives. It invites trouble, break-in, invasion of privacy, threat of safety for the elderly and our children. The study not complete and not ready to be voted upon, glass or obscure glass. As Trudi stated, “let’s see the visibility report first.”

Thank you,
Jeni

TO: PLANNING COMMISSION MEMBERS.

My name is Bert Walters, I live at 335 East Olive Avenue, Sunnyvale, California. I will be out of town Monday, June 8th and will not be able to attend the Planning Commission Meeting regarding the proposed rezoning of the Palto Alto Medical Group property. My reasons for requesting that EACH of you vote NO on this request are as follows.

1. It will create a huge traffic problem. Fix the traffic problem first and then, if necessary consider rezoning.
2. There are many older people and young children that walk along Olive Avenue, Carrol and Bayview to get to Ellis Elementary School and St. Martins School. This creates a serious safety hazard for everyone due to the increased traffic.
3. There is no need to change the zoning at this time. PAMF has agreed to build only a three story building on the property. This can be accomplished with the CURRENT zoning that exists on the property with only minor deviations which the City of Sunnyvale can approve. That way we still maintain control over the height and size of the structures.

Thanks for your consideration

Bert Walters

Dear Trudi and Steve,

The following comments are objections and concerns that I have regarding the Staff Report for the proposed PAMI' project:

Operational Hours:

The Staff Report to approve the proposed PAMI' Operational hours from 7:00am -- 7:00pm is an unwelcome surprise. This is contrary to the disclosures to date. 7:00am -- 7:00pm is unfavorable and inconsiderate to the residents impacted by the PAMI' operation. The DEIR had stated the operational hours to be 8:00am -- 6:00 pm. During the meetings hosted at the Mountain View PAMF site, both March 23 and March 30th, Dr. Slavin stated the operational hours to be 8:00am -- 6:00 pm.

During the recorded City Council Meeting, March 24, 2009, Hanson Hom addressed the Sunnyvale Council members summarizing the PAMI' in Mountain View meeting' and relaying bullets that Dr. Slavin had stated. One mentioned was the operational hours to be: "8:00am to 5:00 or 6:00pm." To read in the report that the staff would like the Commissioners to vote/approve 7:00am -- 7:00pm is an extension of hours not previously discussed and revealed to the neighbors. 12 hours a day of environmental impact from the proposed PAMF is too much load to place on nearby homeowners who have the right for peaceful enjoyment of their properties. ***This is a nuisance.*** Please revert/modify the hours back to the previously disclosed 8:00am -- 6:00 pm, Monday through Friday.

Construction Days:

The EIR states the environmental impact from dust, noise and air pollution is significant and unavoidable. To subject the residents to this nuisance for 2 years of Saturdays is inhumane. Please restrict the construction hours to weekdays only (8:00am -- 5:00pm). Do not approve of construction on Saturdays. This is an invasion of the right of property ownership, the right to peaceful enjoyment our properties, particularly during the weekend.

Underground Parking Lot Vents:

Through many discussions and requests of the City to provide stats for the Parking Lot vents (2), they are inadequately addressed in the Staff Report. Specifically, how many decibels will they emit? What is the concentrated amount of carbon monoxide emitted from each vent? What is the distance from the property line and nearby house/s? Please provide this information. It was not adequately provided for when requested. Why is the eastern vent conditioned to be moved 20 feet and not the west? Why did you choose 20 feet?

Thank you,
Jeni Pfeiffer

Dear Trudi and Steve,

Below are my comments regarding the back-up diesel generator:

Generator:

Through many discussions and requests of the City to provide stats for the Back-Up Generator, it has not been adequately addressed in the Staff Report. Specifically, how many decibels will the generator emit? What are the stats of the generator? How close to the nearby property will it be installed? How far underground? How much vibration will it emit? What is the impact of air quality emitted each minute of usage? When tested each month, what is the duration of time? What is the expected usage each month? What is the decibel level combined with the Parking Lot Vents? The stats of the generator has not been adequately disclosed. Please condition to be moved to the Old San Francisco Road location.

Thank you,
Jeni

Steve Lynch - Questions regarding FEIR PAMF

From: Jeni Pfeiffer <...>
To: "Trudi Ryan <TRyan@ci.sunnyvale.ca.us>Steve Lynch" <SLynch@ci.sunnyvale.ca.us>
Date: 5/28/2009 10:58 PM
Subject: Questions regarding FEIR PAMF

Hi Trudi and Steve,

Who wrote/endorsed/audited Response 41.1 on page 89 of the FEIR? Particularly in the comment "The Calculation of the roof area (1,600 s.f.) accounts for the pitching in the roof." ? Who is responsible for this calculation?

Also, the hourly shade analysis Dec 21st is stated to appear in Appendix B and is not there. Where are the shadow views?

It is a travesty, insult and embarrassment to the City of Sunnyvale to state that Dec. shadows are an exaggeration of shadows, so the "favorable, spring and summer shadows" are the shadows emphasized.

HELLO!!!

During the winter months, it is favorable to maximize sun exposure (Solar 101) to minimize excessive use of electrical PG&E and gas running all day long. This is the reason that one would choose deciduous trees surrounding a property . . . to optimize sun exposure during the winter and provide shade during the summer. The sun gain during winter months reduces the gas and electric needed to heat a home. It reduces damp atmosphere and minimizes colds/flu during the winter months.

These response comments should be a huge embarrassment to the City of Sunnyvale. Quite frankly, you should audit the persons who endorsed these comments and replace them immediately. Your advisers are conducting ignorant responses upon the environmental topics that define the future. Sunnyvale should be completely embarrassed by such ignorant comments. You need replacement environmental advisers that know more than the citizens that they are representing (which is more than your current).

I want to know who made these comments? Name, address, credentials. Thank you.

Best regards,
Jeni Pfeiffer

Steve Lynch - Follow up FEIR

From: Jeni Pfeiffer
To: "Trudi Ryan <TRyan@ci.sunnyvale.ca.us>Steve Lynch" <SLynch@ci.sunnyvale.ca.us>
Date: 5/31/2009 3:13 PM
Subject: Follow up FEIR

Dear Trudi and Steve,
I would like to apologize if my emails dated Thursday, May 28th seemed harsh or directed at you personally. I have the utmost appreciation and respect for the work that you do for the City of Sunnyvale and thank you for your help.

Perhaps I can provide a bit more information regarding the importance of shade/shadow views, particularly during the winter months. The concept of Solar Home Gain is not new. Ancient civilizations such as the Pueblos of Mesa Verde built Cliff Dwellings facing south to maximize solar gain during the winter and to provide shade during the summer. They had studied the sun positioning (high during summer providing shade and low during the winter to cast sunlight and warmth into the caves). Most of the cliff dwellings were oriented to collect solar energy as a result of the positioning of their architecture. Here is a link that provides more information which is fascinating:

<http://www.greenhomebuilding.com/articles/mesaverde.htm>

As our world is encountering a crisis of the need to replace non-renewable resources, the value of solar technology is becoming more evident and in being utilized with solutions and alternatives to gas and electricity. Using what the ancient civilizations know, positioning of shadows strongly affects an environmental opinion of the importance and impact that shade does provide (both positively and negatively). Solar panels, Solar Home Design, Trombe Wall, etc are the new terminology for building homes and utilizing renewable resources.

It is critical to review the shadow views throughout all seasons of the year for these reasons. I had requested hourly Dec 21st views as only the 9:00am and 3:00pm views had been supplied. On page 94, Response 42.6, it is stated "Due to the exaggerated shadows in winter, and the fact that shade is more desirable in the summer, the City's shade and shadow analysis focuses on the Spring and Fall timeframes." It appears from the comments made the FEIR intended to omit the winter months and only include the Spring and Fall shadow views which was not what was requested.

To read the comments in the FEIR that shadows are exaggerated is surprising. Does the report intend that the winter shadows are not worth measuring/considering, therefore are being omitted from the FEIR?

The shadow views are noted to be in Appendix B but are incomplete as they are missing from the FEIR.

Trudi and Steve, I am compiling a list of inaccuracies, vague response comments and unanswered questions that I am finding in the FEIR. Once these questions are submitted to you, how quickly can the corrections and answers be supplied? Will there be a revision of the FEIR? Parts of the FEIR contradict other parts. It appears that part of the report was based on the former PAMP site design and other content is directed toward the modified design yet the differences are not noted.

If the FEIR is not accurate at this point, how can the Sunnyvale Planning Commissioners vote based on the responses of this report? What is the procedure?

Thank you,
Jeni Pfeiffer

Hi Trudi,

In reviewing the Planning Commission report it appears that the PAMI building has been conditioned to install obscure window treatments on the third floor exclusively. Throughout our discussions on the Friday morning 10:30am - 12:00pm meetings and emails (follow) it was understood that the 2nd floor was to be included also with obscure window treatments to protect the privacy of the residents on the north side. CARz had requested on numerous occasions view illustrations from the second floor back into the neighborhood to which they were promised to be obtained and never delivered.

The subject kept being pushed out week by week. You finally stated during our last meeting that the illustrations were not needed as the Commission would be requesting obscure window treatments for the 2nd floor as well as the third.

Where is the condition of obscure window treatments for the 2nd floor included in the Planning Commission report for PAMI?

The condition also requests that residents across the street be included in consultation regarding landscaping. Would you please add my address 547 Carroll Street to the report, specifically, as the implied "Across the Street" could be misinterpreted as my house being excluded.

Thank you,
Jeni

STEVE LYNCH

ATTACHMENT 6

Page 23 of 33

ONE SMALL POINT TO THE WORLD'S
FRIENDLIEST PLANNER!

IT IS VERY CLEAR TO ME THAT
THE MED CTR REPORT YOU UNLEASHED FROM
YOUR DEEP FILES IS NICE BUT IT IS NOT
THE MAJOR PARKING MGMT PLAN THAT
WAS APPROVED AT PUBLIC MEETINGS BEFORE
BOTH THE PLANNING COMMISSION & THE
CITY COUNCIL AT LEAST 3 OR 4 YEARS
PRIOR TO THIS LETTER FROM THE
MED CTR THAT YOU KINDLY GAVE ME.
ALL MY WRITTEN COMMENTS STILL
APPLY TO A FAR MORE COMPREHENSIVE &
FORMAL REPORT ENTITLED "MGMT PARKING PLAN".

YOUR ANCIENT FRIEND

DANN LORAIN
6/3/09

Steve Lynch - Fw: No PAMF Buckingham Place

From: Gary Bachmann
To: <slynch@ci.sunnyvale.ca.us>
Date: 6/4/2009 7:03 AM
Subject: Fw: No PAMF Buckingham Place

----- Forwarded Message -----

From: Gary Bachmann
To: planning@ci.sunnyvale.ca.us
Sent: Thursday, June 4, 2009 6:58:30 AM
Subject: No PAMF Buckingham Place

We don't want a PAMF Buckingham Place at 301 Old San Francisco Rd. A nice little PAMF building would be better. Do not remove the R2 zoning that is compatible with adjacent R0 zoning.
Your Friend and Mine, Gary Bachmann

Steve Lynch - PAMF Building to BIG1

From: Gary Bachmann
To: <slynch@ci.sunnyvale.ca.us>
Date: 6/3/2009 4:46 PM
Subject: PAMF Building to BIG1

We don't need a PAMF Taj Mahal at 301 Old San Francisco Road! We need a small PAMF building! This building should be 20 feet high, 50 feet long and 20 wide. Your Friend and Mine, Gary Bachmann

Dear council members,

My wife and I live at 515 Central Ave which is across from Ellis School and next door to St. Martin's school and church. My wife has lived every day of her life in Sunnyvale, 55 years. Her mother was born on a farm in Sunnyvale and has lived every day of her life in Sunnyvale, 83 years. I have lived in Sunnyvale the last 20 years.

As you can imagine my wife and her mother have seen many changes in Sunnyvale due to rezoning. Some good some not so good (example Town Center).

The original Sunnyvale Medical Clinic was zoned R2-O/PD to protect the surrounding neighborhood from over build and keep a balance in the neighborhood. The zoning was put in place to protect the neighborhood. In the last 50 years the neighborhood has not changed, the street sizes have not changed, the parking has not changed and the residential zoning has not changed. If all those had changed then the rezoning of 301 and 401 Old San Francisco may be appropriate.

We understand the need for a medical facility, I was a member of the Sunnyvale Clinic for 35 years, my wife had been going there since she was born and our four kids went there. The rezoning to accommodate the new proposed PAMF clinic is not fair to the residents who live in the neighborhood and does not appropriately fit in the neighborhood. If PAMF insists the clinic has to be 120,000 - 150,000 sq ft then it needs to be relocated in an area that is zoned for that usage.

We would really appreciate your vote against the rezoning of 301 and 401 Old San Francisco for the proposed PAMF project.

Thank you,

Art and Susan Coppel

>>> Nancy Tivol > 6/2/2009 9:45 AM >>>
To Planning Commissioners
RE: PAMF proposed clinic on Old San Francisco Road

Though I will be out of town on June 8, I did want to voice my very strong support of the Palo Alto Medical Foundation's plan to rebuild the clinic on Old San Francisco Road. Before I moved to Sunnyvale 35 years ago, the first referrals I got for my family were the names of highly recommended doctors, all of whom were located at the Sunnyvale Clinic (later, Camino Medical Group and now PAMF). We have continued to receive outstanding care for everything from broken bones to cancer. Though the new facility in Mountain View is wonderful, there is insufficient space to house all the doctors and services necessary to serve clinic patients and Sunnyvale residents. It would literally be tragic if Sunnyvale were not to house the PAMF, a medical clinic recognized and honored for the highest quality of service.

I do understand the concern of the immediate neighbors regarding traffic and parking. However, I think the PAMF has modified its plans in response to those concerns. I currently make many visits to the Mountain View facility, and no matter what day of the week or time of day, I have always found ample parking, and I understand that the parking ratio for the proposed Sunnyvale facility is, in fact, even higher than that in Mountain View. The clinic will only operate weekdays, not evenings or weekends. In addition, if the clinic were not constructed and PAMF sold the property, the most probable use of the land would be apartments that would be located closer to neighbors and would generate more traffic and street parking especially on nights and weekends. (I know of no apartment or condo complex that has sufficient parking especially for guests.) Furthermore, I don't think people driving to non-emergency medical appointments drive faster than people driving to and from work and school, probably quite the contrary.

From my perspective at Sunnyvale Community Services, though the facility in Mountain View is relatively close by, it is much more difficult to get to for low-income families and seniors who do not own cars. And it goes without saying, that if the facility were not built in Sunnyvale, they will probably have to travel even farther.

Finally, I understand that this project has been in the planning stages for many years. PAMF and the City have conducted many studies, and the delay will result in increased construction costs. I encourage the Planning Commission to approve the plans for the new facility which will greatly benefit at least 40% of the citizens of Sunnyvale who obtain vital medical care through PAMF.

Sincerely,

Nancy S. Tivol
848 Brookline Drive
Sunnyvale CA 94087
(Executive Director, Sunnyvale Community Services)

>>> On 4/26/2009 at 3:40 PM, Patrick Grant <s wrote:

This arrived in my mailbox and its a great idca that could go a long way to help neighborhoods. Pass this on to your neighbors and others in Sunnyvale. Use Bcc and do not forward any private email addresses.

Neighborhood Empowerment â€" Time to force it â€" April 28 Council

Are you concerned with projects that could ruin your neighborhood?

Many neighborhoods had (or could have) projects where they are left in the cold without any effective power to stop bad planning or ruin. It could be change of use of a medical center, a path adjacent to back fences, or any change in use that affects a large portion of a neighborhood. These projects could be very good, if truly done with the neighborhoods partnership. Typically though these project come up as a surprise and people are caught with the project running over the neighborhood and with it becoming a political power struggle verses working for a common solution.

Here is how to fix it so any one neighborhood is not singled out but allow good project to go forward responsibly with the neighborhood as a real partner.

First put a 12 month moratorium on any study or project working within 20 feet of 10 or more adjacent single family houses till detail of this new policy is in effect if 4/5 of the adjacent neighbors file a petition on that specific issue.

Neighborhood Buffer Empowerment policy.

On a 4/5â€™s petition of all of 10 or more adjacent property owners of single family housing abutting a change in use a they can elect a representative and alternate that would have the city vote on any change of use within 20 feet of at least 10 owners' property. Upon verification by the city clerk that representative and alternate is to receive at least 72 hours notice of all meeting an all materials, including emails, including by staff and share one vote on all joint city and planning commission meetings only on these section of that property within 20 feet of their property.

This would not apply to changes in street usage unless traffic volumes are slated to increase 20% or more, or over 70% of capacity, or parking in use will decrease by more than 33%.

Email the council on this for the April 28 meeting!

Again, pass it on for our neighborhoods.

Thanks

RECEIVED: 6/8/2009 7:41 PM

Dear Trudi and Steve,

I have the following comments:

Comments regarding the FEIR

Comment 41.1 : Request for hourly shade views for the proposed PAMI building during the Dec 21st from 7:00am - 5:00 pm as only the 9:00am and 3:00 pm views were given. Response 41.1 states in a roundabout way that the request is denied. The consultant states that the 9:00am, 12:00noon and 3:00pm shadows in DEIR Appendix 1 are adequate. It goes on to state ""Due to the exaggerated shadows in winter, and the fact that shade is more desirable in the summer, the City's shade and shadow analysis focuses on the Spring and Fall time frames." This was not a satisfactory delivery of shadow disclosures requested by me. Could you please define this response? Am I to interpret your comment to imply that the shadows themselves are difficult to see/measure accurately from the small scale of the illustrations? And the text is supportive?

If so, nevertheless, I had requested hourly views (both verbal and written) particularly during the long Dec 21 time frame of the year. The Planning Commission members nodded their heads with approval and acknowledgment that this was a reasonable request as it is not wise to "guess" where and how far the shadows fall each hour. Why weren't the requested shadows provided as requested by the citizen?

Perhaps I can provide a bit more information regarding the importance of shade/shadow views, particularly during the winter months.

The concept of Solar Home Gain is not new. Ancient civilizations such as the Pueblos of Mesa Verde built Cliff Dwellings facing south to maximize solar gain during the winter and to provide shade during the summer. They had studied the sun positioning (high during summer providing shade and low during the winter to cast sunlight and warmth into the caves). Most of the cliff dwellings were oriented to collect solar energy as a result of the positioning of their architecture.

As our world is encountering a crisis of the need to replace non-renewable resources, the value of solar technology is becoming more evident and in being utilized with solutions and alternatives to gas and electricity. Using what the ancient civilizations knew, positioning of shadows strongly affects an environmental opinion of the important and impact that shade does provide (both positively and negatively). Solar panels, Solar Home Design, Trombe Wall, etc are the new terminology for building homes and utilizing renewable resources.

It is critical to review the shadow views throughout all seasons of the year for these reasons. I had requested hourly Dec 21st views as only the 9:00am and 3:00pm views had been supplied. On page 94, Response 42.6, it is stated "Due to the exaggerated shadows in winter, and the fact that shade is more desirable in the summer, the City's shade and shadow analysis focuses on the Spring and Fall timeframes." It appears from the comments made the FEIR intended to omit the winter months and only include the Spring and Fall shadow views which was not what was requested.

To read the comments in the FEIR that shadows are exaggerated is surprising. Does the report intend that the winter shadows are not worth measuring/considering, therefore are being omitted from the FEIR?

The shadow views are noted to be in Appendix B but are incomplete as they are missing from the FEIR.

Comment 41.1: Requesting correction for the roof span of 1600 sq ft with the shadow coverage to be 9%. Response 41.1 states that consultant states "The calculation of the roof area (1,600 sq ft) accounts for the pitching in the roof. My response to that is: What is the geometry equation made for the 1600 sq ft roof, i.e., what is the degree/angle of the pitch of the roof? It is not a flat surface. What is the angle of the sun? Factoring the reflective surface square footage of the roof based on the angle of the sun, the roof reflective sq ft is less than what it would be if it were flat (north side 1/2 of pitched roof can't absorb sun). Thus, the true reflective integrity of the roof is reduced by 1/2. Who was responsible for calculating all of these elements and still measuring the roof to be 1600 square feet? Why would they summarize this equation to equal 1600 square feet? Why isn't the source cited and the equation disclosed?"

Comment 42.2: Question regarding the gross omission of traffic count at Old San Francisco Road and South Sunnyvale. Response 42.2 is weak. States that because it is an unsignalized right-in/right-out intersection there is less points of conflict. Is the public to interpret that, then, because of omission, this intersection just does not exist? The omission rationale is weak. Stating that intersections with a small number of conflicting movements continue to operate at good levels of service with increased traffic volumes does not sound like a quantitative measurement. Lisa Carboni from The Department of Transportation also requested further information regarding why this intersection was not included in the study.

New traffic counts, change of hours, accuracy appears doubtful, omission of intersection Old San Francisco Road and Sunnyvale

Page 181 Added to Section 2.3.2.1, after Diesel Particulate Matter Exposure: Underground Garage Air Ventilation System: States that the two 40-horsepower garage exhaust fans located in fan rooms is a low concentration of carbon monoxide in the garage and from the garage vents would not be enough to cause a significant local air quality impact. What, exactly, is the level of carbon monoxide emitted from these powered concentrated air vents?

Page 183 States "Assuming the shielding provided by the eight-foot noise barrier at the property line, noise levels are calculated to range from 59 to 64 dBA during

operation. The study does not include what the dBA will be across Carroll Street as there will not be a eight-foot noise barrier built on Carroll Street.

Sincerely,
Jeni Pfeiffer

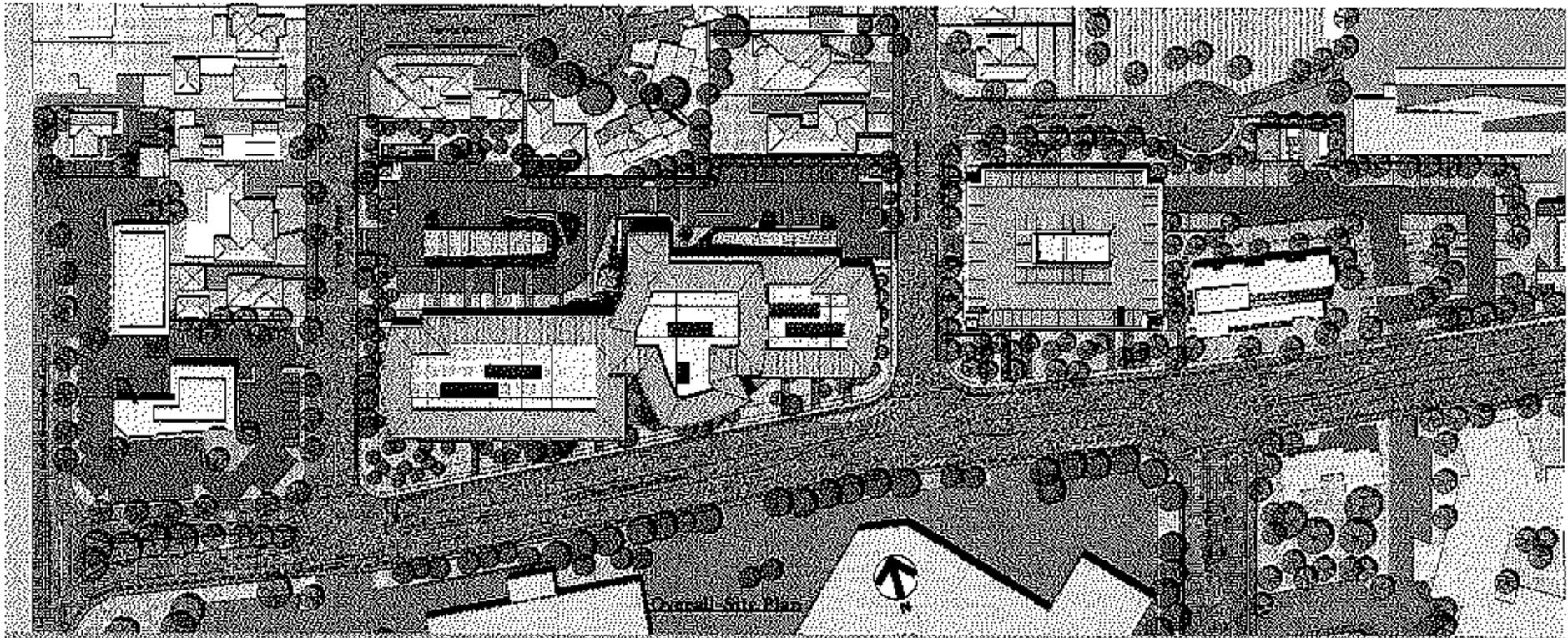
RECEIVED: 6/8/2009 7:48 PM

Dear Steve,

Thank you for taking the time to guide me to the resources to find answers to the questions that I had submitted to you. Following are the answers that I uncovered:

1. Decibel levels of the Parking lot vents for each (east and west unit): FEIR Appendix J, pg 13 states 94 dBA at 5 feet. Both are 40-horsepower garage exhaust fans. According to Table 2, 94 dBA falls within the range of Night Club with live music. There is not a buffer to the property owners across Carroll Street. This is unacceptable. Exceeds 60 dBA.
2. Carbon Monoxide level study for each Parking lot venting unit: Was not produced in the EIR report. What is the concentrated level of Carbon Monoxide venting from each parking lot vent? This is critical since it is not dispersed, it is focused. Why was this not studied?
3. Stats for Parking lot vents (distance installed from lot and street line, dimensions, etc.). Steve measured the units to be 10' x 12', same size as a small room.
4. Decibel levels for the planned diesel generator: DEIR Appendix D, page 13 states the diesel-powered generator produces about 755 horsepower. Pg 15 states the diesel-powered generator would be a permanent source of air pollution. This generator would expose nearby residences to potential increases in air pollutant levels. CARB has identified diesel particulate matter as a toxic air contaminant (TAC), due to the potential to cause cancer. The DEIR refers "Calculated generator emission re reported in Attachment 2," it does not appear to be included in the report. FEIR, Appendix J, pg 12 states 74 dBA. It goes on to state that the 8' Barrier would provide about 15 dBA of noise reduction. However, page 14 and 15 contradict this estimate, stating that a 8' Barrier would reduce the dBA by 7 to 8 dBA at adjacent residential properties.
5. Stats for generator installation (distance from lot and street line) Appears to be in the "Equipment Enclosure" 25' from Jarvis Court fence and 22 - 23' from Carroll Street. What other equipment is in the "Equipment Enclosure" area?
6. Odor study for generator: Can't locate Attachment 2 in DEIR. Steve stated that he would ask the consultant to provide this.
7. View study from the interior of the proposed PAMI' building from the 2nd and 3rd floors back onto the east, north and west views of Carroll, Jarvis, Bayview and Kenny Court. N/A

Sincerely,
Jeni Pfeiffer



Overall Site Plan

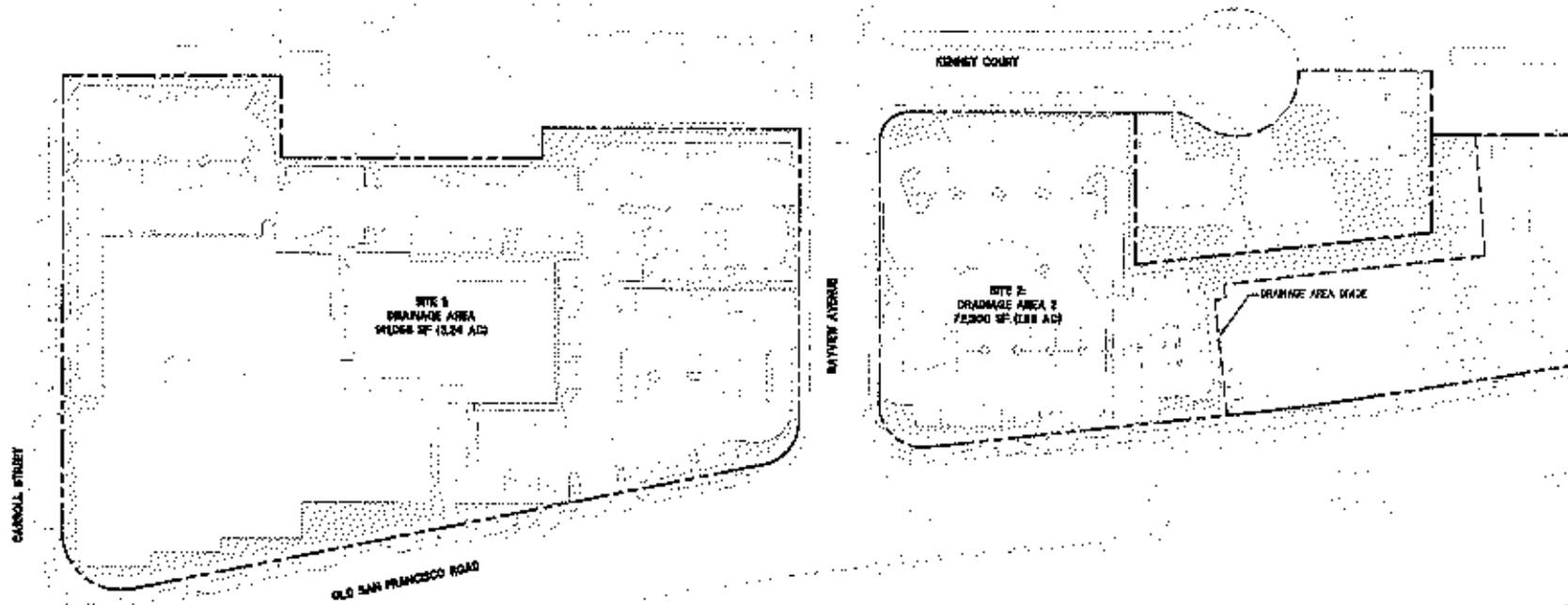
1. All existing structures shown on this plan are to be demolished and replaced with new structures as shown on the attached drawings.

2. The proposed structures are shown on this plan as shown on the attached drawings. The existing structures are shown on this plan as shown on the attached drawings.

3. The proposed structures are shown on this plan as shown on the attached drawings. The existing structures are shown on this plan as shown on the attached drawings.



Overall South Elevation



LEGEND

-  PERVIOUS AREA
-  PROPERTY LINE



 Palo Alto Medical Foundation
Camino Division

SITE 1

AREA SUMMARY

DRAINAGE AREA	141,058 SF (3.24 AC)
PERVIOUS AREA	10,502 SF (0.24 AC)
IMPERVIOUS AREA	130,556 SF (2.99 AC)

WEIGHTED C FACTOR

C (IMPERVIOUS)	= 0.80
C (PERVIOUS)	= 0.30
C (WEIGHTED)	= 0.62

10-YEAR PEAK FLOW (CFS @ 10 MPH)

C (IMPERVIOUS)	C (PERVIOUS)	C (WEIGHTED)	AREA
0.80	0.30	0.62	130,556 SF
0.80	0.30	0.62	10,502 SF
1.42 AC (14,106 SF)			

SITE 2

AREA SUMMARY

DRAINAGE AREA	72,500 SF (1.66 AC)
PERVIOUS AREA	16,401 SF (0.38 AC)
IMPERVIOUS AREA	56,099 SF (1.28 AC)

WEIGHTED C FACTOR

C (IMPERVIOUS)	= 0.80
C (PERVIOUS)	= 0.30
C (WEIGHTED)	= 0.75

10-YEAR PEAK FLOW (CFS @ 10 MPH)

C (IMPERVIOUS)	C (PERVIOUS)	C (WEIGHTED)	AREA
0.80	0.30	0.75	56,099 SF
0.80	0.30	0.75	16,401 SF
1.66 AC (16,200 SF)			

ATTACHMENT H
 Page 3 of 20

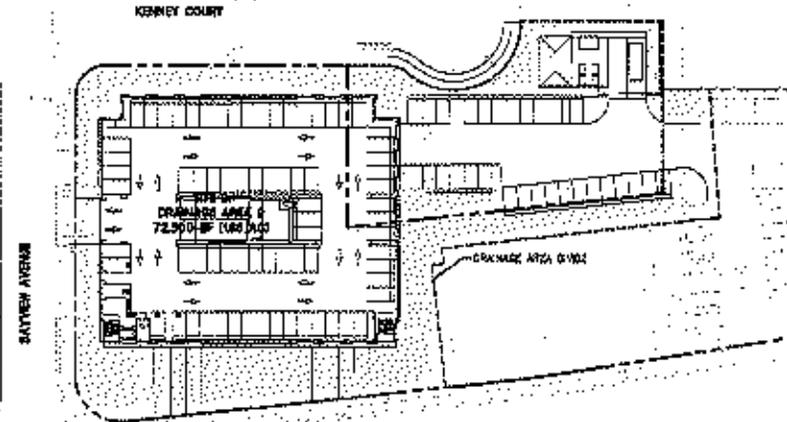
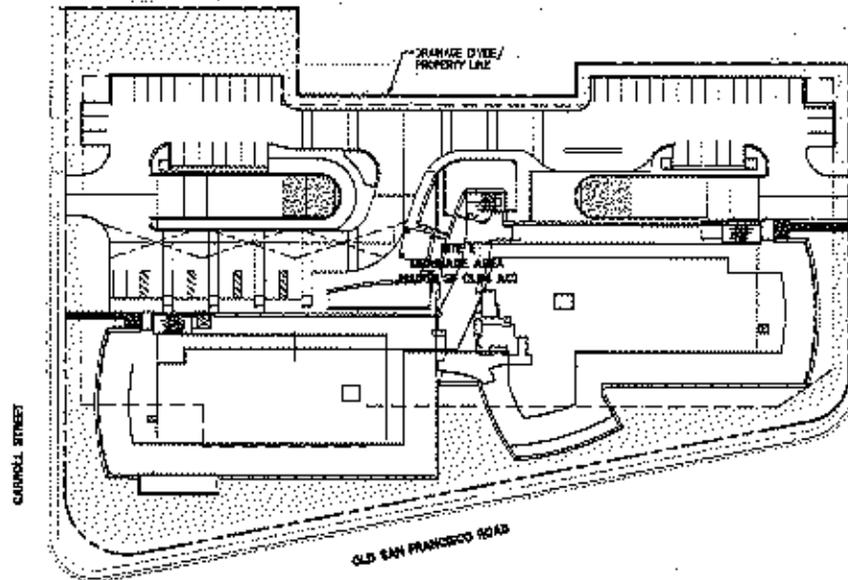


Sunnyvale Medical Office Building
Existing Pervious/Impervious Plan

N.T.S.
04.27.89



HAWLEY PETERSON & SNYDER
ARCHITECTS



SIDE 1

AREA SUMMARY

DRAINAGE AREA	141,000 SF (3.24 AC)
PERVIOUS AREA	24,294 SF (0.55 AC)
IMPERVIOUS AREA	116,706 SF (2.69 AC)

WEIGHTING FACTOR

C (PERVIOUS) = 0.80

C (IMPERVIOUS) = 0.20

C (IMPERVIOUS) = 0.70

10-YEAR PEAK FLOW (C₁₀) = 10 MPH

DRAINAGE AREA	C (WEIGHTED)	L (C/AREA)	AREA
24,294 SF	0.70	1.47	3.24 AC (141,000 SF)

SIDE 2

AREA SUMMARY

DRAINAGE AREA	72,300 SF (1.63 AC)
PERVIOUS AREA	24,294 SF (0.55 AC)
IMPERVIOUS AREA	48,206 SF (1.11 AC)

WEIGHTING FACTOR

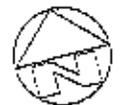
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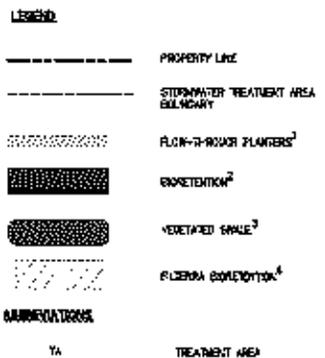
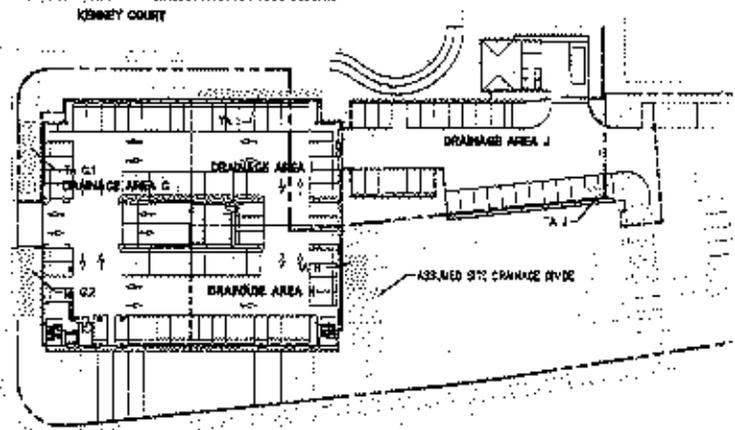
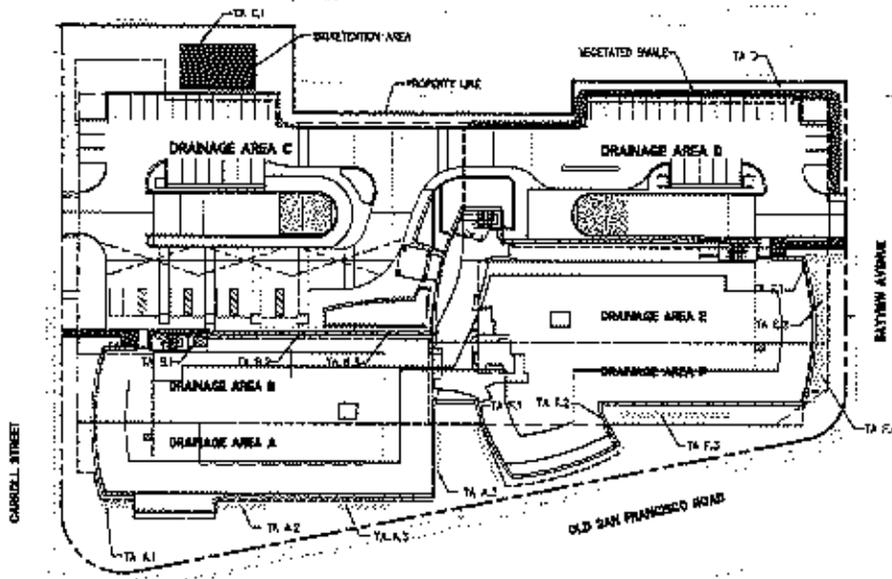
C (IMPERVIOUS) = 0.20

C (IMPERVIOUS) = 0.70

10-YEAR PEAK FLOW (C₁₀) = 10 MPH

DRAINAGE AREA	C (WEIGHTED)	L (C/AREA)	AREA
24,294 SF	0.70	1.47	1.63 AC (72,300 SF)





Drainage Area J	Area (SF)	Required Treatment Area (SF)	BMP Type
A	11,846	474	Planter
B	11,885	480	Planter
C	37,885	1,465	Bio-retention
D	25,598	823	Vegetated Swale
E	18,304	681	Planter
F	13,917	637	Planter
G	15,360	637	Planter
H	2683	346	Planter
I	2772	311	Planter
J	18860	0 SF FILTERS	"FILTERS"

NOTES

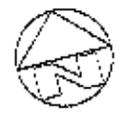
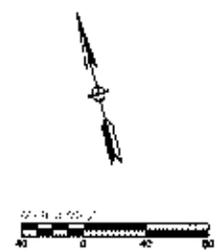
* BMP'S CHOSEN FROM TABLE D-1-1 SUMMARY OF POST-CONSTRUCTION BMP TYPES AND SIZING METHODS, CITY OF SUNNYVALE STORMWATER BMP GUIDANCE MANUAL.
 ** RAINFALL INTENSITY BASED ON 1 = 0.2 IN/H.R. SOURCE: CITY OF SUNNYVALE STORMWATER BMP GUIDANCE MANUAL-FLOW METHOD & UNIFORM INTENSITY APPROACH

1. FLOOD-THROUGH PLANTERS
 BMP SOURCE: SCS/URPP
 BMP DESCRIPTION AND CATEGORY FOR INFILTRATION: CATEGORY C, TABLE E.1 (SUN.MPPP)
 TREATMENT AREA: 50% IMPERVIOUS
 INFILTRATION RATE = 5 IN/H-R
 RAINFALL INTENSITY (0.2 IN/H-R) + INFILTRATION RATE (5 IN/H-R) = 0.24
 TREATMENT AREA: IMPERVIOUS AREA X 0.04

2. BIO-RETENTION
 BMP SOURCE: CDMOP
 BMP DESCRIPTION AND CATEGORY FOR INFILTRATION: CATEGORY B, TABLE E.1 (SUN.MPPP)
 TREATMENT AREA: 50% IMPERVIOUS
 INFILTRATION RATE = 0 IN/H-R
 RAINFALL INTENSITY (0.2 IN/H-R) + INFILTRATION RATE (0 IN/H-R) = 0.24
 TREATMENT AREA: IMPERVIOUS AREA X 0.04

3. VEGETATED SWALE
 BMP SOURCE: CDMOP
 BMP DESCRIPTION AND CATEGORY FOR INFILTRATION: CATEGORY B, TABLE E.1 (SUN.MPPP)
 TREATMENT AREA: 50% IMPERVIOUS
 INFILTRATION RATE = 0 IN/H-R
 RAINFALL INTENSITY (0.2 IN/H-R) + INFILTRATION RATE (0 IN/H-R) = 0.04
 TREATMENT AREA: IMPERVIOUS AREA X 0.04

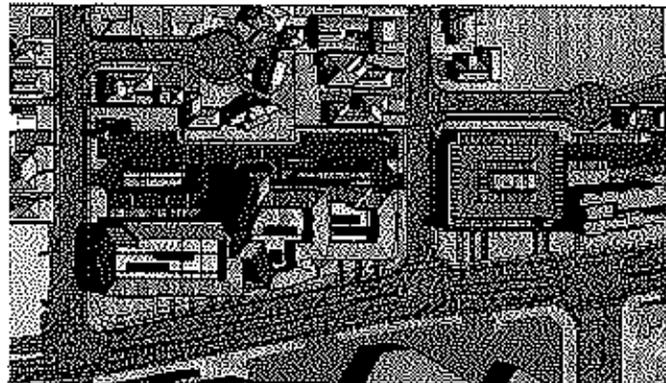
4. FLORIDA STORMWATER BIORETENTION FILTRATION SYSTEM
 BMP SOURCE: CDMOP
 IMPERVIOUS AREA = 18860 SF (0.26 AC)
 FILTERS SIZE: 30X4, 19X4'S 244 AC
 (SEE ATTACHED FLORIDA DIVISION WWW.FLORIDA.COM)



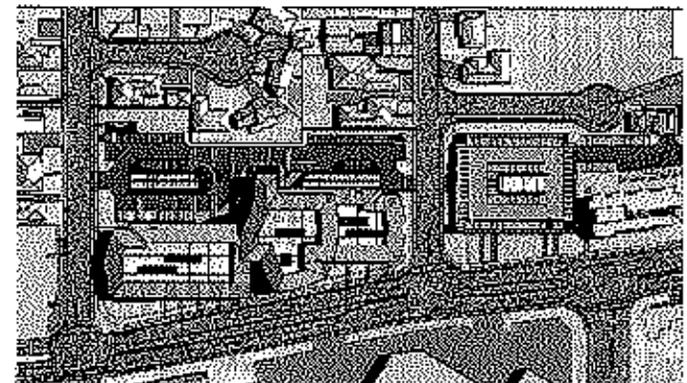
ATTACHMENT H
 Page 5 of 20



December 21st 9:00 am



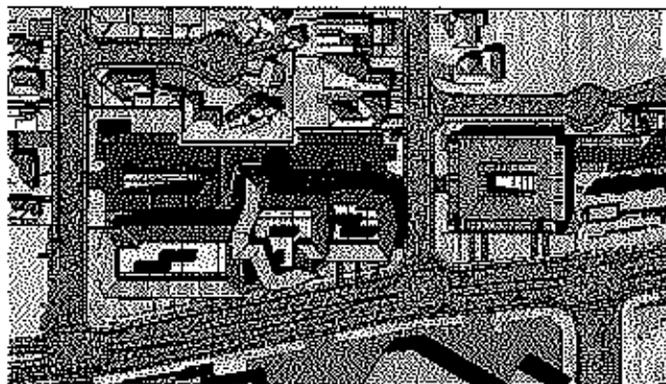
September & March 21st 9:00 am



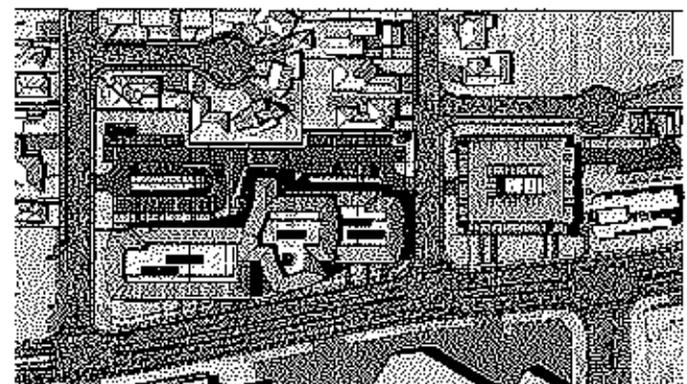
June 21st 9:00 am



December 21st 4:00 pm

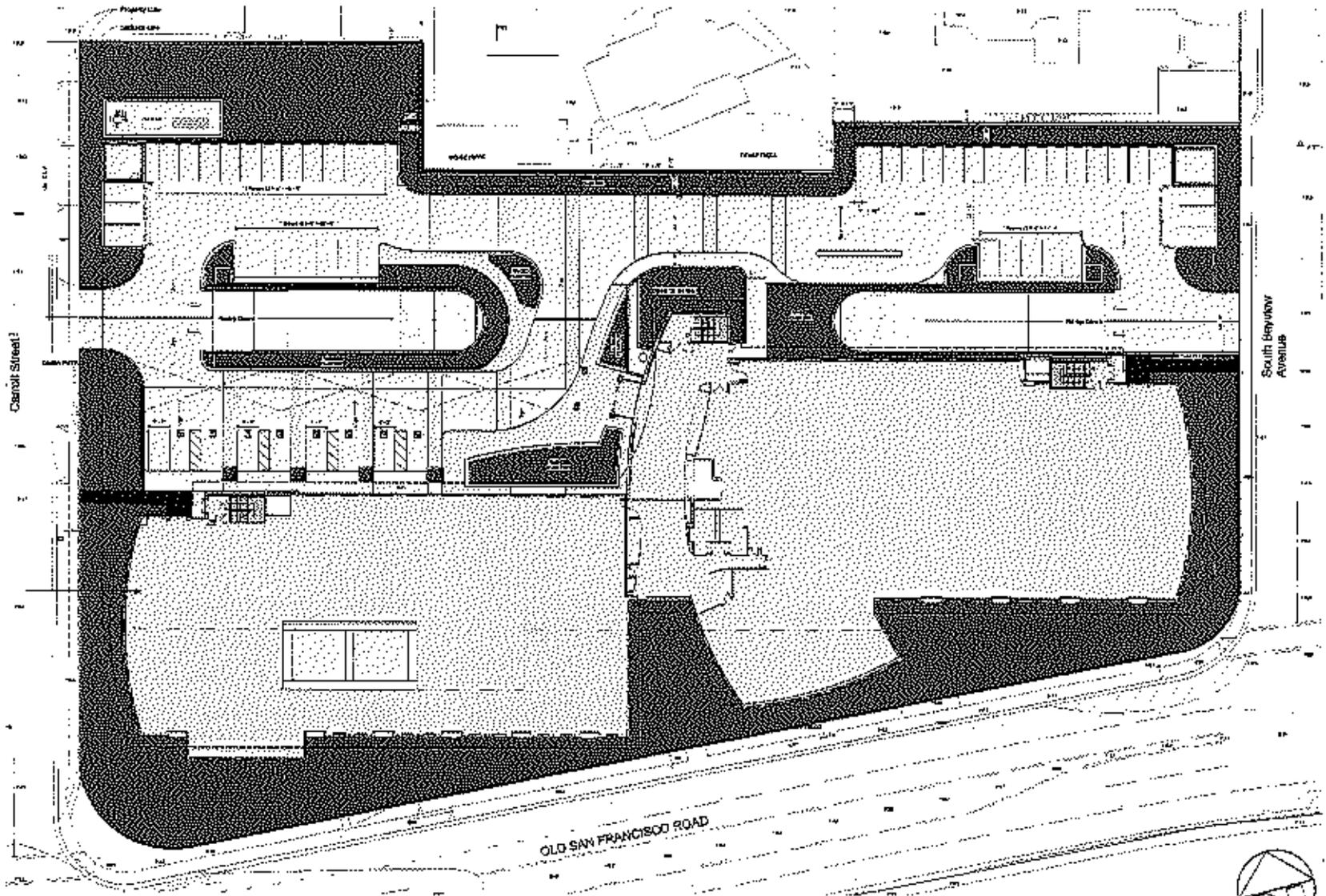


September & March 21st 4:00 pm



June 21st 4:00 pm



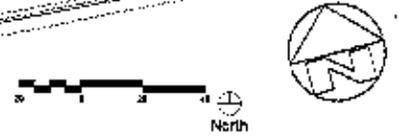


ATTACHMENT H
 Page 7 of 20

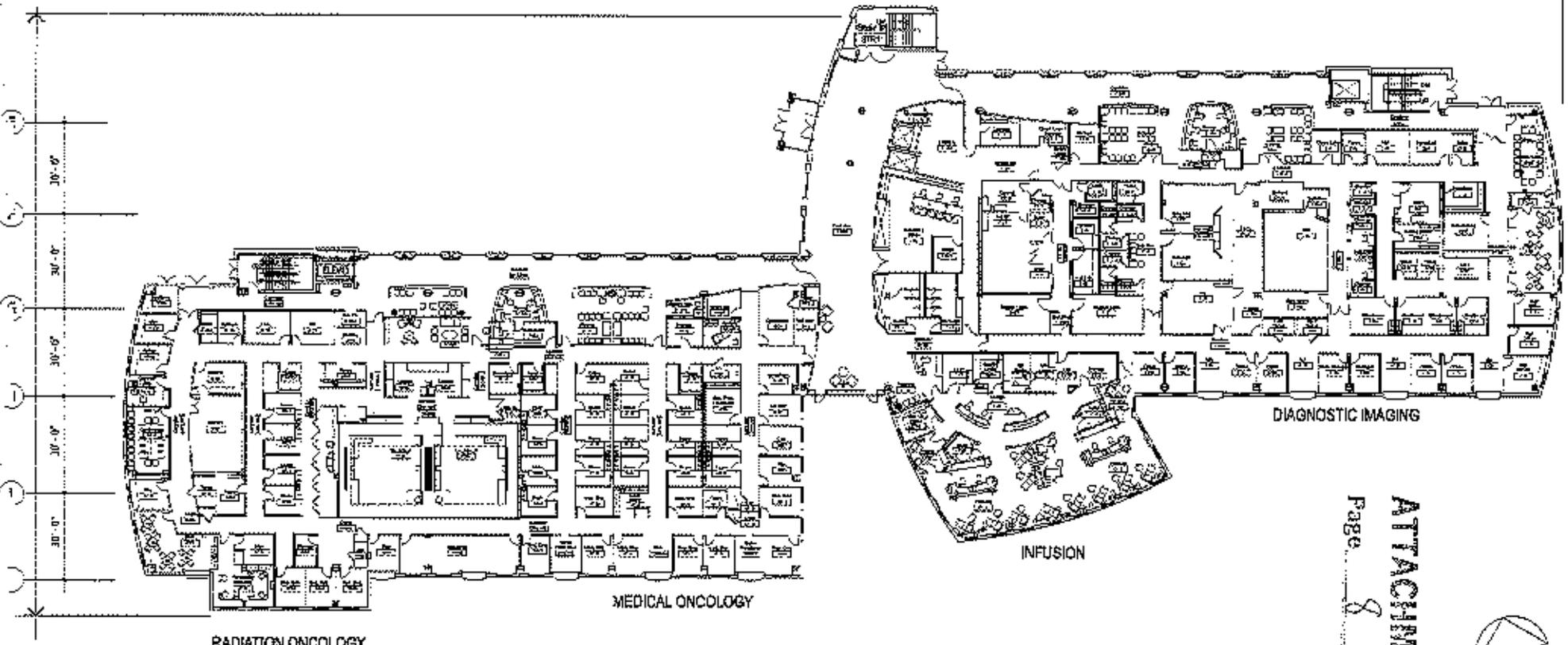
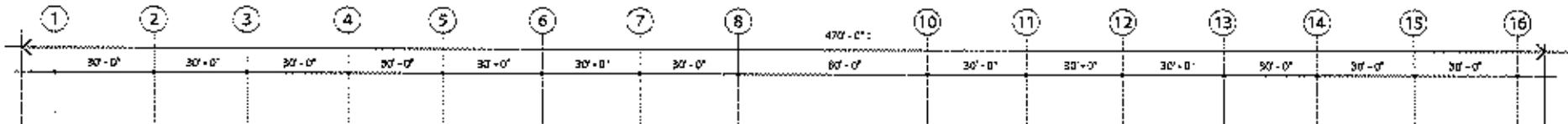
 Palo Alto Medical Foundation
 Camino Division

Sunnyvale Medical Office Building
 301 Old San Francisco Road Dimensioned Site Plan

1" = 38'
 04.27.09



HAWLEY PETERSON & SNYDER
 ARCHITECTS



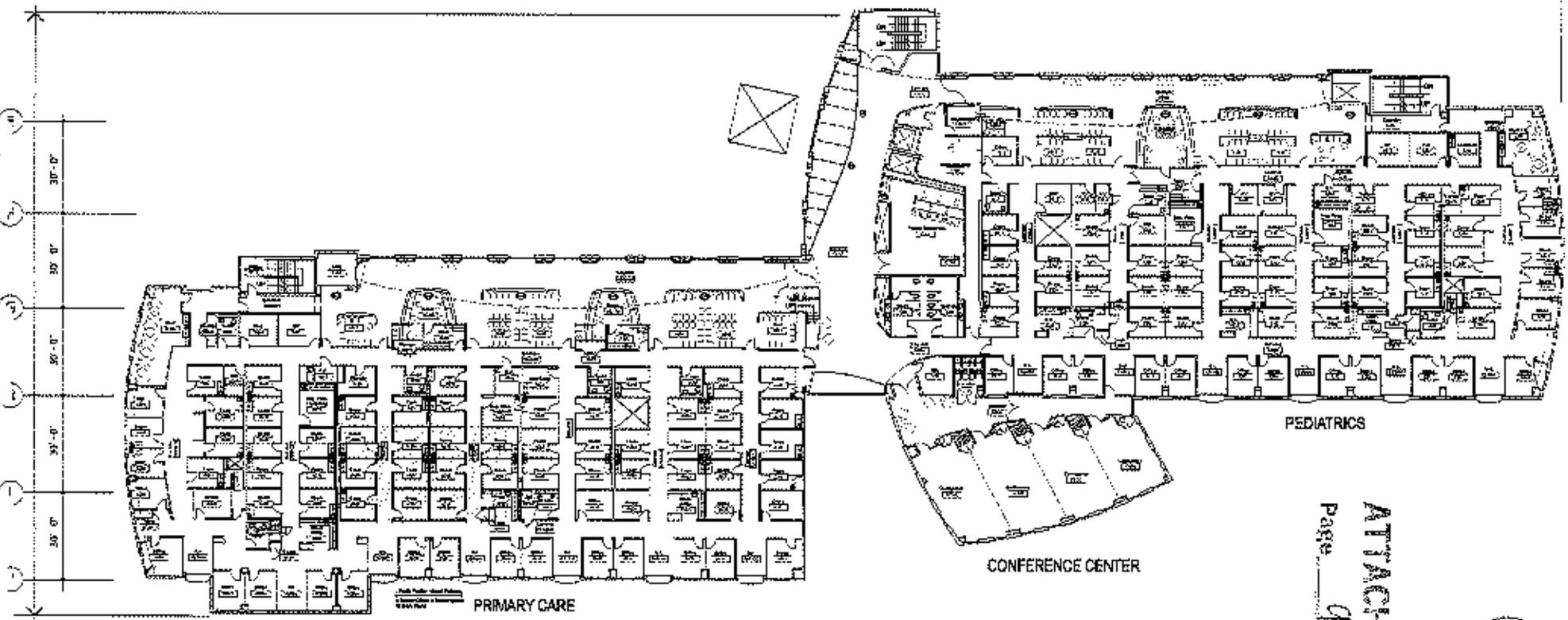
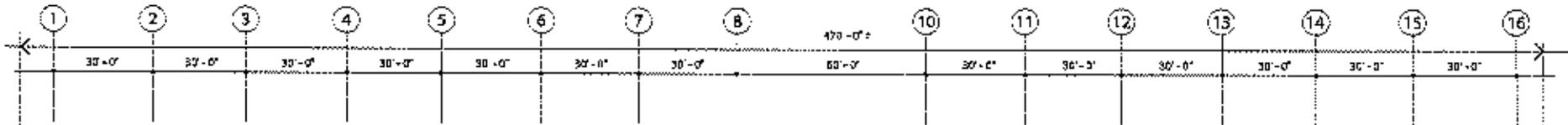
RADIATION ONCOLOGY

MEDICAL ONCOLOGY

INFUSION

DIAGNOSTIC IMAGING





 Palo Alto Medical Foundation
Camino Division

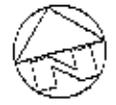
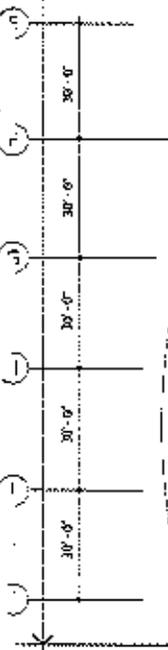
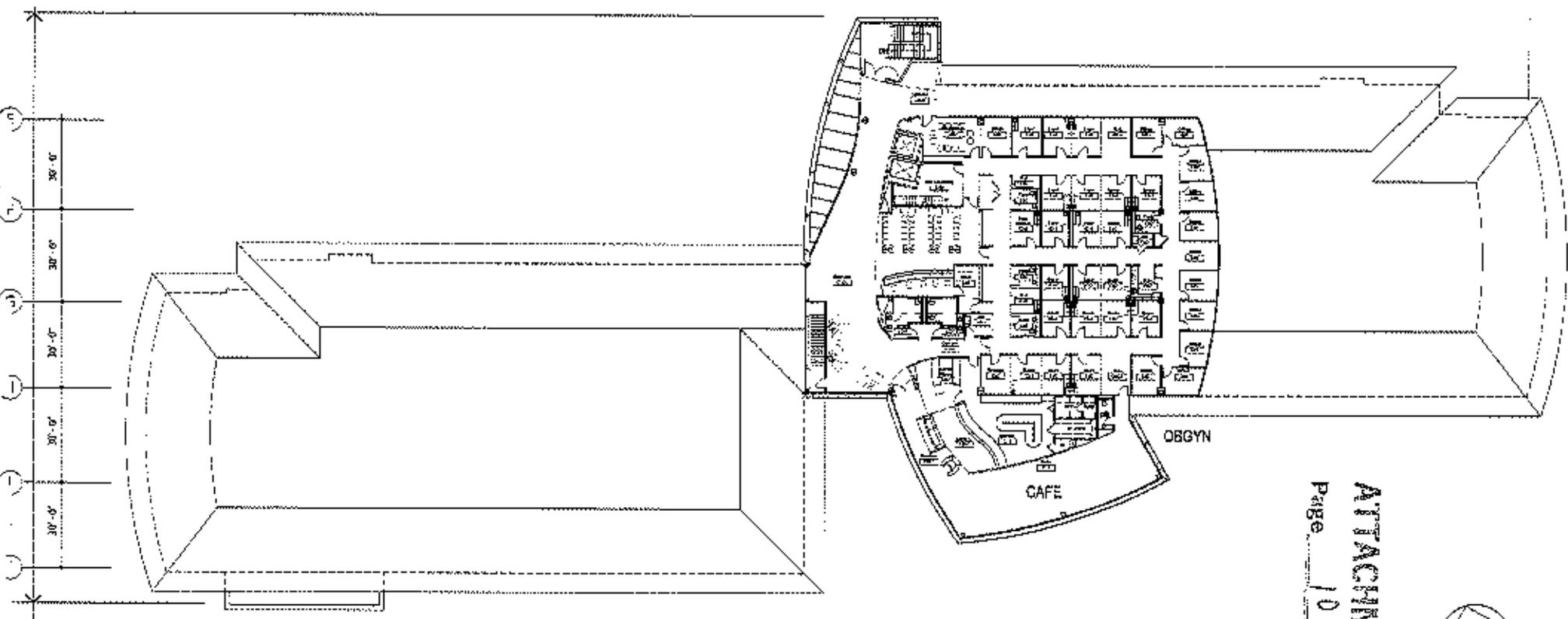
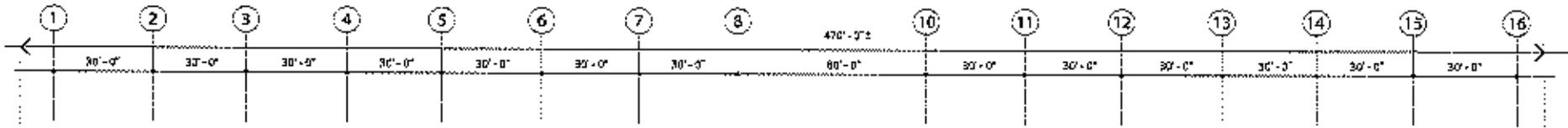
Sunnyvale Medical Office Building
Second Floor Plan

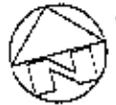
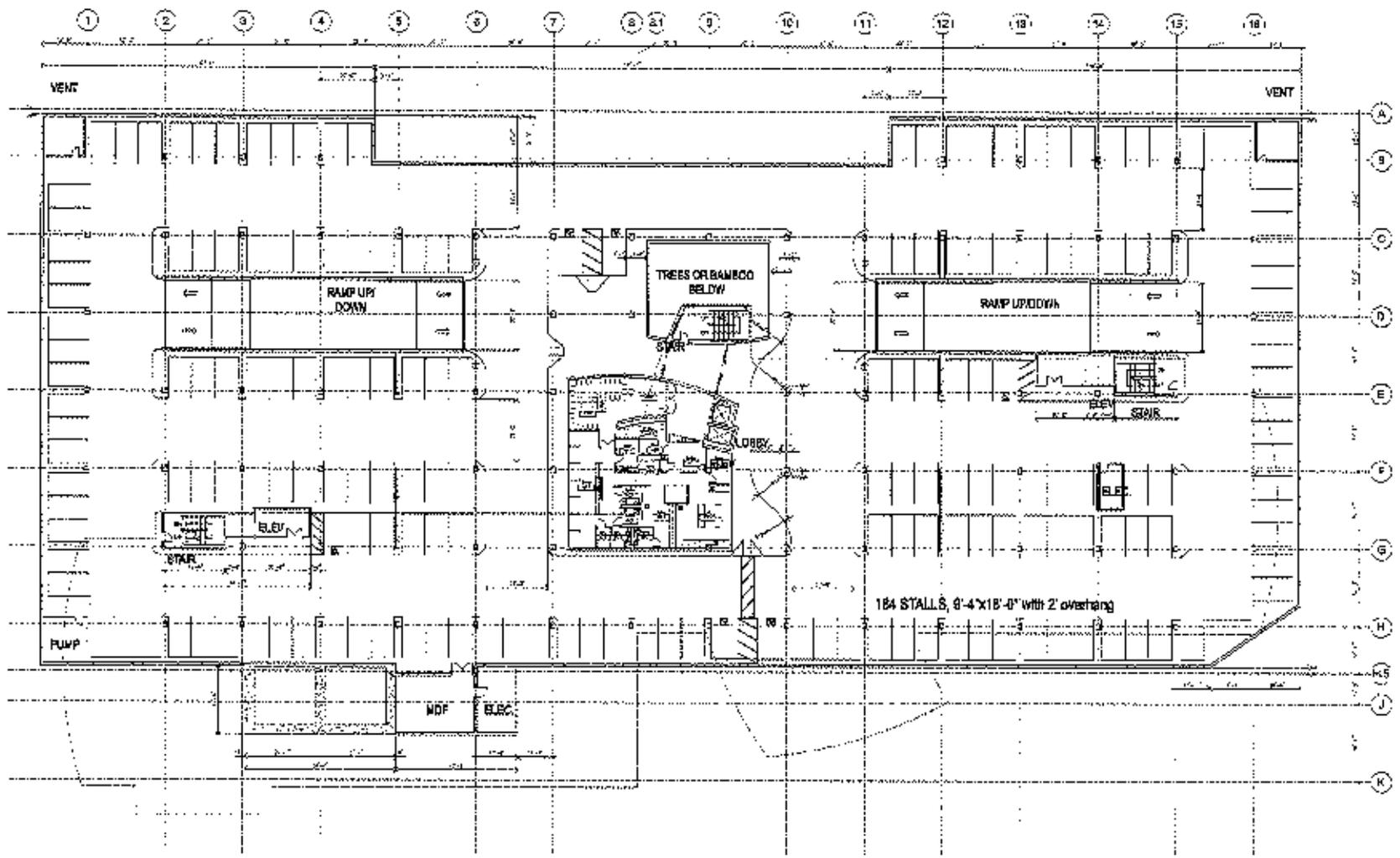
1" = 16'
64.27.09

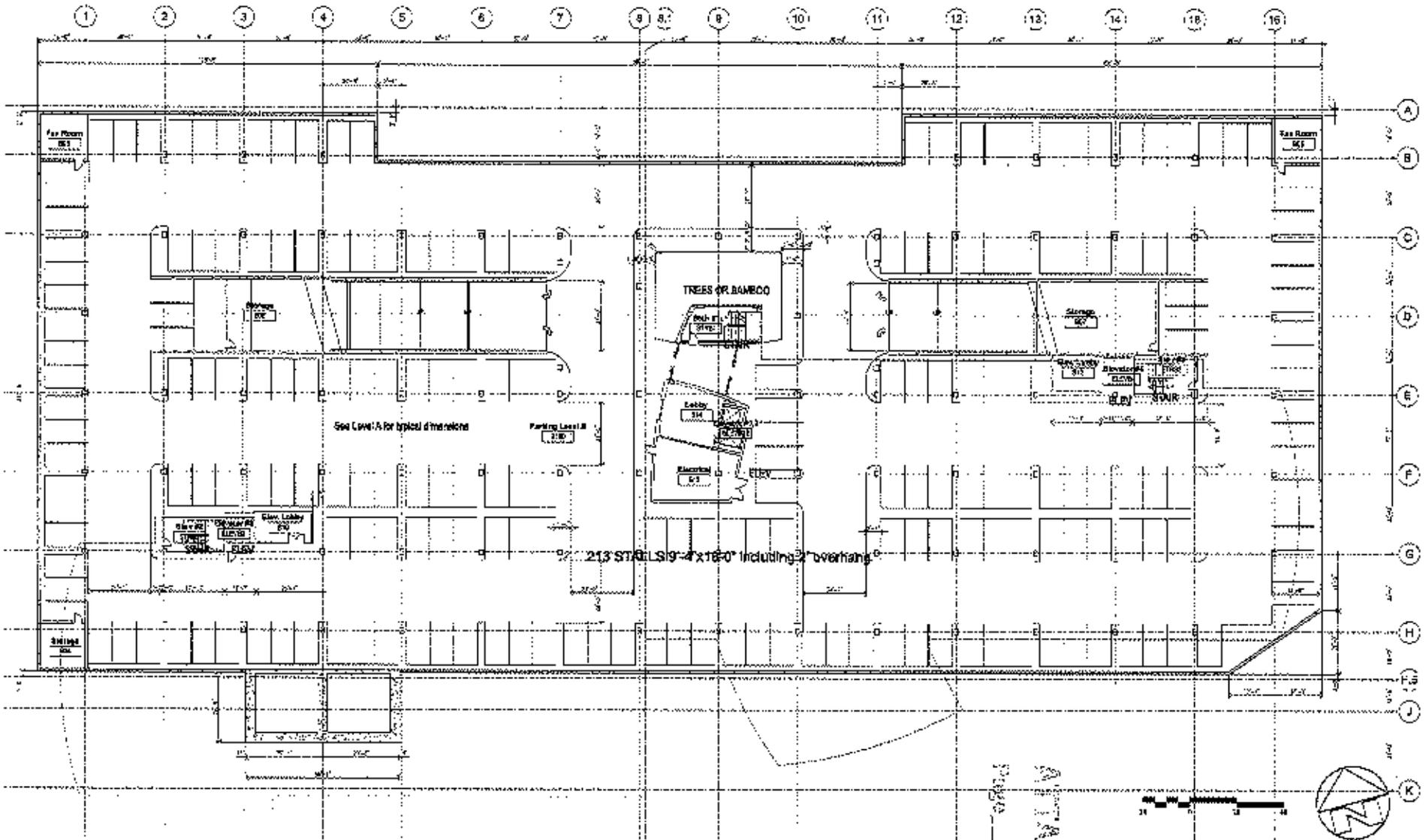
ATTACHMENT H
Page 9 of 20

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ARCHITECTS



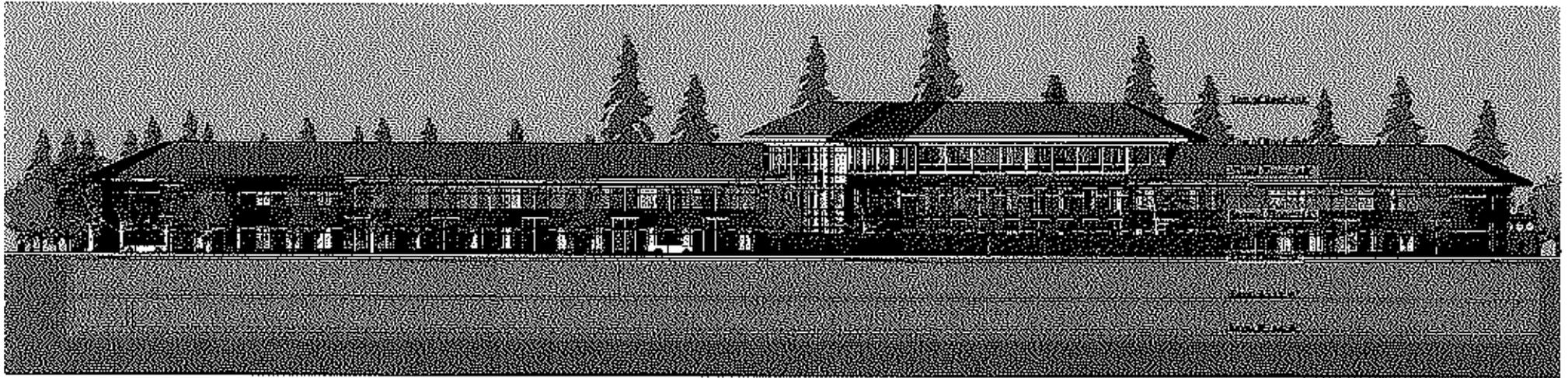




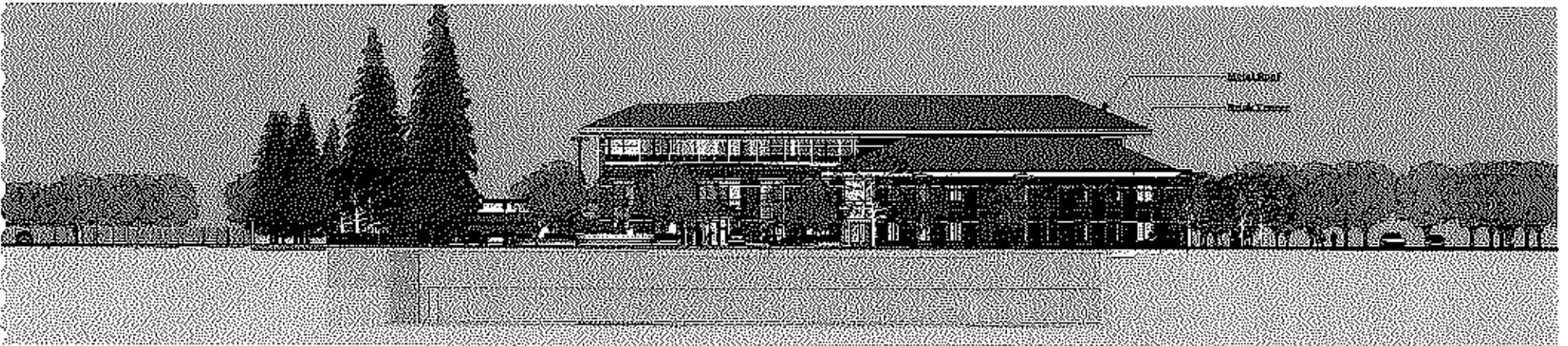


ATTACHMENT H
Page 12 of 20

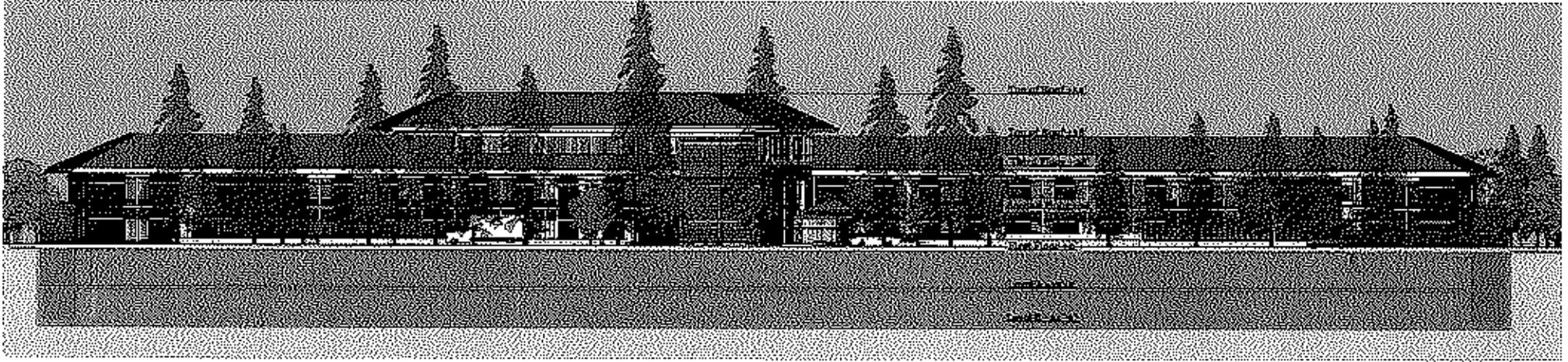




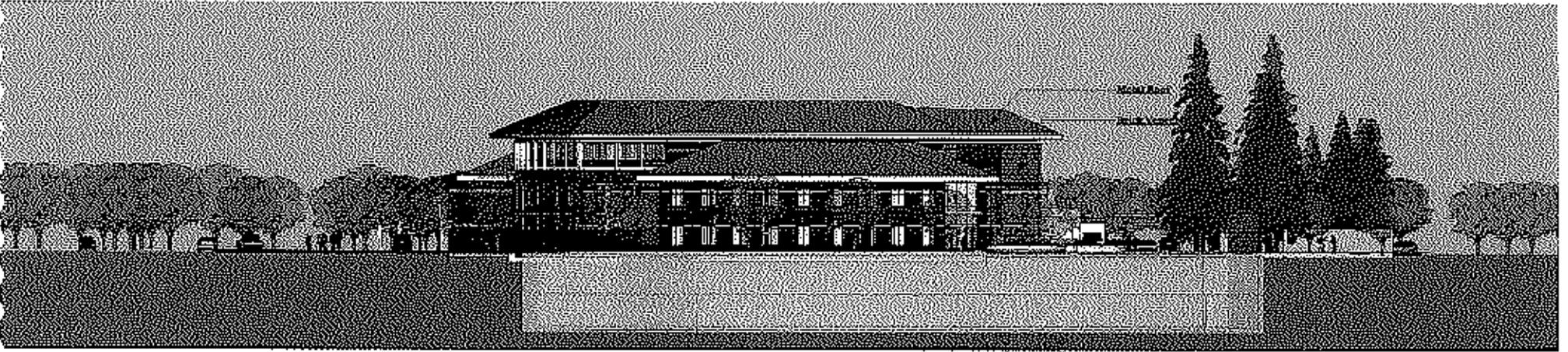
South Elevation



West Elevation



North Elevation



East Elevation

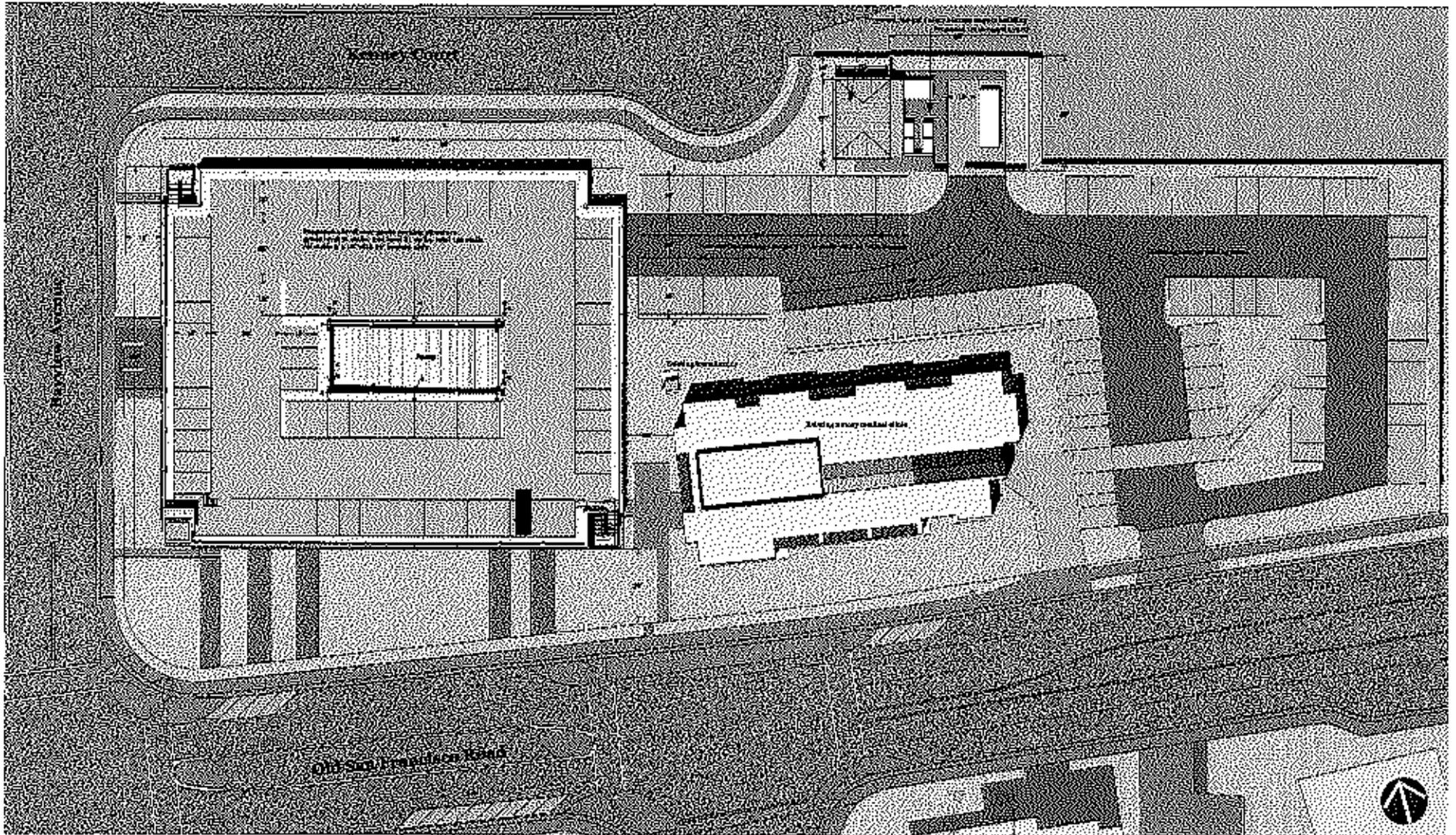
 Palo Alto Medical Foundation
Camino Division

Sunnyvale Medical Office Building

1"=16'-0"
04.27.09

ATTACHMENT H
14 of 20

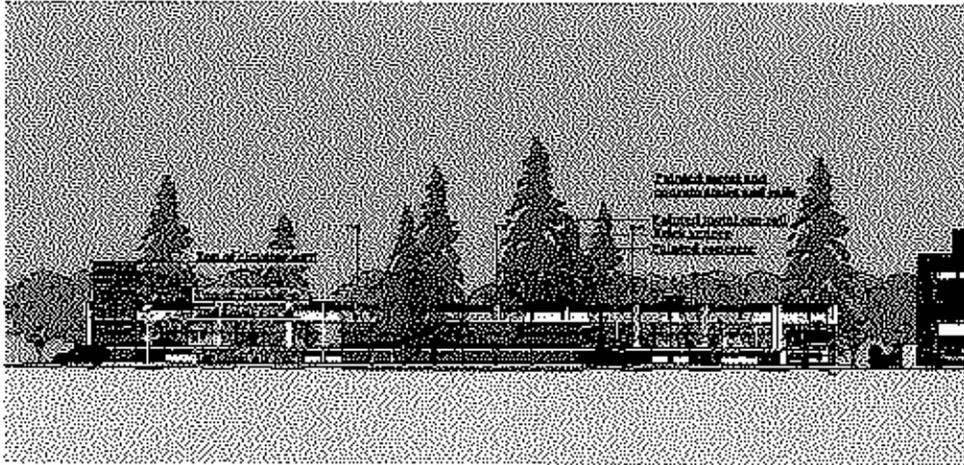
HAWLEY PETERSON & SNYDER
ARCHITECTS



**401 Old San Francisco Road Site Plan
Sunnyvale Medical Office Building**

1"=20'-0"
04.27.09

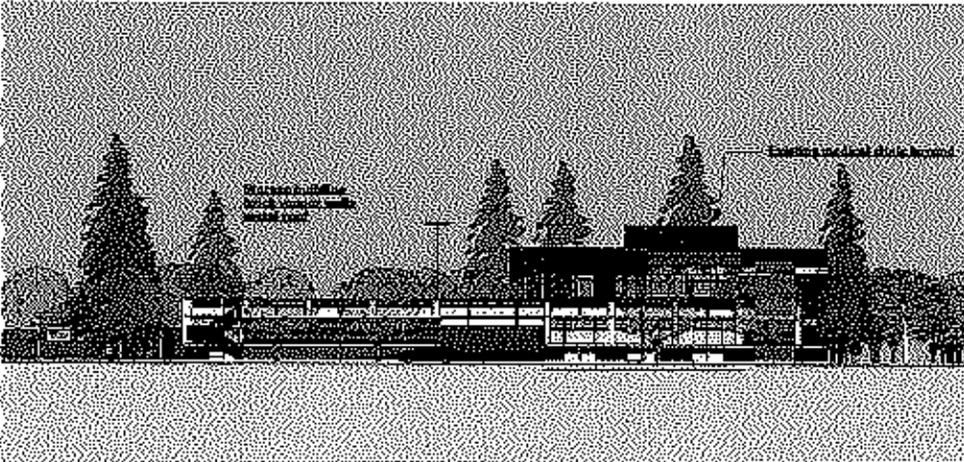
15 of 20
ATTACHMENT H



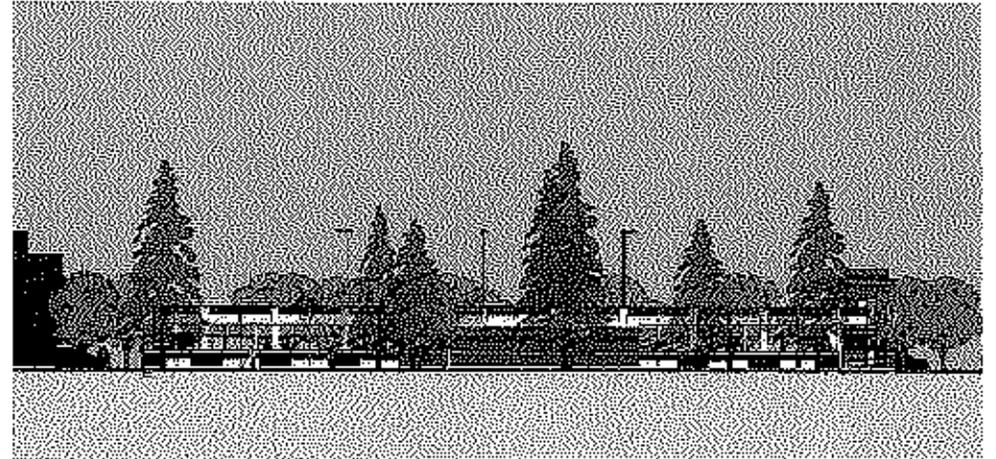
South Elevation



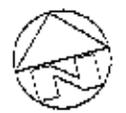
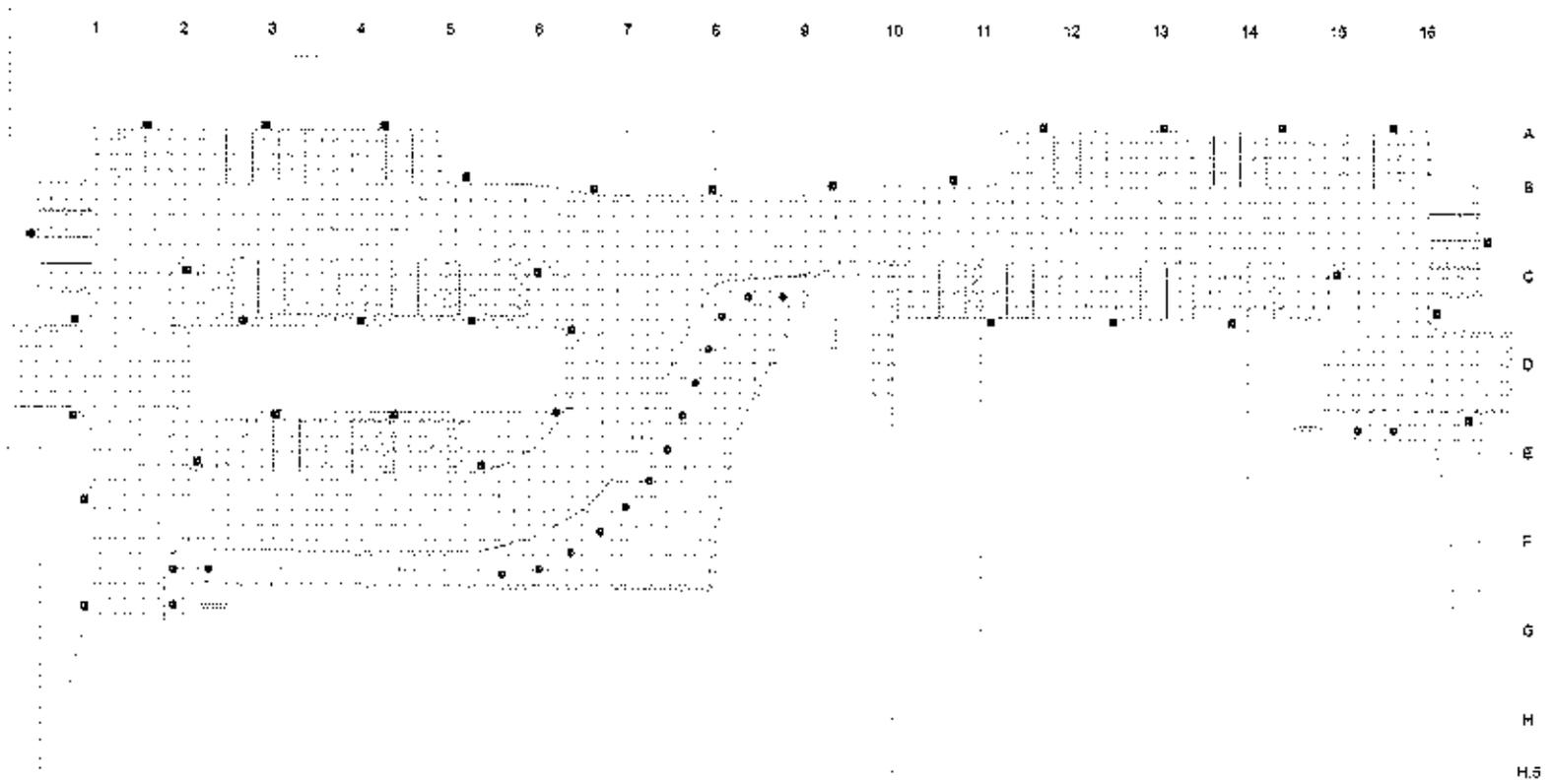
East Elevation



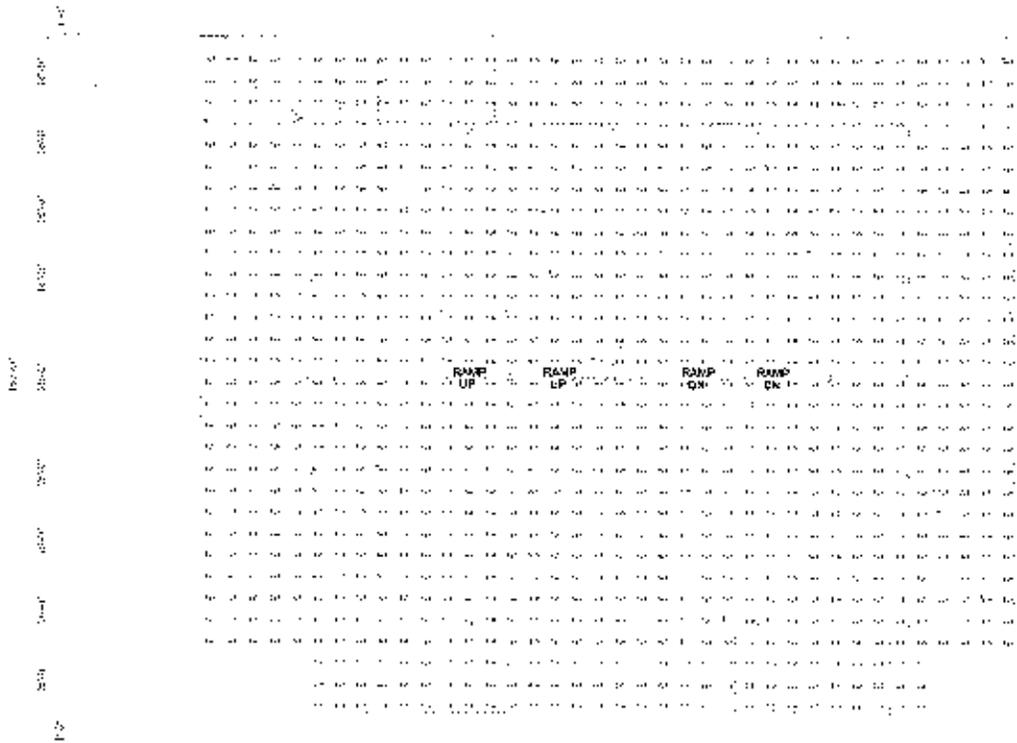
West Elevation



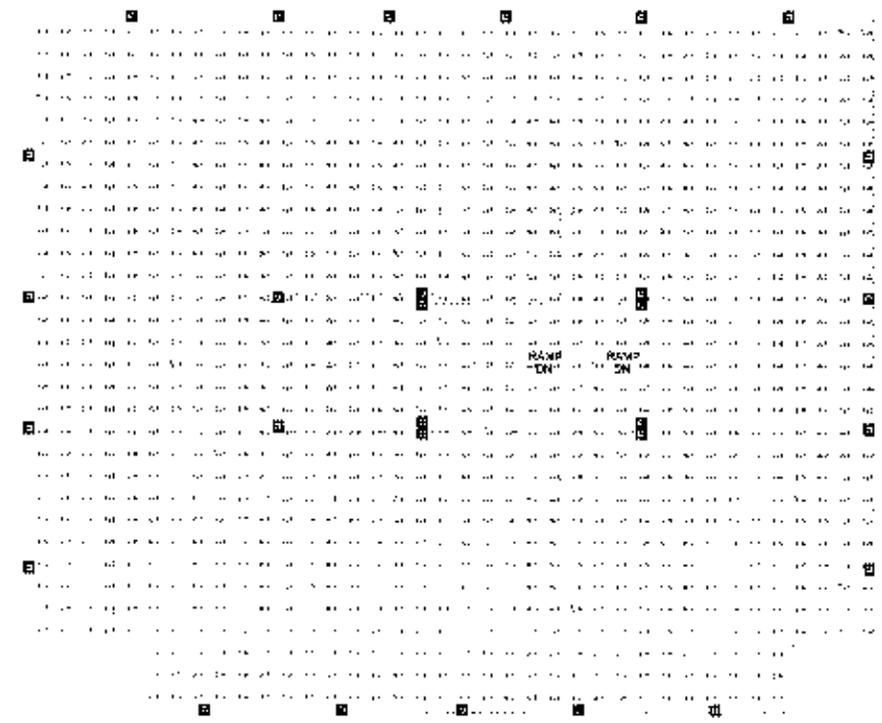
North Elevation



100' 110' 120' 130' 140' 150' 160' 170' 180' 190' 200'



GROUND LEVEL

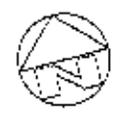


UPPER LEVEL

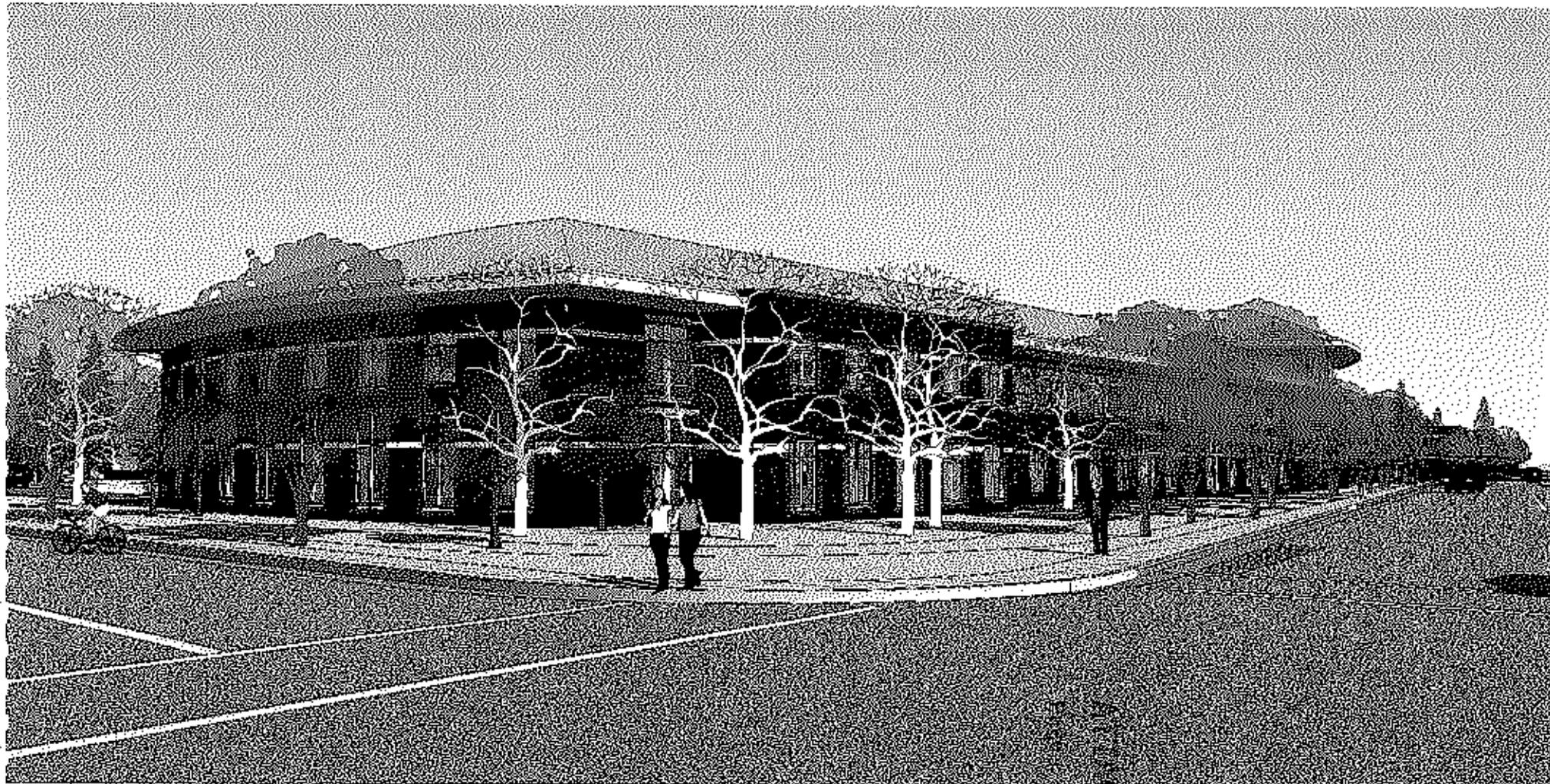


Sunnyvale Medical Office Building
Parking Structure Photometric
 N.T.S.
 04.27.89

ATTACHMENT H
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HAWLEY PETERSON & SNYDER
 ARCHITECTS



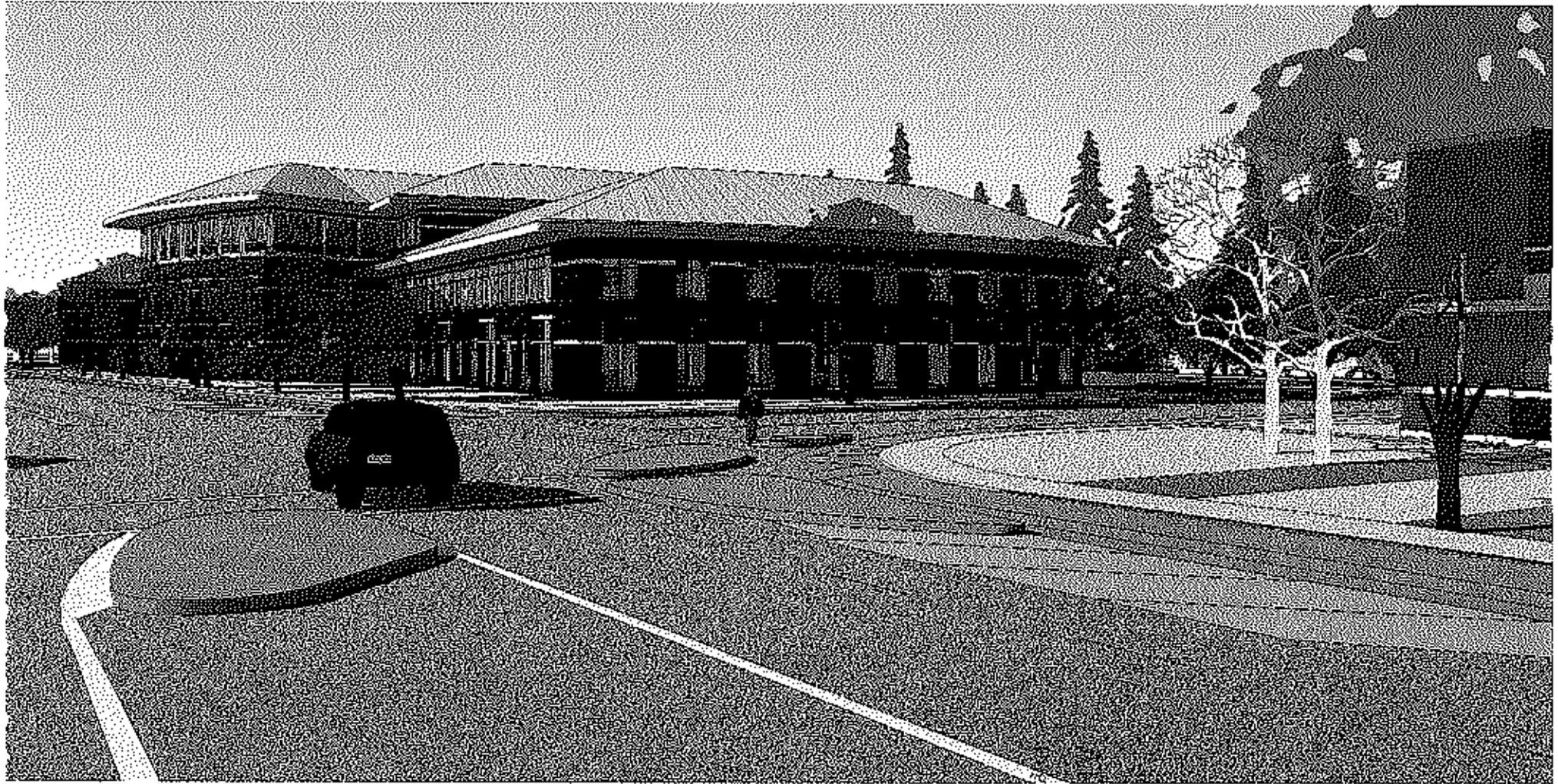
Carroll and Old San Francisco Road View
Sunnyvale Medical Office Building

04.27.09

 *Palo Alto Medical Foundation*
Camino Division

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SUNNYVALE
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HAWLEY PETERSON & SNYDER
ARCHITECTS



Bayview and Old San Francisco Road View
Sunnyvale Medical Office Building

04.27.09

ATTACHMENT H
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 Palo Alto Medical Foundation
Camino Division

HAWLEY PETERSON & SNYDER
ARCHITECTS

RESOLUTION NO. _____**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE PALO ALTO MEDICAL FOUNDATION MEDICAL CLINIC PROJECT, MAKING RELATED FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

SECTION 1. BACKGROUND AND PROJECT DESCRIPTION.

A. The following findings are hereby adopted by the City Council of the City of Sunnyvale ("City Council") to comply with the requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.), and Sections 15091, 15092, 15093, and 15162 of the CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). These findings are made relative to the conclusions of the City Council for the Palo Alto Medical Foundation Medical Clinic Project Environmental Impact Report (State Clearinghouse No. 2007022024) (the "EIR"), which includes the Draft Environmental Impact Report ("Draft EIR"), Public Comments, and Responses to Comments. The EIR for the Project consists of the DEIR dated January, 2009 and the FEIR dated May, 2009 (Responses to Comments Document). These documents are collectively referred to as the "EIR" in this resolution. The EIR addresses the environmental impacts of the implementation of the proposed Project and is incorporated herein by reference.

B. Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program for the Project, which is the responsibility of the City, thereby ensuring that the Palo Alto Medical Foundation Medical Clinic project (the "Project") will have no significant adverse environmental impacts, except as noted herein.

C. The City of Sunnyvale (the "City") is lead agency for the Project under the California Environmental Quality Act ("CEQA"), Public Resources Code 21067 as it has the principal responsibility to carry out and approve the Project, which may have a significant impact upon the environment.

D. Based upon review and consideration of the information contained therein, the City Council hereby certifies that the EIR was completed in compliance with CEQA and reflects the City of Sunnyvale's independent judgment and analysis. The City Council has considered evidence and arguments presented during consideration of the Project and the EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth below, the City Council certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

E. The City Council hereby finds, determines, and declares that no significant new information has been added to the EIR so as to warrant recirculation of all or a portion of the EIR.

SECTION 2. PROJECT INFORMATION.

A. Project Objectives. The project applicant's stated objectives for the project¹ are:

1. To replace an aging building that did not meet minimum functional requirements for the medical practice utilizing the building. Rehabilitation of the building was considered and found impractical due to basic short comings of the building's mechanical, electrical, plumbing system and overall size limitations;
2. The basic medical demands of the community indicated that a building in the 200,000 s.f. range was in fact needed but due to the size limitations of the site was deemed impractical and the 120,000 square foot alternative was found to be the smallest financially viable model practical to consider;
3. To construct a 120,000 square foot state-of-the-art medical campus combining Primary Care services (Pediatrics, Family and Internal Medicine), Obstetrics and Gynecology, Diagnostic Imaging, a Vision Care Center, and a destination Cancer Care Center to serve the residents of the Sunnyvale area;
4. To provide a medical office building that will enhance the daily interactions between various medical specialties in order to better meet the complete medical needs of patients;
5. To create a friendly, positive, non-threatening environment for patients;
6. To ensure that the facility is a clinically safe environment by providing the latest best practices in design including optimal department adjacencies that promote successful patient interactions with the patients and their medical providers;
7. To ensure that the facility is designed with patient safety as the highest priority;
8. To ensure sufficient design flexibility to be able to adapt to changes in medical technology, and changes in health care delivery practices;
9. To ensure that the medical campus is sensitive to the neighborhood and the surrounding environment and is also sized to meet the growing medical needs of the community;
10. To provide adequate and convenient parking for patients, employees, and visitors, with specific sensitivity to the needs of elderly, limited mobility, and ill patients, who may be unable to walk long distances and need front door access;
11. To provide generous parking accommodations in order to avoid any impact on neighborhood street parking;
12. To provide health education services to the community.
13. To provide employment to health care and other necessary workers.

¹ John Hofm, Project Manager, Sutter Health. Email communication re: Project Objectives. October 28, 2008.

B. Project Description. The proposed project would allow for the demolition of one existing medical office building, a surface parking lot, and three single-family residences on the project site, and for the construction of a 120,000 square foot medical office building with two levels of underground parking and surrounding surface parking, and a two-level parking garage on-site. The project specifically proposes the following:

1) Rezone 301 and 401 South San Francisco Road, and 420, 428, and 448 Kenny Court from *Low-Medium Density Residential with an Office/Planned Development Combining District (R-2/O/PD)* to *Public Facilities/Planned Development Combining District (PF/PD)*;

2) Demolish the existing 72,065 sf. medical office building located at 301 Old San Francisco Road and construct a 120,000 sf., three-story medical office building with two levels of underground parking;

3) Demolish the three single-family residences located at 420, 428, and 448 Old San Francisco Road and construct a 2,550 sf. waste management area with a 750 sf. storage building; and

4) Replace the existing surface parking lot located at 401 Old San Francisco Road with a two-level, above ground parking structure. The existing 16,195 sf. medical building at the 401 Old San Francisco Road parcel, and the 14,373 square foot medical office building on the 201 Old San Francisco Road parcel would remain.

C. General Plan Consistency

The City Council finds that the Palo Alto Medical Foundation Medical Clinic Project is consistent with the City's General Plan because it complies with the following land use and transportation policies:

General Plan

The City's General Plan is a comprehensive, long-term plan that represents the City's official development policy. The General Plan is composed of many separate documents, or sub-elements, which cover different issues including transportation, community development, environmental management, and public safety. Each sub-element contains goals, policies, and action statements. Relevant General Plan goals are described below (policies and actions statements are listed in relevant sections of this EIR):

- ***Land Use and Transportation Sub-Element***

Community Character Goal C1 calls for the City to preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

Consistency: The project proposes to redevelop an existing medical office building that would serve the Sunnyvale community and would offer updated design and medical services. As shown in the conceptual plan (see Figure 1.0-4), the proposed redevelopment would be designed

in accordance with the existing medical office buildings surrounding and site. For these reasons, the proposed project is consistent with Community Character Goal C1.

Neighborhood Goal N1 calls for the City to preserve and enhance the quality and character of Sunnyvale's industrial, commercial, and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

Consistency: The project proposes medical office uses on a site that is located near major roadways (e.g., Old San Francisco Road and South Sunnyvale Road) and served by regional transit. The project is consistent with Neighborhood Goal N1.

Land Use Goal 2.1C states to allow growth and change in the community which can be served within the capacities of existing and planned facilities.

Consistency: The project proposes to redevelop existing medical office uses that are not reflected in the City's General Plan. As discussed in **2.11 Utilities and Service Systems**, **2.12 Energy**, and **3.0 Availability of Public Services** would be adequately served. The project is consistent with Land Use Goal 2.1C.

- ***Seismic Safety Sub-Element***

Seismic Safety Goal 2.4A states that the City should ensure that natural and human-caused hazards are recognized and considered in decisions affecting the community, and that land uses reflect acceptable levels of risk based on identified hazards and occupancy.

Consistency: As discussed in **Section 2.7 Geology and Soils**, the project site is subject to seismic and soil-related hazards. With the implementation of standard engineering practices and requirements, the project would result in less than significant geology and soils impacts. The project is consistent with Seismic Safety Goal 2.4A.

- ***Community Design Sub-Element***

Community Design Goal 2.5C states that the City should ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.

Consistency: One of the project objectives is to develop distinctive and attractive buildings. As shown on the conceptual site plan, the proposed project's architecture would be consistent with the surrounding medical office uses. Therefore, the project is consistent with Community Design Goal 2.5C.

- ***Water Resources Sub-Element***

Water Resources Goal 3.1A states that the City should ensure potable water is available in sufficient quantity and pressure to meet the City's existing and future demands, and respond to emergency conditions.

Consistency: There is sufficient City water supply for normal domestic use and fire

protection purposes to serve the project site (refer to **Section 2.11 Utilities and Service Systems**). The project is consistent with Water Resources Goal 3.1A.

- ***Solid Waste Sub-Element***

Solid Waste Goal 3.2B states that the City should reduce solid waste disposal to 50 percent or less of the amount generated in 1990 in the most cost-effective manner.

Consistency: The project proposes mitigation measures to reduce waste at the project site (refer to **Section 2.11 Utilities and Service Systems**). Therefore, the project is consistent with Solid Waste Goal 3.2B.

- ***Wastewater Management Sub-Element***

Wastewater Management Goal 3.3A states that the City should ensure that the quantity and composition of wastes generated in the City does not exceed the capabilities of the wastewater collection system and Water Pollution Control Plant.

Consistency: As discussed in **Section 2.11 Utilities and Service Systems**, there is sufficient capacity at Kirby Canyon Landfill to serve the proposed project. Therefore, the project is consistent with Wastewater Management Goal 3.3A.

- ***Surface Runoff Sub-Element***

Surface Runoff Goal 3.4C states that the City should ensure that flood hazards are recognized.

Consistency: As discussed in **Section 2.8 Hydrology and Water Quality**, the project site is located in flood Zone X and subject to 100-year floods. With the implementation of standard requirements outlined in the City's Municipal Code, the project would not result in significant flooding impacts. The project is consistent with Surface Runoff Goal 3.4C.

Surface Runoff Goal 3.4D states that the City should minimize the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating surface runoff controls into new development and redevelopment land use decisions.

Consistency: As discussed in **Section 2.8 Hydrology and Water Quality**, the project shall implement mitigation measures, including conformance with the SCVURPPP, NPDES permit, and the Storm Water Management Ordinance, to reduce water quality impacts from the development of the proposed project. For this reason, the project is consistent with Surface Runoff Goal 3.4D.

- ***Noise Sub-Element***

Noise Goal 3.6A states that the City should maintain or achieve a compatible noise environment for all land uses in the community.

Consistency: As discussed in **Section 2.4 Noise**, the proposed project would result in significant operational and construction noise impacts. As conditions of approval, the project

shall implement mitigation measures to reduce impacts to a less than significant level. Therefore, the project is consistent with Noise Goal 3.6A.

Noise Goal 3.6B states that the City should preserve and enhance the quality of neighborhoods by maintaining or reducing the levels of noise generated by transportation facilities.

Consistency: As discussed in **Section 2.4 Noise**, the primary sources of noise at the project site are Old San Francisco Road and South Sunnyvale Road. The project, with the implementation of standard requirements and mitigation measures, would not result in significant noise impacts (refer to **Section 2.4 Noise**). Therefore, the project is consistent with Noise Goal 3.6B.

Noise Goal 3.6C states to maintain or achieve acceptable limits for the levels of noise generated by land use operations and single-events.

Consistency: As mentioned above for Noise Goal 3.6A, the proposed project would result in significant operational and construction noise impacts. The project shall implement mitigation measures to reduce impacts to a less than significant level, therefore, the project would not result in significant noise impacts (refer to **Section 2.4 Noise**). The project is consistent with Noise Goal 3.6C.

- ***Air Quality Sub-Element***

Air Quality Goal A states that the City should strive to improve the City's air quality and reduce the exposure of it's citizens to air pollutants.

Consistency: As discussed in **Section 2.3 Air Quality**, the project would result in a significant impacts related to construction dust and equipment exhaust. As conditions of approval, the project shall implement mitigation measures to reduce impacts to a less than significant level. The project is consistent with this goal.

Air Quality Goal B states that the City should reduce air pollution impacts from future development.

Consistency: The project, with the implementation of the mitigation measures identified in **Section 2.3 Air Quality**, would reduce air quality impacts to and from the proposed project.

Air Quality Goal C states that the City should make a contribution towards improving regional air quality.

Consistency: The project, with the implementation of the mitigation measures identified in **Section 2.3 Air Quality**, would reduce vehicle use and miles traveled and reduce regional air quality impacts to a less than significant level. The project is consistent with Air Quality Goal C.

- ***Sustainable Development and Green Buildings***

The City's Sustainable Development and Green Buildings Policy encourages sustainable development and provides an incentive for developing green buildings. The Policy encourages

public and private facilities to include green building design features into new construction, remodeling, and maintenance.

Consistency: The project proposes to use controls on indoor lighting, daylight harvesting, south facing roof slopes, automatic computer shutdown afterhours, and indigenous or adaptive plantings to reduce water demand. A complete list of the sustainability/green building features the project proposes to incorporate is located in **Section 2.12 Energy**. The project is consistent with the City's Sustainable Development and Green Buildings Policy.

Table 7.2-1		
Summary of Project Consistency with Relevant Plans and Policies		
Plan/Policy	Project Consistent?	
	Yes	No
Regional Plans and Policies		
San Francisco Bay Region Water Quality Control Plan	✓	
Santa Clara Valley Urban Runoff Pollution Prevention Program, National Pollution Discharge Elimination System, and Storm Water Management Ordinance	✓	
Santa Clara County Congestion Management Program	✓	
Local Plans and Policies		
General Plan		
<i>Land Use and Transportation Sub-Element</i>		
Community Character Goal C1	✓	
Appropriate Housing Goal C2	✓	
Neighborhood Goal N1	✓	
Land Use Goal 2.1C	✓	
<i>Open Space and Conservation Sub-Element</i>		
Open Space Goal 2.2C	✓	
<i>Seismic Safety Sub-Element</i>		
Seismic Safety Goal 2.4A	✓	
<i>Community Design Sub-Element</i>		
Community Design Goal 2.5C	✓	
<i>Water Resources Sub-Element</i>		
Water Resources Goal 3.1A	✓	
Solid Waste Goal 3.2B	✓	
<i>Sanitary Sewer System Sub-Element</i>		
Sanitary Sewer System Goal 3.3A	✓	
<i>Surface Runoff Sub-Element</i>		
Surface Runoff Goal 3.4C	✓	
Surface Runoff Goal 3.4D	✓	
<i>Noise Sub-Element</i>		
Noise Goal 3.6A	✓	
Noise Goal 3.6B	✓	
Noise Goal 3.6C	✓	
<i>Air Quality Sub-Element</i>		

Plan/Policy	Project Consistent?	
	Yes	No
Air Quality Goal A	✓	
Air Quality Goal B	✓	
Air Quality Goal C	✓	
Sustainable Development and Green Buildings	✓	

SECTION 3. RECORD OF PROCEEDINGS.

A. For purposes of CEQA, CEQA Guidelines section 15091(e), and these findings, the Record of Proceedings for the Project consists of the following documents, at a minimum: (1) The Notice of Preparation, Notice of Completion, Notice of Availability, and all other public notices issued by the City of Sunnyvale in connection with the Project; (2) the Draft EIR; (3) the Final EIR; (4) all comments and correspondence submitted by public agencies or members of the public during the public review and comment period (January 6, 2009 through February 23, 2009) on the Draft EIR; (5) written and oral comments received or made at the Planning Commission Study session held on February 23, 2009, and April 27, 2009, and Planning Commission meeting on June 2, 2009 and public outreach meetings in November 2008 and March 2009 (7) the Mitigation Monitoring and Reporting Program; (8) all findings and resolutions adopted by the City Council in connection with the Project, and all documents cited or referred to therein; (9) all final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City of Sunnyvale, consultants, or responsible or trustee agencies with respect to the City of Sunnyvale's compliance with the requirements of CEQA, and with respect to the City of Sunnyvale's actions on the Project; (10) all documents timely submitted to the City of Sunnyvale by other public agencies or members of the public in connection with the Project; (11) minutes and/or verbatim transcripts of all public meetings and/or public hearings held by the City of Sunnyvale in connection with the Project; (12) matters of common knowledge to the City of Sunnyvale, including, but not limited to, federal, state, and local laws and regulations; (13) any documents expressly cited in these findings, in addition to those cited above; and (14) any other materials required to be in the record of proceedings by Public Resources Code section 21167.6(e).

B. The City issued a Notice of Preparation ("NOP") of an environmental impact report for the Project on October 22, 2008. The NOP was sent to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice. The NOP was published in the Sunnyvale Sun, a paper of general distribution. The City held a publicly noticed scoping meeting for the general public and public agencies on October 29, 2008. All aspects of the NOP process complied with Public Resources Code 21080.4. All comments received during the scoping process were considered in preparing the EIR.

C. A Draft Environmental Impact Report for the Palo Alto Medical Foundation Medical Clinic project, State Clearing House Number 2008102088, ("DEIR") was prepared for the Project and circulated for public comment on January, 2009 for an 45-day public comment period ending February 23, 2009. The DEIR includes a Transportation Impact Analysis (Appendix C), and Air Quality Study (Appendix D), a Noise Assessment (Appendix E), a Tree Survey (Appendix F), a Geotechnical Investigation (Appendix G), a Stormwater Drainage Plan (Appendix H), a Hazardous Materials Phase I and Asbestos and Lead Investigation for Kenny

Court (Appendices I and J), a Sanitary Sewer Analysis (Appendix K) and an Alternatives Analysis (Appendix L). Copies of the DEIR were provided to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice. These agencies included, but were not limited to:

Regional Agencies

- Air Resources Board
- Bay Area Air Quality Management District
- Regional Water Quality Control Board-Region 2
- Caltrans Planning
- Department of General Services
- Office of Historic Preservation
- Department of Fish and Game-Region 3

Local Agencies

- City of Cupertino
- City of Los Altos
- City of Mountain View
- City of San Jose
- City of Santa Clara
- County of Santa Clara-Local Agency Formation Commission
- County of Santa Clara-Planning Office
- Cupertino School District
- Sunnyvale Elementary School District

D. A Final Environmental Impact Report for the Palo Alto Medical Foundation Medical Clinic project, State Clearing House Number 2008102088 ("FEIR"), was published on May, 2009, and promptly provided to the public and all public agencies that commented on the project. The FEIR contains, among other things, the DEIR, responses to all oral and written comments received on the DEIR and text changes to the DEIR (Response to Comments Document), and a draft Mitigation Monitoring and Reporting Program.

E. On June 8, 2009, the Council voted to certify the FEIR, make the required CEQA findings, adopted the Statement of Overriding Considerations and adopted the Mitigation Monitoring and Reporting Program.

F. In addition to the public meetings and hearings described above, numerous other opportunities for public comment on and participation in Project decision-making were provided over the January, 2009 through April 23, 2009, time period, including duly noticed public meetings, community forums, and community resource group meetings as shown the DEIR.

G. In taking action on the Project, the City Council fully reviewed and considered the information contained in the EIR, staff reports, oral and written testimony received from members of the public and other public agencies, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings.

11. Copies of all of the above-referenced documents, which constitute the record of proceedings upon which the City of Sunnyvale's decision on the Project is based, are and have been available upon request at Sunnyvale City Hall, 456 W. Olive Street, Sunnyvale, California 94087.

SECTION 4. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM.

A. Pursuant to Public Resources Code section 21081.6, the City has prepared a Mitigation Monitoring and Reporting Program, ("MMRP") which provides for implementation, monitoring reporting, and enforcement of all conditions and mitigation measures adopted to mitigate and/or avoid the Project's significant environmental impacts. The MMRP is attached as Exhibit "A" to this resolution and incorporated herein.

B. The City Council hereby adopts the MMRP for the Project attached hereto and incorporated by reference, and finds, determines, and declares that adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

SECTION 5. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT. The Council has read and considered the EIR prepared for the Project, has considered each potential environmental impact of the Project, and has considered each mitigation measure and alternative evaluated in the EIR. In accordance with the requirements of CEQA and the Guidelines promulgated thereunder, the Council makes the following findings based upon substantial evidence in the record:

A. A Notice of Preparation for the Project was prepared and distributed in October 22, 2008 to all responsible and trustee agencies and interested parties. The notice solicited views of interested persons and agencies as to the scope and content of the environmental information to be studied in the Draft EIR. The City of Sunnyvale also held a public scoping meeting to receive public comments and suggestions on the Project on October 29, 2008. Through the scoping process, which included both agency consultation pursuant to Public Resources Code section 21080.4(a) and CEQA Guidelines section 15082, and early public consultation pursuant to CEQA Guidelines section 15083, the City identified the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the Draft EIR and eliminated from detailed study environmental issues found not to be important.

B. The City Council finds that the EIR identifies no significant or potentially significant adverse impacts in the areas of land use, flooding and hydrology, noise (post-construction), visual/aesthetic resources, and air quality.

C. The City Council hereby finds, determines, and declares that it has reviewed the EIR with respect to the areas of potential impacts set forth above and finds that the conclusions of the Draft EIR and Final EIR are supported by substantial evidence in the record, including the detailed descriptions of potential impacts contained in the EIR, and the additional information and analysis contained in the Final EIR. The City Council further finds that no evidence has been introduced that would tend to call into question any of the conclusions of the Draft EIR or the Final EIR with respect to such impacts. The City Council has independently exercised its

judgment to conclude that each of the above impacts is less-than-significant or no impact, and therefore requires no mitigation except as embodied in the Project.

SECTION 6. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL. The EIR concluded that the Project would result in potentially significant environmental impacts in the areas listed below. Through the imposition of the identified mitigation measures, the identified potentially significant environmental impacts will be reduced to less-than-significant impacts.

The following table summarizes the significant environmental impacts identified and discussed within the text of the EIR, and identifies the mitigation measures proposed to avoid or reduce those impacts. Alternatives to the proposed project are also summarized at the end of the table.

SIGNIFICANT IMPACTS	MITIGATION AND/OR AVOIDANCE MEASURES
Land Use	
<p>Impact LU – 6: The proposed project would result in a significant land use compatibility impact in terms of construction noise.</p> <p>Significant Unavoidable Impact</p>	<p>The implementation of the mitigation measures identified in Section 2.4 Noise (MM NOI – 2.1-2.11) would reduce construction noise exposure impacts, but not to a less than significant level.</p> <p>AM LU – 1.1: The project applicant(s) shall implement a Construction Management Plan (CMP) for all development within 1,000 feet of occupied residential uses, approved by the Director of Community Development to minimize impacts to surrounding sensitive land uses, particularly the residences located to the north of the project site and the school located to the east of the 401 parcel, to the fullest extent possible. The Construction Management Plan shall include the following measures to minimize the impacts of construction upon nearby sensitive land uses:</p> <ul style="list-style-type: none"> • Measures to control dust, noise, and water pollution resulting from construction activities; • Measures to keep all streets and public ways clean of debris, dirt, dust, and other undesirable outcomes of construction (refer to Section 2.3 Air Quality); • Measures to control noise by limiting hours of operation of construction activities, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and scheduling equipment selection (refer to Section 2.4 Noise); and

SIGNIFICANT IMPACTS	MITIGATION AND/OR AVOIDANCE MEASURES
	<ul style="list-style-type: none"> • Selection of access routes for trucks delivering materials to and from the site which minimize neighborhood disturbance.
Transportation	
<p>Impact TRAN – 3: Development of the proposed project would result in significant intersection level of service impacts.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>MM TRAN – 1.1: Convert the Old San Francisco Road/Bayview Avenue intersection from a side-street stop controlled intersection to an all-way stop controlled intersection. With this mitigation, the intersection would operate at a LOS B or better during both the morning and evening peak hours.</p>
Air Quality	
<p>Impact AIR – 5: The proposed project would result in short-term demolition and construction related air quality impacts from dust (PM₁₀) and diesel exhaust.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Implementation of the measures recommended by BAAQMD and listed below would reduce the short-term air quality impacts associated with grading and new construction to a less than significant level. Measures to reduce diesel particulate matter and PM_{2.5} from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.</p> <p>Dust (PM₁₀) Control Measures:</p> <ol style="list-style-type: none"> 1. 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. 2. Cover all hauling trucks or maintain at least two feet of freeboard. 3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. 4. 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. 5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). 6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. 7. Limit traffic speeds on the construction site to 15

SIGNIFICANT IMPACTS	MITIGATION AND/OR AVOIDANCE MEASURES
	<p>mph.</p> <ol style="list-style-type: none"> 8. Replant vegetation in disturbed areas as quickly as possible. 9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site. 10. Install windbreaks or fences along adjacent residential properties 11. During renovation and demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations (refer to Section 2.9, Hazards and Hazardous Materials). 12. A Disturbance Coordinator will be assigned to the project for the full duration of asbestos abatement, demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules. <p>Off-Road Equipment Exhaust Control Measures:</p> <ol style="list-style-type: none"> 1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke three minutes after start up is in violation of this measure. 2. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite. 3. The project shall develop and implement a plan, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the

SIGNIFICANT IMPACTS	MITIGATION AND/OR AVOIDANCE MEASURES
	<p>construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. Note, the Sacramento Metropolitan Air Quality Management District maintains a <i>Construction Mitigation Calculator</i> that could be used to demonstrate compliance with these requirements².</p> <ol style="list-style-type: none"> 4. Properly tune and maintain equipment for low emissions. 5. Avoid staging construction equipment within 100 feet of residential properties.
Noise	
<p>Impact NOI – 2: The proposed project could result in operational noise levels, including noise from equipment waste collection, and circulation and parking on the site, exceeding the standards established by the Sunnyvale Municipal Code.</p> <p>Significant Unavoidable Impact</p>	<p>As conditions of approval, the project applicant shall be responsible for the implementation of the following mitigation measures to further reduce operational noise related impacts:</p> <p>MM NOI – 2.1: The proposed emergency diesel generator shall be tested during daytime hours only. The testing schedule shall be coordinated with nearby residential land uses to avoid sensitive daytime hours when testing may interfere with normal residential activities.</p> <p>MM NOI – 2.2: During final design of the project, conduct building design-level acoustical analysis to ensure that mechanical equipment noise resulting from the project complies with applicable General Plan policies and Municipal Code noise level limits. The acoustical analysis will calculate noise levels resulting from the proposed equipment at the nearest sensitive receiving land uses, assess noise levels relative to applicable standards, and provide recommendations to control noise levels in accordance with the applicable limits. Equipment that operates primarily during daytime hours (e.g., underground parking garage fans) shall be subject to the City’s 60 dBA noise standard. Equipment that operates both day and night, such as roof-top mechanical equipment, shall be subject to the City’s 50 dBA nighttime noise standard. The report shall be completed and submitted to the City building department prior to the issuance of building permits.</p>

² see <http://www.airquality.org/ceqa/index.shtml#construction>

SIGNIFICANT IMPACTS	MITIGATION AND/OR AVOIDANCE MEASURES
	<p>MM NOI – 2.3: Construct an eight-foot noise barrier along all property lines adjoining residential land uses and the elementary school. The proposed wall would reduce noise levels in the rear yards of adjacent residential land uses by about seven to eight dBA. To be effective, the barriers should be constructed solidly over the entire surface and at the base. Openings or gaps between barrier materials or the ground decrease the reduction provided by a noise barrier. Suitable materials for barrier construction should have a minimum surface weight of three pounds per square foot (such as one-inch thick wood, masonry block, concrete, or metal). The final detailed design of the heights and limits of these barriers shall be confirmed at the time that the final grading plan is submitted.</p> <p>MM NOI – 2.4: Truck deliveries shall be limited to daytime hours only, and the posted speed limit shall not exceed 15 mph along the truck circulation route. These limits shall be clearly posted to advise delivery personnel as to the time and speed restrictions.</p> <p>MM NOI – 2.5: To reduce the impacts associated with vehicle alarms and horns it is recommended that a parking management plan require that employees park in the structure (as opposed to the parking underneath the clinic), and that the parking spaces along the north wall be reserved for employees. Parking spaces occupied by employee vehicles will experience less turn-over which will minimize both the use of car alarms when locking and unlocking vehicles, and the use of horns to alert drivers backing out of those employee parking spaces.</p> <p>MM NOI – 2.6: Parking lot cleaning activities shall be limited to the hours between 8:00 a.m. and 8:00 p.m. All leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of 65 dBA at a distance of 50 feet.</p>

Impact NOI-3: The noise generated by construction activities for the proposed project would exceed the City of Sunnyvale's construction noise standards, and would result in significant noise impacts from project construction activities.

Significant and Unavoidable

As conditions of approval, the project proponent shall be responsible for the implementation of the following mitigation measures to reduce construction noise impacts to a less than significant level:

MM NOI – 3.1: Pursuant to the Municipal Code, restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 am to 5:00 pm on Saturday. Construction shall be prohibited on Sundays and holidays.

MM NOI – 3.2: Construct solid plywood fences (minimum eight feet in height) or noise barriers around the construction site to shield adjacent residences or other noise-sensitive land uses prior to major noise generating phases of demolition and construction;

MM NOI – 3.3: Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;

MM NOI – 3.4: Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;

MM NOI – 3.5: Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses;

MM NOI – 3.6: Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses;

MM NOI – 3.7: 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. Construction workers will not be permitted to park on neighborhood streets;

MM NOI – 3.8: Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site;

MM NOI – 3.9: Prohibit all unnecessary idling of internal combustion engines;

	<p>MM NOI – 3.10: Notify all adjacent business, residences, and noise-sensitive land uses of the construction schedule in writing. Notification by door hangars of nearby residence regarding significant upcoming construction activities;</p> <p>MM NOI – 3.11: Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The noise disturbance coordinator shall be authorized to address and accommodate special circumstances (home bound or medical condition-adjacent homeowners).</p>
<p>Biology</p>	
<p>Impact BIO – 2: The project would result in significant impacts to nesting raptors, if they are present on-site at the time of construction.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>MM BIO – 2.1: In conformance with federal and state regulations regarding protection of raptors, the following California Department of Fish and Game protocols shall be completed prior to any development on the site to ensure that development does not result in the disturbance of nesting raptors:</p> <p><i>Avoidance.</i> Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in the project area extends from January through August.</p> <p><i>Preconstruction/Pre-disturbance Surveys.</i> If demolition and/or construction are to occur between January and August, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April), and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., buildings) within</p>

	<p>and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the Migratory Bird Treaty Act or state code will be disturbed during project implementation.</p> <p><i>Inhibit Nesting.</i> If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (February), if feasible, to help preclude nesting. Removal of vegetation or structures to be removed by the project shall be completed outside of the nesting season, which extends from January to August.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.</p>
<p>Impact BIO - 3: Implementation of the proposed project would result in the removal of up to a total of 60 trees, including 26 significant size trees.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	<p>MM BIO - 3.1: The project proponent shall work with City staff to preserve the maximum number of trees to maximum extent feasible.</p> <p>MM BIO - 3.2: The project shall conform to the City's Tree Preservation Ordinance (SMC, Chapter 19.94). At the discretion of the Director of Community Development, trees that are to be removed shall be replaced, replanted, or relocated based on measures set forth in SMC Sections 19.94.080, 19.94.090, and 19.94.100.</p> <p>MM BIO - 3.3: In the event trees on-site are proposed for preservation, a tree protection plan shall be completed. The plan shall demonstrate how tree protection shall be provided during and after construction. The key elements of a tree protection plan would include retaining selective trees with good or moderate suitability for preservation based on the proximity and type of the proposed improvement(s); establishing Tree Protection Zones (TPZs) for each tree to be preserved; and providing supplemental irrigation during the demolition and construction phases of the project. The tree preservation plan shall include the following measures and any of the protective measures</p>

set forth in SMC Section 19.94.120:

Design Measures

Any development plan affecting trees shall be reviewed by a qualified consulting arborist with regard to tree impacts. These include, but are not limited to, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.

- The truck location and elevations of trees proposed to be preserved shall be surveyed and plotted to assist in evaluating impacts to trees.
- In consultation with the qualified consulting arborist, TPZs shall be identified in which no construction, grading, and underground services including utilities, subdrains, water or sewer shall be located. For design purposes, the TPZ shall be the dripline of the trees.
- Tree preservation guidelines (to be prepared by the consulting arborist) shall be printed on all plans.
- Ensure that any herbicides placed under paving materials are safe for use around trees and labeled for that use.
- The irrigation system shall be designed so that no trenching would occur within the TPZs.
- Soil within 50 feet of any tree designated for preservation shall not be treated with lime. Lime is toxic to tree roots.

Pre-construction Treatments

- The construction superintendent shall meet with the consulting arborist before being work to discuss work procedures and tree protection.
- All trees to be preserved shall be fenced and completely enclose the TPZ prior to demolition, grubbing, or grading. Fences shall be six-foot chain-link mounted on two-inch diameter galvanized iron posts driven at least two feet into the ground, or equivalent, as approved by the City. Fences shall remain in place until all grading and construction is completed.
- All trees to be preserved shall be pruned to clean the crown and to provide clearance. All pruning shall be completed by a certified arborist or tree worker and

	<p>adhere to the <i>Tree Pruning Guidelines</i> of the International Society of Arboriculture. Brush shall be chipped and spread beneath the trees within the TPZ.</p> <p><u>Tree Protection During Construction</u></p> <ul style="list-style-type: none"> • Grading, construction, demolition, or other work within the TPZ is prohibited. Any modifications shall be approved and monitored by the qualified consulting arborist. • Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist. • A four to six-inch wood chip mulch shall be applied and maintained within the TPZ. Mulch shall be kept two-inches from the base of the trunk. • Any injury to a tree shall be evaluated. The consulting arborist shall be notified so that appropriate treatments can be applied. • The dumping and/or storage of excess soil, chemicals, debris, equipment or other materials within the TPZ shall be prohibited. • Any tree pruning needed for clearance during construction shall be performed by a certified arborist and not by construction personnel. <p>MM BIO – 3.4: Excavation proposed near the Coast Redwood (tree #40) should: 1) involve excavation no closer to the tree trunk than 30 feet from the perimeter of the trunk, or 2) an 18 to 24 inch wide trench should be dug with an air-spade to at least four feet of depth at the location of the desired excavation a qualified arborist should examine the roots exposed by the excavation, and 3) if quantities of roots of four inch diameter or larger are encountered at the trench location the excavation at that location would not be allowed.</p> <p>MM BIO – 3.5: Any root zone root cutting within 30 feet of the trunk of the Coast Redwood (#40) should occur only between November 30 and January 30 to prevent unacceptable levels of stress to the tree.</p>
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Hydrology and Water Quality

<p>Impact HYD – 3: The proposed project could result in water quality impacts both during and after construction.</p>	<p>Future development under the proposed project shall be required to utilize structural and non-structural control measures and management practices to minimize the addition of pollution to the stormwater system, and</p>
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**Less Than Significant Impact
with Mitigation Incorporated**

comply with a hydromodification management program approved by the RWQCB.

MM HYD – 2.1: Prior to construction of any phase of the project, the City of Sunnyvale requires that the applicant(s) submit a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices; and
- Non-storm water management and waste management and disposal control practices

MM HYD – 2.2: Prior to issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the City Department of Public Works Project Engineer. The applicant shall maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

Prior to issuance of a Special Development Permit, the project shall include provisions for post-construction structural controls in the project design in compliance with the NPDES C.3 permit provisions, and shall include Best Management Practices (BMPs) for reducing contamination in stormwater runoff. The currently proposed post-construction BMPs and design features in the Stormwater Control Plan include:

- Bioretention Basins – shallow impoundments designed to collect and infiltrate stormwater into subsurface soils.
- Vegetated Swales – shallow open channels with vegetated sides and bottom designed to collect, slow, and treat stormwater as it is conveyed to downstream discharge point.
- Flow-Through Planter Boxes – structures designed

	<p>to intercept rainfall and slowly drain it through filter media and out of the planter.</p> <p>MM HYD – 2.4: The project shall comply with Provision C.3 of NPDES Permit Number CAS029718, Order #01-119, which provides enhanced performance standards for the management of stormwater for new development.</p> <p>MM HYD – 2.5: The applicant, their arborist, and landscape architects shall work with the City to select pest resistant plants to minimize pesticide use, as appropriate using the guidance provided by the SCVURPPP. This may include the use of integrated pest management techniques, site design measures to reduce pest infestations, and the use of pest-resistant plants or landscape management methods to reduce the need for pesticide applications.</p> <p>MM HYD – 2.6: The project shall comply with the City Storm Water Management Ordinance (SMC 12.60).</p>
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Hazards and Hazardous Materials

<p>Impact HAZ-2: Future excavation and development of the project site could expose construction workers to significant hazards associated with the presence of hazardous materials contamination in the soil on the site.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>MM-HAZ-1.1: A hazardous materials licensed contractor shall conduct construction earthwork activities with properly trained employees in areas where contaminated soil or ground water exceed residential screening levels. Employees conducting earthwork activities at the site must complete a 40-hour training course, including respirator and personal protective equipment training. Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection.</p> <p>MM-HAZ-1.2: Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Cleanup and remediation of the site will be required to meet all Federal, State, and local regulations. Cleanup and remediation of arsenic, DDT, Dieldrin and Endosulfan will be completed in accordance with all overseeing regulatory agency requirements (e.g. San Francisco RWQCB and/or City of San Jose Environmental Services Department).</p>
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Cultural Resources

<p>Impact CUL – 1: The development of the proposed project would result in significant impacts to buried cultural resources (including Muwekma Ohlone Indian ancestral resources), if they are encountered on the site.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>As conditions of approval, the project proponent shall be responsible for the implementation of the following mitigation measures to reduce and/or avoid impacts to buried cultural resources:</p> <p>MM CUL – 1.1: Prior to the initiation of construction or ground disturbing activities at the project site, a qualified professional archaeologist shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources at this location within the project parcel. The testing program shall be implemented with the results presented in <i>Presence/Absence Testing Report</i> commensurate with the findings. Any recommendations for treatment of a significant resource shall be presented in the report.</p> <p>MM CUL – 1.2: Prior to the initiation of any construction that has the potential for ground-disturbing activities within the project area, the project proponent shall inform all construction personnel of the potential for exposing subsurface cultural resources at the project components and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.</p> <p>MM CUL – 1.3: Archaeological monitoring on less-than-full time basis with the frequency and duration to be determined by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within the project area. The archaeologist shall maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> <p>MM CUL – 1.5: Excavation contracts for development shall contain provisions for stop-work in the vicinity of an archaeological find in the event of the exposure of significant cultural resources during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by permitting and regulatory agencies. In general, the appropriate construction conditions should be included within the <i>General Conditions</i> section of any contract that has the potential for ground disturbing operations.</p>
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	<p>MM CUL – 1.6: If any unanticipated prehistoric or significant historic era cultural materials including Native American burials are exposed during construction grading and/or excavation, operations shall stop within a minimum of 10 feet of the find to avoid altering the cultural materials and their context and a qualified Professional Archaeologist retained for identification, evaluation and further recommendations. The Community Development Director of the City of Sunnyvale shall be notified of the discovery. Construction work shall not begin again within the find area until the archaeologist has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed. If the discovery is determined to be a unique archaeological or historical resource under the criteria of the <i>California Register of Historical Resources</i> after review and evaluation by a Professional Archaeologist, and if avoidance of the resource is not possible, the Professional Archaeologist shall develop plans for treatment of the find(s) and mitigation of impacts acceptable to the City of Sunnyvale. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The project proponent shall make every effort to insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed. If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the Santa Clara County Medical Examiner.</p>
Utilities and Service Systems	
<p>Impact UTIL – 5: The demolition and construction under the proposed project would generate significant quantities of waste with associated resource, pollution, and infrastructure impacts, which would</p>	<p>MM UTIL – 5.1: The project shall implement the City approved Waste Management Plan to be prepared for the project, which shall include recommendations regarding facility design for on-going waste and recycling management systems.</p>

<p>negatively affect the City's state mandated waste diversion level and Solid Waste Goal 3.2B.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>The Waste Management Plan shall also include recommendations for recycling demolition wastes and reusing or recycling unused construction materials. The Plan shall describe the projected quantities of waste generated during demolition and construction, how much of those materials will be reused, recycled, or otherwise diverted from landfills, and where unrecycled materials will be disposed. Upon completion, the project shall provide the City with a report summarizing the waste type, quantity, disposition (e.g., recycled or landfilled) and facility used, to document execution of the plan.</p>
<p>Cumulative Impacts</p>	
<p>Impact C-AIR – 1: The cumulative projects would result in cumulatively significant impacts on regional air quality. The proposed project would result in a considerable contribution to this cumulative regional air quality impact.</p> <p>Significant Unavoidable Cumulative Impact</p> <p>Impact C-NOI – 3: The proposed project would result in a cumulatively considerable contribution to significant short-term cumulative noise impacts.</p> <p>Significant Cumulative Impact</p> <p>Impact C-TRAN – 1.1: Restripe the southbound approach on Sunnyvale Avenue to include a shared through-right lane, a through lane, and two dedicated left-turn lanes. No changes to the existing phasing would be needed to accommodate the proposed striping changes. With this mitigation, the intersection would operate at LOS C and LOS E during the morning and evening peak-hour, respectively.</p>	<p>No mitigation is identified.</p>

<p>The project would be responsible for the improvement identified, restriping the southbound approach to include a shared through right-lane, a through-lane, and two dedicated left-turn lanes, to offset the project's contribution to the cumulative traffic impact at this intersection.</p> <p>Significant Cumulative Impact</p>	
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SECTION 7. SIGNIFICANT AND UNAVOIDABLE IMPACTS. The proposed project would result in the following significant unavoidable environmental impacts:

- Construction Noise Impacts (land use compatibility impact in terms of construction noise.)
- Cumulatively Considerable Contribution to Cumulative Regional Air Quality Impacts.

All other impacts of the proposed project would be mitigated to a less than significant level with incorporation of the project-specific mitigation measures identified in this EIR.

SECTION 8. ANALYSIS OF ALTERNATIVES. The EIR analyzed a reasonable range of alternatives to the Project and Project components sufficient to foster public participation and informed decision making and to permit a reasoned choice, and the EIR adequately discusses and evaluates the comparative merits of the alternatives. Of the four alternatives assessed in the EIR, the alternative with the least environmental impact is the No Project -- No Subsequent Development Alternative. Section 15126.6(e)(2) of the CEQA Guidelines state that if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which "would feasibly attain the most basic objectives of the project but avoid or substantially lessen many of the significant environmental effects of the project," or would further reduce impacts that are considered less than significant with the incorporation of identified mitigation.

1. **No Project Alternative.** The CEQA Guidelines specifically require consideration of a "No Project" Alternative. Since the project site is currently developed with medical office buildings and surrounding parking, the "No Project" Alternative would include the site remaining in its current condition.

The No Project Alternative would avoid the project's significant construction noise impact and cumulative construction noise impacts. If the existing buildings remain vacant or become re-occupied, the No Project Alternative would avoid the less than significant (with mitigation incorporated) transportation, air quality, cultural resources, utility, biological resources, and utility impacts of the proposed project.

While the No Project Alternative would avoid the project's significant and unavoidable cumulative air quality impact and would avoid some of the proposed project's less than significant impacts with mitigation, it would not meet the objectives of the proposed project to redevelop the site with increased medical office uses and parking on the site.

2. Reduced Project Site and Development Alternative. The Reduced Project Site and Development Alternative would reduce the size of the proposed medical office building on the 301 parcel to 100,000 square feet. The building could be two-stories in height rather than three-stories, and the amount of required parking would also be reduced proportionally.

Overall, the Reduced Project Site and Development Alternative would be environmentally superior to the proposed project because it would reduce the number of trips generated by the project, therefore, reducing the transportation impact from the proposed project. The significant cumulative noise and construction noise impacts would be lessened as well, but not eliminated because the construction period would likely still exceed one year. The Reduced Density Alternative would slightly reduce construction impacts, although the project's less than significant (with mitigation incorporated) air quality and utilities impacts related to short-term demolition and construction would still occur. Impacts to raptors and trees; water quality impacts during and post-construction; and possible impacts to buried cultural resource, would also be reduced, but would not be eliminated. In addition, this Alternative is inconsistent with several of the project's objectives.

3. Residential Use Alternative. The Residential Use Alternative would include the development of the 301 and 401 parcels with Low-Density Residential uses. Under this alternative, the 301 and 401 parcels would be developed with 38 dwelling units. The proposed residential use on the project site would be consistent with the residential uses located to the north of the site at a slightly higher density, however, the residential use would fragment the medical office campus surrounding the site to the east and west, and would eliminate surface parking for the existing 401 medical office building.

Residential uses would likely reduce the significant cumulative noise and construction noise impacts since the construction period would likely be less than one year in length. The Residential Use Alternative would also reduce, and possibly avoid, the project's less than significant (with mitigation incorporated) air quality, transportation, water quality, and utility impacts. Biological resources and cultural resources impacts would be approximately the same as under the project.

This Alternative is inconsistent with all of the project's objectives.

4. Closure of Bayview Avenue Alternative. The Closure of Bayview Alternative would maintain the project as proposed, including the redevelopment of the 301 parcel with a 120,000 square foot medical office building and two levels of underground parking, a two-level parking structure on the 401 parcel, and a waste management area located on the 420, 428, and 448 Kenny Court parcels. The Bayview Closure Alternative would be intended to reduce traffic through the residential neighborhood located north of the project site. The Closure of Bayview Alternative would reduce clinic and local cut-through traffic on Bayview Avenue, but would add additional traffic to Carroll Street and Central Avenue. The shift in traffic would result in a new significant impact on Central Avenue, and the addition of new project traffic is estimated to

cause a significant impact on Carroll Street.

The Closure of Bayview Alternative would not lessen the environmental impacts resulting from the proposed project. The alternative would not alter the proposed project, but would include the closure of Bayview Avenue with the intention of reducing the traffic impacts to the adjacent residential neighborhood. The significant cumulative noise and construction noise impacts, and all the project's other less than significant impacts would not change because the rest of the proposed project would remain the same.

5. Alternative Location. CEQA Guidelines require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the project [§15126.6(f)(2)(A)]." No location alternatives were identified, because contiguous parcels comparable in size to the project site, near transit, with redevelopment potential for medical office uses could not be identified within Sunnyvale.

Since no suitable alternative site was found that could meet the basic objectives of the project, and significant impacts would not be reduced, a location alternative was not analyzed further.

6. Environmentally Superior Alternative. The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative, which would avoid both the cumulative noise impact and the significant construction noise impact.

Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Based on the previous discussion, second most environmentally superior alternative is the Residential Use Alternative. The Residential Use Alternative would reduce the significant cumulative noise impact and the significant construction noise impact. The Residential Use Alternative would not fulfill any of the development objectives, but it would be the environmentally superior alternative.

The EIR analyzed all of the Project's potentially significant environmental impacts, including indirect environmental impacts associated with the Project's socioeconomic impacts. Based on information in the EIR and other documents in the record, the Council finds that the significant impacts to land use, transportation, air quality, construction noise, cultural resources, biological resources, hydrology and water quality, and hazards and hazardous and utility and service systems can be avoided or mitigated to a less than significant level.

SECTION 9. FINDING REGARDING MITIGATION OR AVOIDANCE OF IMPACTS. Based on the adopted mitigation measures and alternative components, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid all of the Project's potentially significant environmental effects.

SECTION 10. MITIGATION MEASURES FOR WHICH OTHER AGENCIES ARE RESPONSIBLE. There are no changes or alterations that are partially or wholly within the responsibility and jurisdiction of other public agencies and that can and should be adopted by those other agencies.

SECTION 11. STATEMENT OVERRIDING CONSIDERATIONS. The City Council of the City of Sunnyvale adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

A. Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the project will result in significant unavoidable impacts to Cumulative Regional Air Quality and Construction Noise.

Cumulative Regional Air Quality: The cumulative effect of approving and implementing the Project would result in cumulatively significant impacts on regional air quality. Therefore the Project would result in a significant unavoidable contribution to this cumulative regional air quality impact.

Construction Noise: The Project would result in a significant land use compatibility impact in terms of construction noise. Therefore the Project would have a significant unavoidable long-term impact on regional air quality.

These impacts would not be reduced to a less than significant level by feasible changes or alterations to the Project.

B. Overriding Considerations

With respect to the significant and unavoidable environmental impacts identified in Part A above, the Council finds that all feasible mitigation measures and alternatives have been adopted and that, Pursuant to Public Resources Code section 21081(b), there are specific overriding economic and social benefits of the Project that outweigh the significant effects on the environment. These benefits, which will accrue to the City of Sunnyvale and the general public, warrant approval of the Project notwithstanding the Project's remaining significant impacts, and include the benefits outline below in section C.

C. Benefits of the Projects

Economic, Social, and other Benefits: The economic and social benefits which would result from development of up to 120,000 square feet of medical office outweigh the unavoidable environmental impacts to Regional Air Quality and Construction Noise. In making the findings below, the Council has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept these impacts.

The above statements of overriding consideration are consistent with, and substantially advance, the following goals and policies of the City's General Plan:

- ***Land Use and Transportation Element: Strong Economy Policies***
Strong Economy Goal C4 - Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.

Strong Economy Policy C4.1 - Maintain a diversity of commercial enterprises and

industrial uses to sustain and bolster the local economy.

Strong Economy Policy C4.3 - Consider the need of business as well as residents when making land use and transportation decisions.

- ***Land Use and Transportation Element: The Neighborhoods Policies***

Neighborhoods Policy N1.3 - Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.

Neighborhoods Policy N1.14 - Support the provision of a full spectrum of public and quasi public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

- ***Socio-Economic Element: Economy and Employment***

Economy and Employment Goal B - Maintain and establish policies that promote a strong economy which provides economic opportunities for all Sunnyvale residents within existing environmental, social, fiscal and land use constraints.

Economy and Employment Policy B.1 - Provide existing employers with opportunities to expand employment within land use constraints and in accordance with regional planning goals.

Economy and Employment Policy B.3 - Monitor the effect of City policies on business development and consider the effects on the overall health of business within the City.

Economy and Employment Policy C.4 - Promote business opportunities and business retention in Sunnyvale.

- ***Socio-Economic Element: Health and Social Services***

Health and Social Services Policy H.10 - Encourage adequate provision of health care services to Sunnyvale residents.

Health and Social Services Action Statement H.10b - Assure that adequate medical care facilities are available to Sunnyvale residents.

Health and Social Services Action Statement H.10e - Support an active role in El Camino Hospital District and assure that its services address community needs.

The City Council finds that each significant impact identified in the EIR is acceptable because mitigation measures have been required in order to reduce each effect to the extent feasible.

The City Council finds that on balance, of the four alternatives that were evaluated in the EIR, the Project provides the greatest overall benefit to the community when considering environmental, social, technical, and economic factors. Of the four alternatives, only one meets all of the project objectives.

Adopted by the City Council at a regular meeting held on _____, 2009, by the

following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY LOCATED 301 AND 401 SOUTH SAN FRANCISCO ROAD; AND 420, 428, AND 448 KENNY COURT FROM LOW-MEDIUM DENSITY RESIDENTIAL WITH AN OFFICE/PLANNED DEVELOPMENT COMBINING DISTRICT (R-2/O/PD) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT COMBINING DISTRICT (PF/PD)

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties within the Public Facilities/Planned Development Combining District (PF/PD) which properties are presently zoned Low-Medium Density Residential with an Office/Planned Development Combining District (R-2/O/PD). The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA - COMPLIANCE. The City has analyzed the environmental effects of this ordinance, certified a Environmental Impact Report and a Mitigation Monitoring and Reporting Program on June 8, 2009, and made necessary findings required by the California Environmental Quality Act (Public Res. Code §§ 21000 et seq.; "CEQA"). The City finds that the adoption of this ordinance is within the scope of the program EIR.

The City Council hereby determines that the Environmental Impact Report and Statement of Overriding Consideration prepared for this ordinance have been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development may file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental assessment, if required by CEQA.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

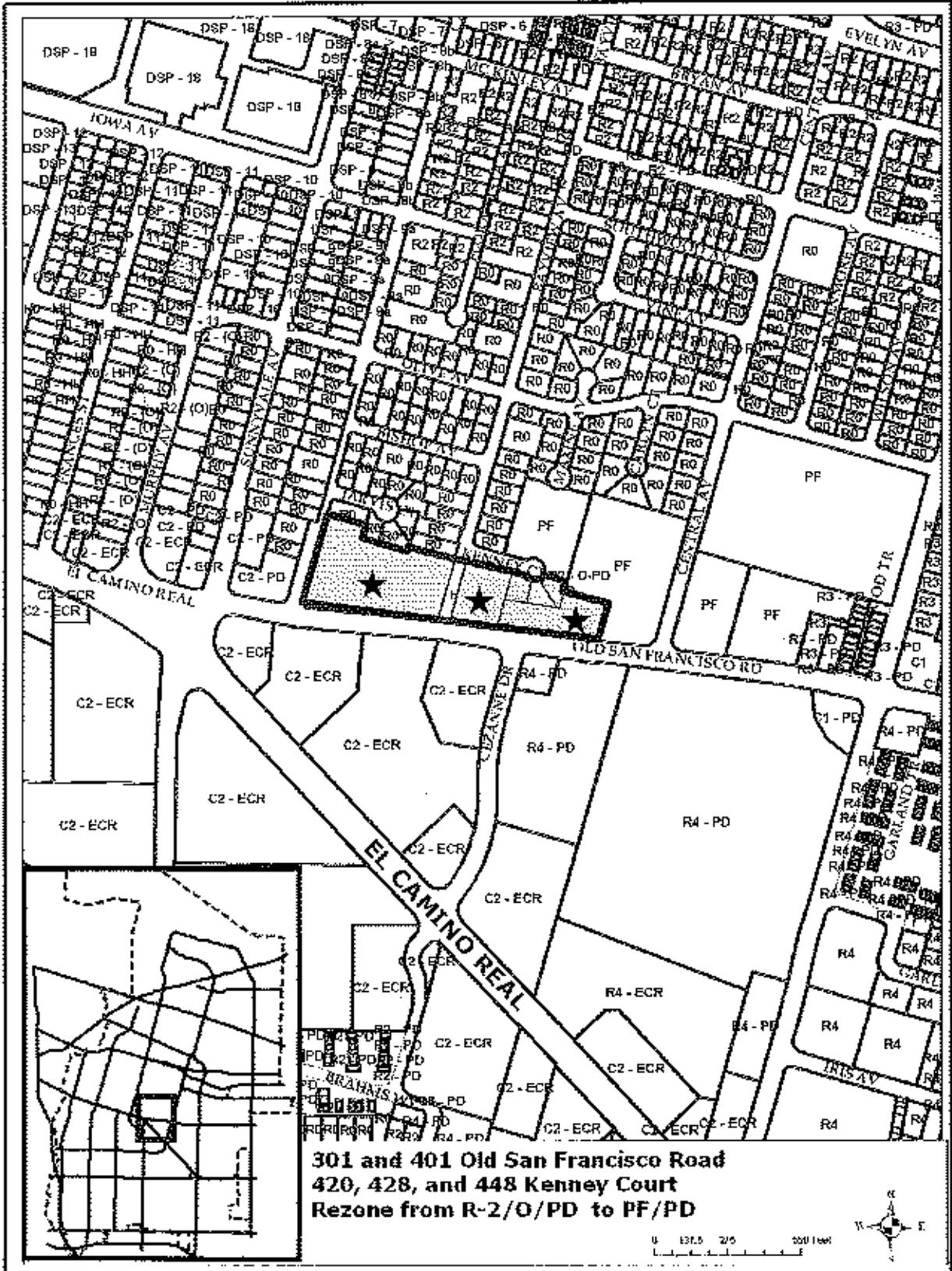
City Clerk
Date of Attestation _____
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David H. Kahn, City Attorney

EXHIBIT A



PARKING MANAGEMENT PLAN

Palo Alto Medical Foundation - Sunnyvale Center

This parking management plan is designed to manage the use of parking on the Sunnyvale medical campus comprised of three medical office buildings at 201, 301 and 401 Old San Francisco Road, property owned and operated by the Palo Alto Medical Foundation (PAMF).

QUANTITY OF PARKING

PAMF's proposal includes the construction of a two-level parking structure (one at ground level, and one elevated), two levels of subterranean parking under the main clinic at 301 Old San Francisco Road, and ground-level parking at the entries of the three medical buildings. Combined, this meets the City of Sunnyvale's requirement of five (5) parking spaces per 1,000 square feet of building space.

Parking under the main clinic is dedicated to patient use and will be marked "Patient Parking Only." Patients will have direct access to the clinic via three banks of elevators. The garage and elevators are designed to accommodate wheelchairs and ambulatory patients.

The parking structure at Old San Francisco Road at Bayview is primarily dedicated to physician and employee use. Its capacity can accommodate patient parking needs as well. Employees will be encouraged to use parking spots away from the clinic, reserving the most convenient parking spaces for patient use. People who park in this structure will be instructed to cross Bayview at a marked pedestrian crossing.

Peak hour use by employees will be between 7:30 a.m. and 8:30 a.m., and 5:30 p.m. and 6:30 p.m. Patient traffic is anticipated to flow fairly consistently throughout the standard business hours -- 8 a.m. to 6 p.m., on weekdays.

PARKING MANAGEMENT TOOLS

- 1) All parking areas will be accurately marked and striped and adequately maintained.
- 2) Signage will be posted to direct vehicles to appropriate on-site parking spaces.
- 3) Adequate lighting will be provided in all parking areas.
- 4) If, after the medical center is open and operational, problems with parking access and traffic flow in the parking areas arise, PAMF will consider and/or provide valet parking where appropriate.
- 5) PAMF will implement an employee permit parking plan to prevent employees from parking on neighboring streets. Parking areas will be monitored throughout the day to

enforce compliance with the parking program; those employees that are out of compliance will be issued a parking violation notice. A copy of the parking violation notice will go to Human Resources and be placed in the employee's personnel file, and a copy will go to the employee's manager/supervisor. Non-compliance with this policy may result in disciplinary action.

- 6) Employees will not be allowed to park on the 301 parking levels, with the possible limited exceptions of access (e.g. evening classes, handicapped accessible spaces).
- 7) PAMF will provide ongoing patient education to deter patient parking on adjacent residential streets.
- 8) If more management of on-site parking is deemed necessary, PAMF will develop a demand management program which could include some or all of following measures:
 - a) A Commute Club to promote and encourage use of alternative transportation modes, to suggest new programs, and to monitor the use of existing programs.
 - b) Meetings for employees living near each other to discuss potential for carpooling and vanpooling, and to reinforce the commute benefits program.
 - c) Commute assistance information on alternative modes of transportation.
 - d) A "Guaranteed Ride Home" program through which carpool, vanpool and transit users will be guaranteed a ride home whenever they miss their normal commute or for personal emergencies.
 - e) Preferential parking spaces for carpools and vanpools.
 - f) A bicycle package for all employees, consisting of a map and information on safety, bicycle racks, showers, lockers, towel service, and the commute assistance program.
 - g) Bicycle lockers and racks as needed for bike commuters.
 - h) PAMF will periodically review this management plan, update it as needed, and have City staff review and approve it.

**This attachment,
the Draft Environmental Impact Report
and Technical Appendix,
was transmitted separately to Planning
Commission, and is available at the
Sunnyvale Public Library, One-Stop
Permit Center and Senior Center.**

**This attachment,
the Final Environmental Impact Report
and Response to Comments was
transmitted separately to Planning
Commission, and is available at the
Sunnyvale Public Library, One-Stop
Permit Center and Senior Center.**

Draft

MITIGATION MONITORING AND REPORTING PROGRAM

Palo Alto Medical Foundation Medical Clinic Project **Rezoning and Special Development Permit** **SCH: 2008102088**



City of Sunnyvale
May 2009

P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On (insert date), 2009, the Final Environmental Impact Report was adopted for the Palo Alto Medical Foundation Medical Clinic Project. The Final Environmental Impact Report concluded that the implementation of the project could result in significant effects on the environment; therefore, mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program outlines these measures and how, when, and by whom they will be implemented.

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<i>Land Use</i>				
<p>Impact LU – 6: The proposed project would result in a significant land use compatibility impact in terms of construction noise.</p> <p>Significant Unavoidable Impact</p>	<p>The implementation of the mitigation measures identified in Section 2.4 Noise (MM NOI – 2.1-2.11) would reduce construction noise exposure impacts, but not to a less than significant level.</p> <p>AMLU – 1.1: The project applicant(s) shall implement a Construction Management Plan (CMP) for all development within 1,000 feet of occupied residential uses, approved by the Director of Community Development to minimize impacts to surrounding sensitive land uses, particularly the residences located to the north of the project site and the school located to the east of the 401 parcel, to the fullest extent possible. The Construction Management Plan shall include the following measures to minimize the impacts of construction upon nearby sensitive land uses:</p> <ul style="list-style-type: none"> o Measures to control dust, noise, and water pollution resulting from construction activities; o Measures to keep all streets and public ways clean of debris, dirt, dust, and other undesirable outcomes of construction (refer to Section 2.3 Air Quality); o Measures to control noise by limiting hours of operation of construction activities, avoiding sensitive early morning and evening hours, notifying residents prior to major construction 	<p>Refer to Noise below, specifically MM NOI – 3.1-3.11.</p>	<p>Refer to Noise below, specifically MM NOI – 3.1-3.11.</p>	<p>Refer to Noise below, specifically MM NOI – 3.1-3.11.</p>

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	activities, and scheduling equipment selection (refer to Section 2.4 Noise); and o Selection of access routes for trucks delivering materials to and from the site which minimize neighborhood disturbance.			
<i>Transportation</i>				
Impact TRAN – 3: Development of the proposed project would result in significant intersection level of service impacts. Less Than Significant Impact with Mitigation Incorporated	MM TRAN – 1.1: Convert the Old San Francisco Road/Bayview Avenue intersection from a side-street stop controlled intersection to an all-way stop controlled intersection. With this mitigation, the intersection would operate at a LOS B or better during both the morning and evening peak hours.	At the final design phase, the project proponent shall be responsible for showing all improvements related to this measure on project plans. During the construction phase, the project proponent and contractor are responsible for implementing the improvements.	The improvements shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Community Development prior to issuance of permits.	Director of Community Development
<i>Air Quality</i>				
Impact AIR – 5: The proposed project would	Implementation of the measures recommended by BAAQMD and listed below would reduce the short-	At the construction phase, the project	These measures shall be printed	Director of Community

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>result in short-term demolition and construction related air quality impacts from dust (PM₁₀) and diesel exhaust.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>term air-quality impacts associated with grading and new construction to a less than significant level. Measures to reduce diesel particulate matter and PM_{2.5} from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.</p> <p>Dust (PM₁₀) Control Measures:</p> <ol style="list-style-type: none"> 1. 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. 2. Cover all hauling trucks or maintain at least two feet of freeboard. 3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. 4. 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. 5. Hydroseed or apply (non-toxic) soil stabilizers to 	<p>proponent is responsible for implementing BAAQMD Avoidance Measures.</p>	<p>on all construction documents, contracts, and project plans, and shall be reviewed by the Director of Community Development prior to issuance of permits.</p>	<p>Development</p>

¹ see <http://www.airquality.org/ceqa/index.shtml#construction>

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).</p> <p>6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.</p> <p>7. Limit traffic speeds on the construction site to 15 mph.</p> <p>8. Replant vegetation in disturbed areas as quickly as possible.</p> <p>9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.</p> <p>10. Install windbreaks or fences along adjacent residential properties</p> <p>11. During renovation and demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations (refer to Section 2.9, Hazards and Hazardous Materials).</p> <p>12. A Disturbance Coordinator will be assigned to the project for the full duration of asbestos abatement, demolition activities, grading, excavation, and building construction. This coordinator will ensure</p>			

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.</p> <p>Off-Road Equipment Exhaust Control Measures:</p> <p>13. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke three minutes after start up is in violation of this measure.</p> <p>14. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.</p> <p>15. The project shall develop and implement a plan,</p>			

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. Note, the Sacramento Metropolitan Air Quality Management District maintains a <i>Construction Mitigation Calculator</i> that could be used to demonstrate compliance with these requirements¹.</p> <p>16. Properly tune and maintain equipment for low emissions.</p> <p>17. Avoid staging construction equipment within 100 feet of residential properties.</p>			
<i>Noise</i>				
<p>Impact NOI – 2: The proposed project could result in operational noise levels, including noise from equipment waste collection, and circulation and parking on the site, exceeding the standards established by the Sunnyvale Municipal Code.</p>	<p>As conditions of approval, the project applicant shall be responsible for the implementation of the following mitigation measures to further reduce operational noise related impacts:</p> <p>MM NOI – 2.1: The proposed emergency diesel generator shall be tested during daytime hours only. The testing schedule shall be coordinated with nearby residential land uses to avoid sensitive daytime hours when testing may interfere with normal residential activities.</p>	<p>At the final design and construction phases, the project proponent is responsible for implementing MM NOI – 2.2.</p> <p>At the final design phase, the project proponent and</p>	<p>These measures shall be printed on all construction documents, contracts, and project plans, and shall be reviewed by the Director of Community</p>	<p>Director of Community Development</p>

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
(Less Than Significant Impact with Mitigation Incorporated)	<p>MM NOI – 2.2: During final design of the project, conduct building design-level acoustical analysis to ensure that mechanical equipment noise resulting from the project complies with applicable General Plan policies and Municipal Code noise level limits. The acoustical analysis will calculate noise levels resulting from the proposed equipment at the nearest sensitive receiving land uses, assess noise levels relative to applicable standards, and provide recommendations to control noise levels in accordance with the applicable limits. Equipment that operates primarily during daytime hours (e.g., underground parking garage fans) shall be subject to the City’s 60 dBA noise standard. Equipment that operates both day and night, such as roof-top mechanical equipment, shall be subject to the City’s 50 dBA nighttime noise standard. The report shall be completed and submitted to the City building department prior to the issuance of building permits.</p> <p>MM NOI – 2.3: Construct an eight-foot noise barrier along all property lines adjoining residential land uses and the elementary school. The proposed wall would reduce noise levels in the rear yards of adjacent residential land uses by about seven to eight dBA. To be effective, the barriers shall be constructed solidly over the entire surface and at the base. Openings or gaps between barrier materials or the ground decrease the reduction provided by a noise barrier. Suitable</p>	<p>qualified acoustical consultant shall be responsible for determining the specifics of noise barriers required to meet the City’s exterior noise goal of 65 dBA L_{dn} or less.</p> <p>At the construction phase, the project applicant and contractor are responsible for constructing the necessary noise barriers (MM NOI-2.3 and MM NOI-2.5).</p> <p>During operations, the project applicant shall comply with MM NOI-2.1, NOI-2.4, and NOI-2.6.</p>	Development prior to issuance of permits.	

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>materials for barrier construction shall have a minimum surface weight of three pounds per square foot (such as one-inch thick wood, masonry block, concrete, or metal). The final detailed design of the heights and limits of these barriers shall be confirmed at the time that the final grading plan is submitted.</p> <p>MM NOI – 2.4: Truck deliveries shall be limited to daytime hours only, and the posted speed limit shall not exceed 15 mph along the truck circulation route. These limits shall be clearly posted to advise delivery personnel as to the time and speed restrictions.</p> <p>MM NOI – 2.5: Where allowable noise levels could be exceeded on the north and east elevations, that façade shall be solid and the parking garage shall be solid. The shielding provided by the solid wall would maintain noise levels emanating from the structure in compliance with the Municipal Code.</p> <p>MM NOI – 2.6: Parking lot cleaning activities shall be limited to the hours between 8:00 a.m. and 8:00 p.m. All leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of 65 dBA at a distance of 50 feet.</p>			
Impact NOI-3: The noise generated by construction activities for the proposed project would exceed the	As conditions of approval, the project proponent shall be responsible for the implementation of the following mitigation measures to reduce construction noise impacts to a less than significant level:	At the construction phase, the project applicant and contractor are	These measures shall be printed on all construction	Director of Community Development

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>City of Sunnyvale's constructions noise standards, and would result in significant noise impacts from project construction activities.</p> <p>Significant and Unavoidable Impacts</p>	<p>MM NOI – 3.1: Pursuant to the Municipal Code, restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 am to 5:00 pm on Saturday. Construction shall be prohibited on Sundays and holidays.</p> <p>MM NOI – 3.2: Construct solid plywood fences (minimum eight feet in height) or noise barriers around the construction site to shield adjacent residences or other noise-sensitive land uses prior to major noise generating phases of demolition and construction;</p> <p>MM NOI – 3.3: Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;</p> <p>MM NOI – 3.4: Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;</p> <p>MM NOI – 3.5: Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses;</p> <p>MM NOI – 3.6: Locate staging areas and construction material areas as far away as possible from residences or</p>	<p>responsible for implementing MM NOI-3.1-3.11.</p>	<p>documents, contracts, and project plans, and shall be reviewed by the Director of Community Development prior to issuance of permits.</p>	

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>noise-sensitive land uses;</p> <p>MM NOI – 3.7: 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. Construction workers will not be permitted to park on neighborhood streets;</p> <p>MM NOI – 3.8: Control noise from construction workers’ radios to a point that they are not audible at existing residences bordering the project site;</p> <p>MM NOI – 3.9: Prohibit all unnecessary idling of internal combustion engines;</p> <p>MM NOI – 3.10: Notify all adjacent business, residences, and noise-sensitive land uses of the construction schedule in writing. Notification by door hangars of nearby residence regarding significant upcoming construction activities;</p> <p>MM NOI – 3.11: Designate a “disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of noise complaints (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.</p>			

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The noise disturbance coordinator shall be authorized to address and accommodate special circumstances (home bound or medical condition-adjacent homeowners).			
<i>Biology</i>				
<p>Impact BIO – 2: The project would result in significant impacts to nesting raptors, if they are present on-site at the time of construction.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>MM BIO – 2.1: In conformance with federal and state regulations regarding protection of raptors, the following California Department of Fish and Game protocols shall be completed prior to any development on the site to ensure that development does not result in the disturbance of nesting raptors:</p> <p><i>Avoidance.</i> Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in the project area extends from January through August.</p> <p><i>Preconstruction/Pre-disturbance Surveys.</i> If demolition and/or construction are to occur between January and August, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early</p>	<p>The project applicant shall be responsible for implementing this measure no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p>	<p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.</p>	<p>Director of Community Development</p>

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>part of the breeding season (January through April), and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Game, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the Migratory Bird Treaty Act or state code will be disturbed during project implementation.</p> <p><i>Inhibit Nesting.</i> If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (February), if feasible, to help preclude nesting. Removal of vegetation or structures to be removed by the project shall be completed outside of the nesting season, which extends from January to August.</p> <p>A final report of nesting birds, including any protection</p>			

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
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	measures, shall be submitted to the Director of Community Development prior to the start of grading.			
<p>Impact BIO – 3: Implementation of the proposed project would result in the removal of up to a total of 60 trees, including 26 significant size trees.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	<p>MM BIO – 3.1: The project proponent shall work with City staff to preserve the maximum number of trees to maximum extent feasible.</p> <p>MM BIO – 3.2: The project shall conform to the City’s Tree Preservation Ordinance (SMC, Chapter 19.94). At the discretion of the Director of Community Development, trees that are to be removed shall be replaced, replanted, or relocated based on measures set forth in SMC Sections 19.94.080, 19.94.090, and 19.94.100.</p> <p>MM BIO – 3.3: In the event trees on-site are proposed for preservation, a tree protection plan shall be completed. The plan shall demonstrate how tree protection shall be provided during and after construction. The key elements of a tree protection plan would include retaining selective trees with good or moderate suitability for preservation based on the proximity and type of the proposed improvement(s); establishing Tree Protection Zones (TPZs) for each tree to be preserved; and providing supplemental irrigation during the demolition and construction phases of the project. The tree preservation plan shall include the following measures and any of the protective measures set forth in SMC Section 19.94.120:</p>	<p>At the final design phase, the project proponent shall be responsible for coordinating with City staff about trees to be preserved on-site and preparing a tree preservation plan.</p> <p>At the construction phase, the project proponent shall be responsible for obtaining necessary permits to remove trees, implementing the tree preservation plan, and complying with the Municipal Code.</p>	<p>The tree preservation plan shall be submitted to the Director of Community Development for review and approval.</p> <p>Tree removal permits shall be submitted to the Director of Community Development for approval.</p> <p>These measures (including the details of the tree preservation plan) shall be printed on all construction documents, contracts, and</p>	Director of Community Development

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
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	<p><u>Design Measures</u></p> <p>Any development plan affecting trees shall be reviewed by a qualified consulting arborist with regard to tree impacts. These include, but are not limited to, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.</p> <ul style="list-style-type: none"> • The truck location and elevations of trees proposed to be preserved shall be surveyed and plotted to assist in evaluating impacts to trees. • In consultation with the qualified consulting arborist, TPZs shall be identified in which no construction, grading, and underground services including utilities, subdrains, water or sewer shall be located. For design purposes, the TPZ shall be the dripline of the trees. • Tree preservation guidelines (to be prepared by the consulting arborist) shall be printed on all plans. • Ensure that any herbicides placed under paving materials are safe for use around trees and labeled for that use. • The irrigation system shall be designed so that no trenching would occur within the TPZs. • Soil within 50 feet of any tree designated for preservation shall not be treated with lime. Lime is toxic to tree roots. 		<p>project plans; and be reviewed by the Director of Community Development prior to issuance of the site development permit.</p>	

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	<p><u>Pre-construction Treatments</u></p> <ul style="list-style-type: none"> The construction superintendent shall meet with the consulting arborist before being work to discuss work procedures and tree protection. All trees to be preserved shall be fenced and completely enclose the TPZ prior to demolition, grubbing, or grading. Fences shall be six-foot chain-link mounted on two-inch diameter galvanized iron posts driven at least two feet into the ground, or equivalent, as approved by the City. Fences shall remain in place until all grading and construction is completed. All trees to be preserved shall be pruned to clean the crown and to provide clearance. All pruning shall be completed by a certified arborist or tree worker and adhere to the <i>Tree Pruning Guidelines</i> of the International Society of Arboriculture. Brush shall be chipped and spread beneath the trees within the TPZ. <p><u>Tree Protection During Construction</u></p> <ul style="list-style-type: none"> Grading, construction, demolition, or other work within the TPZ is prohibited. Any modifications shall be approved and monitored by the qualified consulting arborist. 			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> ▪ Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist. • A four to six-inch wood chip mulch shall be applied and maintained within the TPZ. Mulch shall be kept two-inches from the base of the trunk. • Any injury to a tree shall be evaluated. The consulting arborist shall be notified so that appropriate treatments can be applied. • The dumping and/or storage of excess soil, chemicals, debris, equipment or other materials within the TPZ shall be prohibited. • Any tree pruning needed for clearance during construction shall be performed by a certified arborist and not by construction personnel. <p>MM BIO – 3.4: Excavation proposed near the Coast Redwood (tree #40) should: 1) involve excavation no closer to the tree trunk than 30 feet from the perimeter of the trunk, or 2) an 18 to 24 inch wide trench should be dug with an air-spade to at least four feet of depth at the location of the desired excavation a qualified arborist should examine the roots exposed by the excavation, and 3) if quantities of roots of four inch diameter or larger are encountered at the trench location the excavation at that location would not be allowed.</p> <p>MM BIO – 3.5: Any root zone root cutting within 30</p>			

Mitigation Monitoring and Reporting Program Palo Alto Medical Foundation Medical Clinic Project				
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	feet of the trunk of the Coast Redwood (#40) should occur only between November 30 and January 30 to prevent unacceptable levels of stress to the tree.			
<i>Hydrology and Water Quality</i>				
<p>Impact HYD – 3: The proposed project could result in water quality impacts both during and after construction.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Future development under the proposed project shall be required to utilize structural and non-structural control measures and management practices to minimize the addition of pollution to the stormwater system, and comply with a hydromodification management program approved by the RWQCB.</p> <p>MM HYD – 2.1: Prior to construction of any phase of the project, the applicant(s) shall submit a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of stormwater pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:</p> <ul style="list-style-type: none"> • Soil stabilization practices 	<p>The project proponent shall be responsible for implementing these measures prior to issuance of a grading permit and/or issuance of a site development permit.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans; and be reviewed by the Director of Community Development prior to issuance of permits.</p>	<p>Director of Community Development, Department of Public Works Project Engineer</p>

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	<ul style="list-style-type: none"> ▪ Sediment control practices • Sediment tracking control practices • Wind erosion control practices; and • Non-storm water management and waste management and disposal control practices. <p>MM HYD – 2.2: Prior to issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the City Department of Public Works Project Engineer. The applicant shall maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.</p> <p>Prior to issuance of a Special Development Permit, the project shall include provisions for post-construction structural controls in the project design in compliance with the NPDES C.3 permit provisions, and shall include Best Management Practices (BMPs) for reducing contamination in stormwater runoff. The currently proposed post-construction BMPs and design features in the Stormwater Control Plan include:</p> <ul style="list-style-type: none"> • Bioretention Basins – shallow impoundments designed to collect and infiltrate stormwater into subsurface soils. • Vegetated Swales – shallow open channels with vegetated sides and bottom designed to collect, slow, and treat stormwater as it is conveyed to 			

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	<p>downstream discharge point.</p> <ul style="list-style-type: none"> Flow-Through Planter Boxes – structures designed to intercept rainfall and slowly drain it through filter media and out of the planter. <p>MM HYD – 2.4: The project shall comply with Provision C.3 of NPDES Permit Number CAS029718, Order #01-119, which provides enhanced performance standards for the management of stormwater for new development.</p> <p>MM HYD – 2.5: The applicant, their arborist, and landscape architects shall work with the City to select pest resistant plants to minimize pesticide use, as appropriate using the guidance provided by the SCVURPPP. This may include the use of integrated pest management techniques, site design measures to reduce pest infestations, and the use of pest-resistant plants or landscape management methods to reduce the need for pesticide applications.</p> <p>MM HYD – 2.6: The project shall comply with the City Storm Water Management Ordinance (SMC 12.60).</p>			
<i>Hazards and Hazardous Materials</i>				
Impact HAZ-2: Future excavation and development of the project	MM-HAZ-1.1: A hazardous materials licensed contractor shall conduct construction earthwork activities with properly trained employees in areas	The project proponent shall be responsible for	All measures shall be printed on all	Director of Community Development

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<p>site could expose construction workers to significant hazards associated with the presence of hazardous materials contamination in the soil on the site.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>where contaminated soil or ground water exceed residential screening levels. Employees conducting earthwork activities at the site must complete a 40-hour training course, including respirator and personal protective equipment training. Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection.</p> <p>MM-HAZ-1.2: Excavated soils shall be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Cleanup and remediation of the site will be required to meet all Federal, State, and local regulations. Cleanup and remediation of arsenic, DDT, Dieldrin and Endosulfan will be completed in accordance with all overseeing regulatory agency requirements (e.g. San Francisco RWQCB and/or City of San Jose Environmental Services Department).</p>	<p>implementing these measures prior to construction, during ground-disturbing demolition, and construction phases.</p>	<p>construction documents, contracts, and project plans; and be reviewed by the Director of Community Development prior to issuance of permits.</p>	
Cultural Resources				
<p>Impact CUL – 1: The development of the proposed project would result in significant impacts to buried cultural resources (including Muwekma</p>	<p>As conditions of approval, the project proponent shall be responsible for the implementation of the following mitigation measures to reduce and/or avoid impacts to buried cultural resources:</p> <p>MM CUL – 1.1: Prior to the initiation of construction</p>	<p>The project proponent shall be responsible for ensuring that contractors implementing these</p>	<p>All measures shall be printed on all construction documents, contracts, and</p>	<p>Director of Community Development</p>

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>Ohlone Indian ancestral resources), if they are encountered on the site.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>or ground disturbing activities at the project site, a qualified professional archaeologist shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources at this location within the project parcel. The testing program shall be implemented with the results presented in <i>Presence/Absence Testing Report</i> commensurate with the findings. Any recommendations for treatment of a significant resource shall be presented in the report.</p> <p>MM CUL – 1.2: Prior to the initiation of any construction that has the potential for ground-disturbing activities within the project area, the project proponent shall inform all construction personnel of the potential for exposing subsurface cultural resources at the project components and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.</p> <p>MM CUL – 1.3: Archaeological monitoring on less-than-full time basis with the frequency and duration to be determined by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within the project area. The archaeologist shall maintain a log of his/her</p>	<p>measures prior to construction, during ground-disturbing demolition, and construction phases.</p>	<p>project plans; and be reviewed by the Director of Community Development prior to issuance of permits.</p>	

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> <p>MM CUL – 1.5: Excavation contracts for development shall contain provisions for stop-work in the vicinity of an archaeological find in the event of the exposure of significant cultural resources during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by permitting and regulatory agencies. In general, the appropriate construction conditions should be included within the <i>General Conditions</i> section of any contract that has the potential for ground disturbing operations.</p> <p>MM CUL – 1.6: If any unanticipated prehistoric or significant historic era cultural materials including Native American burials are exposed during construction grading and/or excavation, operations shall stop within a minimum of 10 feet of the find to avoid altering the cultural materials and their context and a qualified Professional Archaeologist retained for identification, evaluation and further recommendations. The Community Development Director of the City of Sunnyvale shall be notified of the discovery. Construction work shall not begin again within the find area until the archaeologist has been allowed to examine the cultural materials, assess their</p>			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed. If the discovery is determined to be a unique archaeological or historical resource under the criteria of the <i>California Register of Historical Resources</i> after review and evaluation by a Professional Archaeologist, and if avoidance of the resource is not possible, the Professional Archaeologist shall develop plans for treatment of the find(s) and mitigation of impacts acceptable to the City of Sunnyvale. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The project proponent shall make every effort to insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed. If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the Santa Clara County Medical Examiner.</p>			
<i>Utilities and Service Systems</i>				

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>Impact UTIL – 5: The demolition and construction under the proposed project would generate significant quantities of waste with associated resource, pollution, and infrastructure impacts, which would negatively affect the City’s state mandated waste diversion level and Solid Waste Goal 3.2B.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>MM UTIL – 5.1: The project shall implement the City approved Waste Management Plan to be prepared for the project, which shall include recommendations regarding facility design for on-going waste and recycling management systems.</p> <p>The Waste Management Plan shall also include recommendations for recycling demolition wastes and reusing or recycling unused construction materials. The Plan shall describe the projected quantities of waste generated during demolition and construction, how much of those materials will be reused, recycled, or otherwise diverted from landfills, and where unrecycled materials will be disposed. Upon completion, the project shall provide the City with a report summarizing the waste type, quantity, disposition (e.g., recycled or landfilled) and facility used, to document execution of the plan.</p>	<p>At the final design phase, the project proponent shall be responsible for implementing these measures.</p> <p>The project proponent shall provide the City with the project’s Waste Management Plan for review and approval prior to issuance of permits.</p>	<p>The Waste Management Plan shall be submitted to the Director of Community Development and Director of Public Works for review and approval.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans; and be reviewed by the Director of Community Development prior to issuance of permits.</p>	<p>Director of Community Development and Director of Public Works</p>

Source: City of Sunnyvale. Final Environmental Impact Report for Palo Alto Medical Foundation Medical Clinic Project. May 2009.

PLANNING COMMISSION MINUTES OF JUNE 8, 2009

2007-1293 – Palo Alto Medical Foundation [Applicant/Owner]: Application for related proposals on six sites at **301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court** in an R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) Zoning District; (APNs: 209-31-069, 209-32-041, 209-32-039, 209-32-027, 209-32-028, and 209-32-029) SL

- **Certify Final Environmental Impact Report** and adopt Statements of Overriding Consideration
- **Rezone** from R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) to PF/PD (Public Facilities/Planned Development)
- **Special Development Permit** to allow development of a 120,000 sf. medical clinic, a two level parking garage, and a storage building.

Steve Lynch, Senior Planner, presented the staff report. He said staff is recommending the Planning Commission recommend to City Council to certify the Environmental Impact Report (EIR), maintain the existing zoning, approve the Special Development Permit (SDP) with conditions, and direct staff to take action on traffic related items. He discussed supplemental information provided on the dais. He provided two modifications to the conditions of approval (COAs) correcting street names in conditions 15.A and 15.B switching Kenney Court and Jarvis Court, and provided clarification to a landscaping condition. He said available this evening to answer questions are Jack Witthaus and Heba El-Guendy from the City's Transportation and Traffic Division, John Schwarz and Karli Grigsby, representatives of the EIR consultants, David J. Powers and Associates, Inc., and other technical consultants.

Comm. Klein discussed with staff the garage exhaust fans, the possibility of a solid wall for the garage to the north, and the design of the garage. **Trudi Ryan**, Planning Officer, discussed the Environmental consultant's review of the garage including noise. **Comm. Klein** discussed with staff the shadowing of the neighbor's property and solar access for the roof tops.

Comm. Sulser discussed with staff COA 3.D regarding the night custodians and janitors and where they can park. **Comm. Sulser** discussed with staff the initial proposed rezoning to PF/PD and the redesign that changed staff's recommendation to retain the current zoning. **Comm. Sulser** and staff further discussed keeping the site zoned R-2/O/PD and clarified that currently this site is not a residential use and will not affect the updating of the housing sub-element.

Comm. Hungerford and staff discussed the desired traffic flow for the parking garages, and the need for a three-way stop at Bayview and Old San Francisco Road. **Franziskz Church**, with traffic consultants Fehr and Peers, said with a three-way stop added that the intersections on Old San Francisco, with Carroll, Bayview and Central would have the capacity to adequately handle traffic. **Comm. Hungerford** discussed pedestrian traffic flow with staff not recommending a mid-block crosswalk.

Comm. McKenna discussed with staff traffic flow and specific actions to be taken to calm and route traffic. **Heba El-Guendy** said that the project does not have significant impacts from a CEQA perspective and discussed the City traffic calming process. **Comm. McKenna** asked further about directing drivers out of parking lots with staff discussing traffic control features, and that these would be further determined at the design phase. Staff said there would be workshops and conversations with the neighborhood residents to determine where the traffic control features would be placed. **Comm. McKenna** discussed with staff a possible u-turn at El Camino Real when traveling south on Sunnyvale Avenue.

Comm. Klein discussed with staff the pedestrian access of the employees.

Chair Rowe disclosed that she met with representatives from Palo Alto Medical Foundation (PAMF) and Citizens Address Re-zoning (CARz). **Comm. Sulser** disclosed that he met with representatives from PAMF and CARz. **Comm. McKenna** disclosed that she met with representatives from PAMF and CARz. **Vice Chair Chang** disclosed that he met with representatives from PAMF and CARz.

Chair Rowe opened the public hearing.

Rich Slavin, applicant and Executive Vice President for PAMF, provided a brief history of PAMF and their history in Sunnyvale. He said Sunnyvale is one of the largest cities in California that has no hospital. Mr. Slavin introduced **Curtis Snyder**, with Hawley Peterson and Snyder Architects, architects for the project. Mr. Snyder said he thinks the project is better as they have responded to the neighbors' comments. Mr. Snyder discussed the changes including reduction of the mass, enhanced landscaping, changes in parking, changes in building design and square footage reductions, the elevations of the buildings, and changes in materials and details. Mr. Snyder said they would continue to work with staff and the neighbors on landscaping and said they would like to include redwood trees along the north part of the project. He discussed lighting, windows, automatic blinds, floor setbacks and privacy glass. He said that PAMF would continue to work with the neighbors and the City on traffic issues. He discussed the parking management plan. He said they think the design has come a long way to meet the neighbors' concerns and that they have designed an elegant, patient-friendly medical facility that will hopefully be a major community resource and great source of pride for the community.

Genie Florczyk, Principal of St. Martin School, spoke in favor of the new building, and said she applauds the applicant for working with the neighbors and making changes. She said she believes the traffic issues will be addressed.

Stephen Meier, a Sunnyvale resident, spoke in support of the facility, saying that it can be a local stimulus project which he would be proud to have in Sunnyvale. He discussed the regional traffic benefit, the need for a crosswalk, and agreed with the local residents that the traffic situation needs further study.

Mary Sullivan, a Sunnyvale resident, spoke in support of the facility, and the importance of having high quality medical care close by. She said PAMF has been a landmark in Sunnyvale for years and said it is important to support them.

Josh Martin, a Sunnyvale resident, spoke on behalf of CARz. He said initially CARz had three main concerns: the size of the building tied to the rezoning; traffic flow through residential streets; and pedestrian safety. He said CARz wants a situation that works for PAMF and CARz thanking PAMF for reducing the size of the building and height of the parking structure. He said CARz biggest remaining concern is the traffic flow on the residential streets and said he does not want the project approved until the traffic issues are adequately addressed.

Mary Adamson, a Sunnyvale resident, spoke about noise and air pollution affecting the neighbors during the proposed two-year construction. She said she does not think staff took into consideration the residents of neighboring Life's Garden with the Senior citizens and the children at the nearby school.

Tynna Jones, a Sunnyvale resident, said she is deeply disappointed with the Final EIR as there are unanswered questions and the issues are not adequately addressed. She spoke about her concerns with the pedestrian traffic, crosswalk problems, vehicle pedestrian impacts, and the location of the vents from the underground parking.

Jeni Pfeiffer, a Sunnyvale resident, discussed the location and noise levels of the smoke stacks and generators, the barrier walls, the operational hours from 7 a.m. to 7 p.m. being inappropriate, that she does not want construction on Saturdays, and her privacy concerns with patients looking down on the neighborhood. She said she does not think the EIR should be recommended to be certified.

Judy Blare, a Sunnyvale resident, discussed the excessive noise and exhaust fumes that she already experiences at her location. She said she dreads the increase in traffic from the completion of the facility and the Downtown. She discussed on-line maps and the recommended routes to the existing site commenting that all the routes go through the neighborhood. She said unless Carroll and Bayview are closed, on-line maps would route drivers through the neighborhoods even with traffic calming measures. She said she would like to

see the Planning Commission not recommend certification of the EIR, due to traffic issues adding she is not against the project, but would like the traffic issues resolved first.

Kevin Shives, a Sunnyvale resident, and member of CARZ said he thinks the traffic will have a negative impact on their neighborhood. He provided a map and signed petitions from the area impacted. He said the Final EIR and the recommendations of staff do not adequately address their concerns. He encouraged the Commission to not exclude possible street closures, to delay any approval of the project until the City completes the left turn analysis and the traffic calming plan, stating there is time, as many of the PAMF proposed sites are having their funding frozen.

Jeff Jones, a Sunnyvale resident, and member of CARZ, provided a handout. He thanked PAMF for redesigning the architecture. He discussed items missing from the EIR, including trip distributions, and missing traffic counts. He said the facility hours have been expanded from 7 a.m. to 7 p.m. including after-hours and weekends which the traffic study did not include. He encouraged the Commission to not recommend certification or approval of the project, until the traffic issues are resolved.

Kim Martin, a Sunnyvale resident, said she agrees with most of the items the CARZ representatives have discussed saying her biggest concern is the traffic. She discussed possible closures of Bayview and Carroll, adding that she thinks emergency vehicles and garbage trucks would be able to turn around.

Robert Varesio, a Sunnyvale resident and trustee for a neighboring property, discussed his concerns about noise and air quality from the exhaust vents, and the EIR saying "the exhaust would not result in significant local air quality impact related to exposure to carbon monoxide levels". He said he lives next door and asked what "local" means. He said he was disappointed with the staff answer in the EIR regarding the fence on the northern property line and said he is most concerned that the fence can stop vehicles coming onto his property. He said he does not want redwood trees planted along the northern boundary due to clean-up issues and does not want the EIR certified due to the unanswered questions.

Cynthia Cotton, a Sunnyvale resident, spoke in support of the project, saying she sympathizes with the CARZ group. She said she his speaking as a patient and said that this facility is essential acknowledging there are still issues to work out. She said she hopes the issues can be resolved as the proposed facility is in a good, central location.

Mikhail Spitrovsky, a Sunnyvale resident, said he appreciates the reduction in the size of the project as his property is very near the garage. He said he is very concerned about his privacy and would like a solid wall on the parking garage. He urged the Commission not to approve the project unless the wall will be solid.

Helen Gettinger, a Sunnyvale resident, spoke in support of the project and PAMF. She said it important to have good health care available to Sunnyvale residents.

Arthur Schwartz, a Sunnyvale resident, said currently there is no u-turn allowed on Sunnyvale Avenue at El Camino Real. He discussed the traffic issues and traffic calming measures and made suggestions for traffic improvement.

Michael Garcia, a Sunnyvale resident, said he lives on the corner of Carroll and Jarvis and his biggest concerns are the generator, the air vents, and the noise as the master bedroom backs up to this proposed area. He said he would like the generator and vents moved, and that he is concerned about how the property values of the homes will be affected.

Mike Volking, a Sunnyvale resident, discussed the traffic flow and the difficulty of getting out of driveways. He explained that he is on Olive Avenue and for some reason his side of Olive Avenue was not included in any of the planning.

Michael Weseloh, a Sunnyvale resident, commented on traffic issues and street closures. He said that City seems to be the only party involved that does not want the street closures. He said he would like the traffic study completed before the project moves forward. He said if the project is approved he would like to know when PAMF would break ground, that he would like an urgent care use to be included, and offered suggestions regarding the vents and parking.

Garrett McGonigal, a Sunnyvale resident and PAMF patient for many years, said he is in support of the project in concept. He spoke in support of CARz and said he is concerned with traffic, specifically speed and volume. He said he thinks it would be irresponsible to approve this project without a full traffic analysis. He commented that the proposed rezoning never made sense to him.

Amin Valani, a Sunnyvale resident, said he is for and against the project. He said he his concerned about the noise of the generators and vents, about the traffic, and would like to see Old San Francisco Road opened up for a left turn.

Nancy Espinoza, a Sunnyvale resident, thanked PAMF for sending someone to clean up the site. She discussed Old San Francisco Road, and commented that her house is her investment and asked the Commission to not mess that up.

Comm. Klein discussed with staff the increase in pervious surfaces, noise from vents and operational noise, and the noise from the testing of the generator. **Michael Thill**, acoustical consultant with Illingworth & Rodkin, Inc., discussed the noise measurements, that as proposed the noise levels exceed what code allows, and that Mitigation Measure 2 provides additional attenuation during detail design so noise levels can be made to meet the code requirements.

Comm. Hungerford discussed with staff a speaker's concern about construction on Saturdays with staff providing what the code allows. **Comm. Hungerford** discussed Bayview and Carroll and possible closure, and concerns with emergency vehicles and turning around. **Jack Witthaus**, Transportation and Traffic Manager, discussed the concerns including the following of City policy, the balance of protecting residential neighborhoods from non-neighborhood traffic and providing a safe, efficient accessible transportation system. Mr. Witthaus said that closing streets limits a public resource, and redistributes traffic elsewhere, providing the recommendation to use traffic calming measures, and working with the neighborhood to discourage non neighborhood traffic. Mr. Witthaus clarified that the proposed \$50,000 calming budget in the COAs would be for construction and not more studies. **Comm. Hungerford** discussed with the Mr. Thill ways of softening noise from the fans and vents.

Comm. McKenna discussed with Mr. Witthaus why staff does not recommend allowing closure of the street as even a last option, with staff explaining that it is more conducive with City policy to not close streets.

Ms. Ryan said that if the Commission wants to recommend possible street closures as a final option, that the Commission can include this in their recommendation to Council.

Chair Rowe discussed with staff the use of alternative materials for absorbing sound with the Mr. Thill referring to Mitigation Measure 2. **Chair Rowe** discussed with the Mr. Thill the wall of the garage and absorption of sound. **Chair Rowe** discussed with staff street closures, traffic on Carroll, and residents having difficulty getting out of their driveways due to traffic.

David Jury, Vice President of Support Services with PAMF requested the Commission recommend to City Council approval of the staff recommendation. He said this process has taken about two years, and they have listened to the neighbors and modified the project. He said he disagrees with staff regarding a mid-block crosswalk and would like to include the crosswalk with pavers and in-ground sensor lighting. He said there is no impact identified in the EIR that would require a left turn lane or street closure. He said they would endorse the left turn lane. He said they do not want to take the lead on the traffic issue and will go with what the staff and the neighbor's determine. He said the only issue about the street closure for PAMF would be the cost issue and they would want to make sure the cost distribution would be fair. He said though there is disagreement on the issues that does not mean the issues have not been thoroughly looked at. He said there is a lot of time to address many of the issues and urged the Commission to recommend approval with staff's recommendation.

Chair Rowe discussed with Mr. Jury how PAMF would enforce the parking requirements on employees, and funding for the project with Mr. Jury commenting that this project is high on the list of priorities for PAMF.

Comm. Klein discussed with Mr. Jury employees crossing to and from the parking garage and possible changes in employee exits in the building design.

Chair Rowe closed the public hearing.

Comm. Klein moved for Alternative 1, regarding the EIR action, to Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program; Alternative 3, regarding Rezoning Actions, to Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning; Alternative 6, regarding Special Development Permit Actions, to Approve the Special Development Permit with modified findings and conditions of approval; Alternative 8a, regarding Transportation Policy Actions, Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the applicant/developer shall be fully responsible for the additional cost to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court).
- And to add a third bullet 9A into 8A, that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Jarvis Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Kenney Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

Alternative 10, Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road; **Alternative 11**, If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009. Comm. Klein said the modifications to the conditions would be:

- to add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.;
- to add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- to add a condition that the applicant work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- to add a condition (12.C) that the applicant be required to provide mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential community.

Comm. McKenna requested a friendly amendment to add to Alternative 10 that if a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a u-turn traveling south on Sunnyvale Avenue (at El Camino Real). The friendly amendment was acceptable to the maker of the motion. Comm. McKenna offered a friendly amendment to add a condition that mid-block crosswalk with in-ground sensor lights be considered. This was acceptable to the maker of the motion.

Chair Rowe discussed with staff and the Commission opaque windows determining this issue is covered in the conditions.

Comm. Klein thanked everyone for attending and discussed the pros and cons of the project, and said that Sunnyvale needs a clinic. He said the public being involved in this process has improved the project to reduce the size. He said traffic and the parking are the biggest affects of the project. He said pedestrian

safety and traffic calming measures definitely need to be further looked at. He said it is imperative to go forward with a possible left hand turn or u-turn on southbound Sunnyvale Avenue if appropriate agencies would approve it. He commended PAMF for working with the neighbors as the project is far improved from where it was originally and this is a compromise.

Comm. McKenna said it has been a pleasure to work with members of the community and PAMF and to see two groups try and make it work, including staff. She said there are still issues to deal with including the traffic impact and hoping working with Cal Trans we can get the left turn lane southbound from Sunnyvale Avenue. She said having the closure of the streets remaining as an option is a good modification.

Chair Rowe thanked everyone for their involvement. She said she hopes CARZ will follow up on their concerns and find a contact person within the City.

ACTION: Comm. Klein made a motion on 2007-1293 to recommend to City Council to:

(Regarding EIR Actions) Alternative 1. Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration and adopting the Mitigation Monitoring and Reporting Program;

(Regarding Rezoning Actions) Alternative 3. Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning;

(Regarding the Special Development Permit Actions) Alternative 6. Approve the Special Development Permit with modified findings and conditions of approval (listed below);

(Regarding the Transportation Policy Actions)

1. Modified Alternative 8a. Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- that the applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the applicant/developer shall be responsible for the additional cost (up

to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court)

- Adding (from Alternative 9a.): that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Jarvis Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Kenney Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy"; Alternative 10. Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road;

Alternative 11. If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City council with a status report or study results no later than December 2009.

3. To add to Alternative 10 that if a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

The conditions of approval to be modified are:

- to add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.;
- to add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- to add a condition that the applicant work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- to add a condition (12.C) that the applicant be required to provide

mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential community;

- to add a condition that the applicant consider with staff the addition of a mid-block crosswalk with in-ground sensor lighting on S. Bayview Avenue.

Comm. McKenna seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the June 23, 2009 Council meeting.