

**Hearing Date:** December 13, 2011**File Number:** 2011-7063

SUBJECT: SummerHill Homes / Dorothy Miller Family, LP:
Application(s) on an 8.29 acre project located at **660-666 W. El Camino Real** in a C-2/ECR Zoning District (APN: 201-22-011 & 201-23-029):

Motion **2011-7063 - Appeal of a decision by the Planning Commission to deny a** Special Development Permit to allow the development of 17,302 square feet of commercial development and construction of 113 multi-family townhouse units;

Motion **2011-7063 - Vesting Tentative Map** to create 113 townhouse lots and one common lot for common area and private streets.

REPORT IN BRIEF:

Existing Site Conditions Vacant - Former Auto Dealership (Chevrolet); seasonal uses

Surrounding Land Uses

North	Civic Center / County Courthouse
South	Multi-Family Residential - Townhouses
East	Commercial & Multi-Family Residential - Townhouses
West	Commercial & Multi-Family Residential - Triplexes

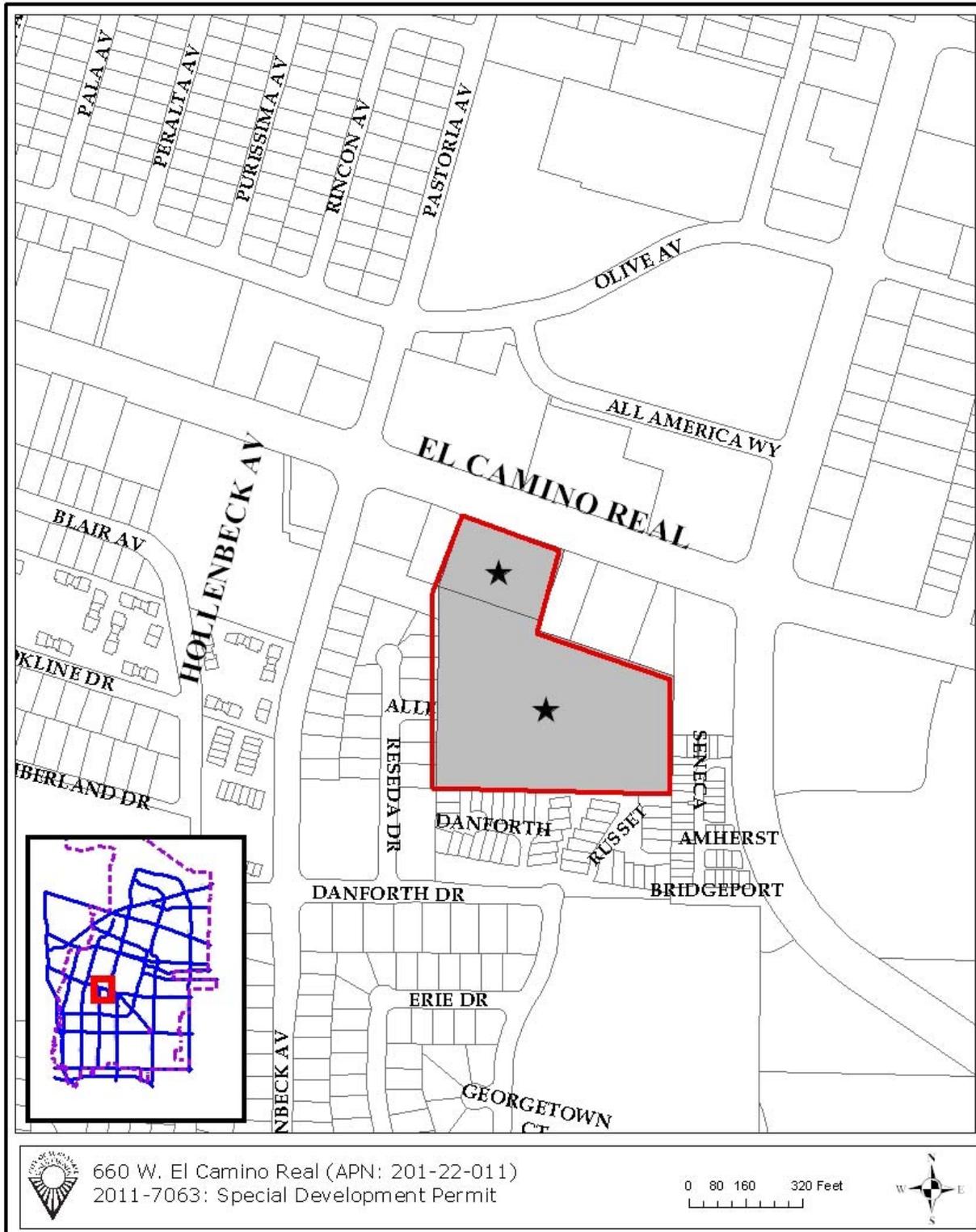
Issues Percentage of Commercial Development

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

Planning Commission's Action Denial

Staff Recommendation Deny the appeal and uphold the decision of the Planning Commission to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map.

VICINITY MAP



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial General Business	Same	Commercial General Business
Zoning District	C-2/ECR	Same	C-2/ECR
Lot Size (s.f.)	361,112	Same	No min.
Gross Floor Area (s.f.)	42,948	17,302 (Commercial) 236,536 (Residential)	72,257 min. commercial
Lot Coverage (%)	12%	22% (Commercial) 37% (Residential)	40% max.
Floor Area Ratio (FAR)	12%	4.8%	20% (commercial)
No. of Units	0	113	No max.
Density (units/acre)	N/A	17.43 per acre	No max.
Bedrooms/Unit	N/A	2 - 4	---
Unit Sizes (s.f.)	N/A	1,267 – 1,893	N/A
No. of Buildings On- Site	1	1 (Commercial) 26 (Residential site)	---
Building Height (ft.)	Approx. 25'	28' (Commercial) 34'4" (Residential)	75' max.
No. of Stories	1	1 (Commercial) 2 & 3 (Residential)	8 max.
Commercial Development Setbacks			
Front	Approx. 230'	15'	0' min.
Left Side	Unknown	45'	No min.
Right Side	Unknown	55'	No min.
Rear	Unknown	68'	15' min.
Residential Development Setbacks (First/Second)			
Front	N/A	10'	15' min.
Left Side	N/A	20'	No min.
Right Side	N/A	20'	No min.
Rear	N/A	20'	20' min.
Landscaping (sq. ft.)			
Total Landscaping on Commercial Site	Approx. 4,791	20,743	15,768 min.
Total Landscaping on Residential Site	Approx. 5,227	67,518	56,454 min.
Landscaping/Unit	N/A	598	425 min.
Usable Open Space/Unit	N/A	540	400 min.

Frontage Width (ft.)	Approx. 15-20'	15'	15 ft. min.
Landscaping Buffer (ft.)	N/A	10'	10 ft. min.
Buffer (ft.) Adj. Residential	N/A	10'	10 ft. min.
% Based on Parking Lot	N/A	24%	20%
Parking Lot Area Shading (%)	N/A	50%	50% min. in 15 years
Parking (Commercial Development)			
Total Spaces	N/A	92	96 min.
Standard Spaces	N/A	92	87 min.
Compact Spaces/ % of Total	N/A	0	9 / 10% max.
Accessible Spaces	N/A	4	4 min.
Aisle Width (ft.)	N/A	26'	26' min.
Parking (Residential Development)			
Total Spaces	N/A	283	282 min.
Standard Spaces	N/A	283	275 min.
Compact Spaces/ % of Total Uncovered Space	N/A	0	7 / 10% max
Accessible Spaces	N/A	5	4 min.
Covered Spaces	N/A	210	
Aisle Width (ft.)	N/A	24'	24' min.
Stormwater			
Impervious Surface Area (s.f.)	355,885	284,882	---
Impervious Surface (%)	98.5%	78.8%	---



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

BACKGROUND:

Previous Actions on the Site

This application was heard before the Planning Commission at their November 28, 2011 meeting. The project was denied by a 4-0 vote. The Commission primarily discussed the lack of commercial development proposed for the site and the inability to approve a project with such a significant deviation from the 20% FAR standard required for mixed-use projects in the “Nodes.” The zoning code was recently amended to specify the minimum of 20% in the Nodes, whereas the Precise Plan for El Camino Real discusses a minimum of 25% FAR. The Commissioners acknowledged the difficulties to meet the adopted standard, based on the property configuration; however, they reiterated comments from the study session to further explore an increase of commercial area that is closer to the requirement. It was

further noted that the applicant’s alternative to approve the residential portion of the development and defer approval of a commercial design was not recommended due to the limitations that it would pose for future proposals. Additional comments were made by the Commissioners regarding site layout and residential design. One member of the public spoke during the public hearing noting concerns with the Condition of Approval to require (if approved) a vehicular connection to the residential neighborhood off Allegheny Drive to the west. In conclusion with the final motion, the Planning Commission further noted, that if appealed, the City Council should consider a Condition of Approval to require the project be referred back to the Planning Commission to further discuss the specifics of the project. The Minutes from the Planning Commission are included in Attachment I.

The following table summarizes previous planning application related to the project site.

File Number	Brief Description	Hearing/Decision	Date
2004-0568	Façade Change for Chevrolet Dealership	Miscellaneous Plan Permit / Approved	7/9/2004
1977-0264	Addition of a service Shelter Between two Existing Buildings	Planning Commission / Approved	7/26/1977
1973-0158	Redevelopment & Expansion of an Existing Auto Dealership	Planning Commission / Approved	6/12/1973

An auto dealership development was originally constructed at the site in 1953 and expanded at later dates, as noted in the above table.

DISCUSSION:

Requested Permits:

The proposed project includes the redevelopment of a former auto dealership site with a “mixed use” development consisting of 17,302 square feet of commercial floor area and 113 townhouse units. The two uses are separated and do not function as “mixed use,” however proposed access to the residential area is through the commercial area. The project site currently consists of two parcels totaling 8.29 acres (one 1.46 acre parcel with frontage on El Camino Real, and a larger 6.83 parcel adjacently located to the south). Both parcels are located in the C-2/ECR (Highway Business/El Camino Real Precise Plan) zoning district. Modifications to the property lines would be made through the Parcel Map process that would allow for the commercial development to be built on a 1.81 acre parcel and the remaining site area developed with multi-family residential subdivision.

The applicant recently revised the project to include an alternative if the initial proposal is not preferred. This alternative requests approval of the residential portion of the project (113 townhouse units) with a “remainder parcel” of 1.81 acres set aside

for an unspecified commercial project at a later date. The applicant notes that the approach would allow for the parcel along El Camino Real to be developed at a future date when market conditions improve or a suitable tenant has been identified. The applicant does not propose constructing the commercial development concurrently with the residential development. The applicant has submitted two sample studies illustrating the possibilities for developing the remainder parcel but these are not part of the application. See Attachment E for more detail.

- **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review of the proposed commercial and residential townhome development. An SDP may allow deviations from development requirements. The proposed project includes deviations from the following requirements (see discussions below):

- Minimum commercial development of 4.8% FAR where 20% is required.
- Front yard setbacks for residential development adjacent to Commercial uses
- Parking Spaces (Four shared spaces between commercial and residential uses)

- **Vesting Tentative Map**

The proposed project requires a Tentative Map to subdivide the area to allow for future development of residential units. The purpose of the Vesting Tentative Map is to entitle the project shown on the site plans, by displaying the location of lot lines for buildings, streets (public or private), etc., and displaying areas of future ownership lots. As indicated on the plans, a total of 113 residential units are proposed for site. The Vesting Tentative Map vests the developer's right to build the project for the life of the map. It also secures the approved project against future Sunnyvale Municipal Code (SMC) changes by the City that might otherwise affect the project.

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

ANALYSIS:

The project site is one of the primary opportunity sites along the El Camino Real corridor and is located in the important "Downtown Node" as defined in the Precise Plan for El Camino Real. The major issue raised by this application is the amount of commercial development and the significant deviation from the policies and standards for minimum commercial development or floor area ratio (FAR) as specified in the Precise Plan and Zoning Code. The staff analysis discusses other pertinent issues such as architectural design and conformance with specific site development standards. However, these items are secondary to the fundamental policy issue concerning preservation of El Camino Real as a commercial corridor. Staff believes that the decision on this application will set a precedent for future land use decisions along the corridor.

Conformance with Adopted Policies

Precise Plan for El Camino Real: The Precise Plan supports residential development along the corridor consistent with the Grand Boulevard Initiative Guiding Principles, which promote transit-oriented mixed use development along the corridor (see Attachment A). However, the Precise Plan conditions residential development on including a minimum amount of commercial development to maintain and enhance the commercial character and economic vibrancy of the corridor. This policy is particularly emphasized at large opportunity sites such as the subject project site and is articulated through the minimum floor area ratio (FAR) standards in the Precise Plan. Additionally, these standards were recently reaffirmed and reinforced through Zoning Code amendments adopted by the City Council on May 25, 2010. This is the first major proposal along El Camino Real since adoption of these Zoning Code amendments. The requested FAR deviation significantly conflicts with the City's adopted goals, policies and standards for commercial development along El Camino Real.

The applicable FAR standard for this Precise Plan “Downtown Node” site is stated in Section 19.26.170.(b) of the Zoning Code:

S.M.C. 19.26.170. (b) *Uses. Mixed use development in a commercial zoning district within a Node area must have a minimum of twenty percent of the lot area (floor area ratio) as commercial use.*

The mixed-use development proposed for this site is composed of an FAR of 4.8% commercial uses. A minimum of 72,222 square feet of commercial floor area would be required for the combined site area to meet Code requirements. The applicant has submitted a retail and fiscal analysis (Attachment G & H) to justify the current amount of commercial floor area in the proposal based on market conditions and characteristics of the site. It is important to note that the applicant's analysis only focused on retail uses. Staff has been urging the applicant to also consider hotel and/or office uses for this site. However, the applicant has not prepared an analysis for other uses.

Economic Development staff has also worked extensively with the applicant to consider revising the proposal and/or purchasing adjacent properties to allow for increased frontage along El Camino Real. Staff acknowledges that such coordination also requires willing parties to come to an agreement. Further, staff (as well as the Planning Commission during the study session) agrees that the configuration of the parcel with limited street frontage challenges the feasibility of meeting the FAR standard. Despite these constraints, staff cannot make the findings to support a minimal 4.8% FAR commercial proposal.

The Director of Community Development, Economic Development Manager, and Planning staff has advised the applicant on multiple occasions that the amount of commercial space needs to be substantially increased to more closely conform to the

policies and development standards in the Precise Plan for El Camino Real and Zoning Code. The Planning Commission also requested alternatives for increased commercial floor area at its study session on August 22, 2011. However, the applicant has chosen to maintain its original proposal for a 17,302 square foot retail building.

Staff has discussed with the applicant alternative proposals with increased commercial floor area, but no formal redesign of the project has been submitted. Instead, the applicant has proposed an alternative that maintains the 1.81-acre site as a “Reminder Parcel” for future commercial development and eliminates the proposed retail building from its application. This would essentially defer consideration of commercial development to a future uncertain date “when the market improves or a suitable tenant has been identified.” Staff has two concerns with this alternative proposal. First, compliance with FAR standards would not be tied to the residential project. Resolution of a key policy issue would be unresolved and circumvented while residential development might be allowed to proceed. Second, since the current proposal on the parcel is considerably deficient in meeting the FAR standard, staff is not confident that a substantial commercial project can be feasibly constructed on this limited parcel that will conform to the Precise Plan and zoning. Staff suggests that if this alternative is considered, a much larger commercial parcel should be reserved such as a minimum three to four acres. Staff does not recommend fragmenting the project site and sidestepping a critical policy issue.

In addition to the standards for minimum commercial development, the project does not further the vision for El Camino Real at this important Downtown Node site. The proposal falls short of supporting other policies in the Precise Plan for creating a distinctive transit-oriented mixed use development with a strong sense of place and unique identity. A further discussion of conformance with the Grand Boulevard Initiative Guiding Principles, General Plan and Precise Plan policies is included in the Recommending Findings for Denial (Attachment A).

Economic Development Policy: The El Camino Real corridor provides the greatest concentration of retail services in the city. In fiscal year 2010-2011, businesses located on El Camino Real generated almost \$6 million dollars in sales tax, which is about 25 percent of the City's total retail sales tax revenue. El Camino Real carries the most automobile traffic of any street in the city; it is also the most traveled bus corridor in the city. Both of these elements make the street very attractive to commercial uses. The lack of available large commercial sites along U.S. Highway 101 has allowed El Camino Real to remain the location of auto dealers and big box retail.

Staff has received several inquiries from hotel developers regarding this site and has referred some of these inquiries to the applicant. Several of these developers are working with major hotel brands such as the Marriott and the Hilton. Staff believes a hotel can be successful on this site as hotel occupancy levels are increasing. During the period of January 2011 through August 2011, the Transient Occupancy Tax revenue has increased by about 77%. This major increase is due to the fact that

businesses travel is returning to the area. Staff has heard from hotel managers that the occupancy levels at their hotels are increasing and some hotel operators are actively courting the new businesses relocating to Sunnyvale.

Housing Policies: The project furthers the City’s Housing Element goals through the addition of 113 townhouse units of which 12.5% or 14 units would be below market rate (BMR) units. However, Sunnyvale is experiencing a resurgence of residential construction for both rental and ownership housing. A number of residential projects are pending planning review, are pending issuance of building permits, or are currently under construction in the city. As discussed at the Planning Commission study session, approximately 2,391 housing units are in various stages of planning review and construction with breakdown as follows:

- 526 housing units pending planning review (including subject proposal)
- 601 housing units with planning approval and likely under construction in 2012
- 1,264 housing units currently under construction or recently completed

Furthermore, 396 townhouse units very similar to the subject proposal have been proposed, approved or are under construction in the city. Thus, there will be a sizable amount of new housing produced in the near future.

Commercial: The architecture of the residential and commercial developments for the project differs in style but complement each other; both styles are generally compatible with the surrounding neighborhood. The commercial architecture utilizes a similar theme as the development recently constructed at the nearby Cherry Glen development (southwest corner of Mathilda Ave and El Camino Real) consisting of individual storefront designs with differing color and detailing.

The most significant design issue is that the commercial building does not achieve the visual stature that is sought through the FAR zoning standard for commercial development, as discussed in this staff report. The modest one-story retail building as proposed does not distinguish the project and falls short of furthering the vision for redevelopment within the “Downtown Node.” The El Camino Real Precise Plan contains design policies and guidelines to achieve a distinctive architectural statement and strong sense of place. This could be remedied by requiring a more substantial commercial project on a larger parcel. Additionally, the site plan for the retail building is not well integrated with the residential project which is a policy objective for mixed use development in the Precise Plan. This is particularly desirable if neighborhood serving retail uses are anticipated.

The commercial building conveys a contemporary architectural design. Various design techniques have been employed to add interest to the building. If the City Council grants the deviation in required commercial FAR for this project, further architectural enhancements have been suggested in Conditions of Approval PS-1a and PS-1b.

Residential: The overall residential architectural theme is described as early California style with modern style elements. Staff finds that the project incorporates good detailing with the use of various sized divided light windows, arched entries and windows with the use of shutters and planter boxes. The project also incorporates well-designed sectional garage doors and corbels at the balconies. Carriage style lighting is utilized at the residence entrances as well. Tile roofing is indicated for each multi-unit building. Overall, staff believes that the appropriate amount of detailing has been designed into the architecture. Only minor modifications are recommended. Specifically, staff recommends that the roofline of the 10-unit building be broken up a bit more per Condition of Approval PS-1d. Staff also recommends, per C.O.A. PS-1e that the color palette for the residential portion of the project be expanded to increase variation throughout the 113-unit site.

Conformance with Development Standards

As discussed above, the proposed project does not comply with the basic and most significant development standard regarding minimum FAR for commercial development. Details regarding the project proposal and conformance with other applicable codes and design guidelines are discussed below.

Site Layout: The subject property contains two existing parcels; a 1.46 acre lot along El Camino Real, and a 6.83 acre lot positioned adjacently to the south. The site layout for the project contains an L-shaped multi-tenant commercial building on the front parcel along El Camino Real and a townhouse development consisting of 26 buildings towards the south.

The commercial building is positioned 15 feet from the property line along El Camino Real. Improvements to the property frontage along El Camino Real are planned in accordance with the guidelines adopted in the El Camino Real Precise Plan. Access to the proposed commercial development is provided at two locations. The primary access point is located at the west end of the property, near the current location, and another driveway is proposed at the east end of the boundary from El Camino Real. This driveway also runs directly through to the residential development behind the commercial development.

The residential development would be located behind the commercial development, roughly on the current larger lot. Modifications to the exact location of the lot line that separates the developments is planned through the approval of a Parcel Map. The townhouse units are located within 24 buildings, composed of a mix of between three and seven units. The applicant has described the unit types as “townhouse” and “single-family attached” units. Sunnyvale Municipal Code would define the entire development as townhouse style units due to the building design containing “three or more dwelling units that are separated by a common or party wall and each of which has ground floor access to the outside.” These two types of homes differ in layout. Those described as “townhouse” style units contain private deck/balconies, whereas the described “single-family attached” units contain private yards. Geographically, the townhouse style units are located within the northern half of the residential

development and the “single family attached” units are located at the southern end, adjacent to established residential neighborhoods.

The “single family attached” homes are designed with two and three-story elements and are composed of three or four bedrooms. The homes range from approximately 1,610 to 1,829 square feet (not including garage area). The “townhouse” units are composed of three stories and range between two or three bedrooms (approximately 1,267 to 1,893 square feet, not including garage area). All units contain either a two-car garage or a tandem garage (More discussion noted in the “Parking section of the report). The two-story designed homes are located closest to the neighboring established residential uses in an effort to buffer the existing development and address privacy concerns. These units are designed with a minimum of a 20-foot setback to adjacent residential properties, as prescribed in the El Camino Real Precise Plan. The remaining units are composed of three stories. (Site and Floor plans are included in Attachment D.)

Circulation: The proposal provides access to the commercial and residential development from El Camino Real with only emergency vehicular and pedestrian access enabled to the residential portion of the site off Allegheny Drive to the west. Pedestrian access is enabled from the residential development to the commercial site and El Camino Real along the west side of the main drive aisle into the site. The nearest bus stops along El Camino Real are west of the site across Hollenbeck Avenue and to the east across the street near Mathilda Avenue.

Staff had discussed with the applicant allowing both vehicular and pedestrian access at this location to improve circulation to the residential development. The City’s Traffic Division notes that enabling this access would encourage traffic through the site as well as relieve congestion entering the site at the El Camino entrance. Condition of Approval PS-1g requires vehicular access to be enabled to the residential development from Allegheny Drive. A traffic study was conducted for the project that concludes that increased peak hour trip generation is not significant for the proposed project, as currently designed, or if secondary access is created at Allegheny Drive, as conditioned.

Parking: A total of 96 spaces are needed for the commercial development based on the required rate of 1 space per 180 square feet for multi-tenant retail uses (Shopping centers less than 20,000 square feet). The proposal notes a total 92 spaces on-site. It is intended that four guest spaces in the residential development will be shared with commercial uses. This request is considered a deviation from Code requirements.

The project provides a combination of tandem and side-by-side two-car garages for each of the units. Per Municipal Code, the tandem style garages can only be considered one-car garages. A total of 16 units have tandem garages while 96 units contain two-car garages. Including guest spaces, a total of 283 parking spaces are provided where 282 are required for the residential development; however, as stated in the preceding paragraph, four spaces are designed to be shared with the commercial development. Staff acknowledges that although considered one-car

garages per Code, the tandem spaces provide additional parking area for the residential development. This surplus area helps justify the parking deviation that is requested.

Per VTA guidelines, bicycle parking is required to be provided for the commercial and residential development. For commercial uses, a designated area has not been finalized, but adequate space exists at the south side of the building. Bicycle parking guidelines for residential uses will be met within the garages of the individual units as well as racks provided near the clubhouse and common amenity area. Another location between “townhouse” buildings #2 & #3 is under consideration.

Landscaping and Tree Preservation: A preliminary landscape plan has been submitted which indicates compliance to Municipal Code standards for landscaping for the residential and commercial development. There are no specific usable open space standards for residential uses in the C-2/ECR Zoning District. When considering the appropriate amount of needed usable open space, the standard amount should correlate with the proposed density of the development. The project is proposed at an R-3 density; therefore, a total of 400 square feet per unit should be provided. The applicant has demonstrated that the site meets this requirement with approximately 540 square feet per unit provided. Per Code requirements for developments greater than 100 units, a centralized clubhouse is required. The proposed community building/clubhouse is located towards the middle of the residential development. Additional common outdoor amenity (patio and lawn area) and play structures for children are located adjacent to the clubhouse.

The site currently has four protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four and a half feet from the ground. Although these trees are considered to be in relatively good health, each of them will be removed due to their location which is either within the footprint of the proposed structures, driveway or parking area for the new development. A significant improvement to the landscaping and an increase in the number of trees is proposed for the site over current conditions. Conditions of Approval further require four 36” box trees to be planted in replacement of the removal of the protected trees.

Walls, Fences and Gates: Existing masonry walls will remain for the entire southern boundary of the site as well as a portion of the shared property line with residential uses (Cherry Glen) to the east. Several property line walls are also proposed for the development. New eight foot concrete masonry walls are proposed along the entire development boundaries along the western boundary of the development as well as along shared boundaries with neighboring commercial uses along El Camino Real and Mathilda Avenue. An eight foot boundary wall is also proposed to be located between the commercial and residential uses of this project. Six-foot tall wood fences are to be located within the private yards of the residential development.

A vehicular and pedestrian gate is proposed at the boundary line between the commercial and residential developments. Staff recommends a condition that the gate be moved further south towards the middle of the noted “residential entry plaza”

area to allow for more queuing and to reduce possible conflicts with the commercial drive aisle (Condition of Approval PS-1c.). A pedestrian only gate is proposed at the western end of the residential development adjacent to Allegheny Drive. As noted previously, staff recommends that this area be reconfigured to allow a vehicular connection to the development as well. This connection can also be access controlled for residents of the new development, per Condition of Approval PS-1g.

A concern regarding the location of an existing wall was brought forth by neighboring residents south of the site (Danforth and Russett Terrace) at an outreach meeting held by the developer. The developer is not planning to modify this wall. More discussion is noted in the “Public Contact” section of this report.

Trash and Recycling Access: The proposal provides a trash enclosure for the commercial development near the south side of the building within the parking lot. Design details for this enclosure have not been provided at this stage and further consultation with the Public Works Department will be required. Staff has included Conditions of Approval that require the design of the structure to match the architectural style of the main building as well as review with the Department of Public Works for functionality.

A majority of the development will utilize individual pick-up for trash and recycling services. Townhouse buildings #5 through #9 will be served through three centralized trash enclosures noted on the site plan. Planning and Public Works Department staffs have worked with the applicant regarding the appropriate number and locations for the structures as well as the needed circulation for trucks on-site. Design details will be required to be worked out prior to building permits per Condition of Approval BP-5.

Stormwater Management: A preliminary Stormwater Management Plan has been submitted as required, which shows proposed drainage patterns and conceptual treatment techniques to minimize surface runoff and pollution. A more detailed Stormwater Management Plan will be submitted during the building permit phase per Conditions of Approval.

Art in Private Development: The project is subject to Art in Private Development requirements as stated in Sunnyvale Municipal Code Section 19.52. The applicant is required to provide artwork in publicly viewable areas equal to 1% of the construction valuation of the commercial portions of the project.

Green Building Requirements: The project is required to achieve a minimum of 70 green building points to fulfill green building requirements for multi-family residential uses. A GreenPoint Rated Checklist has been provided and demonstrates that the project is expected to achieve 77 points. Most of the green building points are incorporated into the design of the landscaping, building materials, heating, ventilation and plumbing. For the commercial development, the project is also required to meet LEED Certified design intent. As required, verification of the green

building measures will be completed by the Building Safety Division during the building permit process (Attachment B, Recommended Conditions of Approval).

Easements and Utilities: All utilities are required to be placed underground for the redevelopment. An existing 15-foot storm, sanitary, and water easement will be abandoned as part of the proposal. New easements to allow vehicular access to the residential development from El Camino Real will be created as well as an emergency access easement at the Allegheny Drive frontage.

Environmental Review

A (Mitigated) Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

The Initial Study includes discussion about noise impacts from El Camino Real, and hazardous materials that are present as a result of previous activities on-site. Mitigation measures require that soil be tested by professionals, and if found to be contaminated, the soil shall be taken off-site during demolition and excavation activities. Ongoing clean-up measures are currently taking place.

Mitigation measures for the project include clean-up of the contaminated soil as well as certain noise rated construction for the residential units. These mitigation measures have been incorporated in the attached conditions of approval at the appropriate states of construction (Attachment B).

Appeal

- **Appellant's Justification**

The applicant, SummerHill Homes, appealed the Planning Commission decision on November 29th, 2011. The appeal letter is included in Attachment J. The appeal letter cites justifications for the project which include; the difficult configuration of the site, the desire for the property owner to retain the 2-acre commercial portion of the site and problems of building a speculative 50,000-72,000 s.f. commercial building, and the limitations of the current retail market and large supply of commercial space in the City.

- **Staff Comments**

Staff concurs that the layout of the site makes it more challenging to utilize portions of the site that are set further back from El Camino Real; however, it is felt that a sizeable increase in commercial floor area (including multi-story and not limited to retail space), could be designed into the project while retaining adequate visibility from the street. Secondly, Economic Development staff has received interest from commercial developers regarding other development possibilities for the site. Staff has also received interest from neighboring commercial property owners who may be willing to contribute development area if an agreement can be

worked out. Lastly, as stated in the report, staff does not support allowing development of a significant portion of the site for residential purposes solely without a defined phasing schedule for the commercial project. Staff finds that this approach would place limitations on the site and inhibit the ability to design a commercial project that meets the policies of the Precise Plan. The potential for a larger and more desirable commercial development would be severely constrained with a limited 1.81 acre commercial site as currently proposed.

FISCAL IMPACT

Transportation Impact Fee

Projects resulting in net new peak hour automobile trips are subject to a transportation impact fee. The transportation impact fee is estimated to be \$44,842.14, and must be paid prior to issuance of a building permit. The amount is subject to the fee in place at the time of payment.

Park Dedication In-Lieu Fee

The project is subject to a park dedication in-lieu fee for each new residential unit. The park dedication in-lieu fee is estimated to be \$ \$1,375,531.15, based on the 3 acres/1,000 population standard, and must be paid prior to recordation of a Final Map. The amount is subject to the fee, based on a formula in the Municipal Code, in place at the time of payment.

No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT

A neighborhood meeting was held last year, on September 16, 2010, for the project. Approximately 15 residents and property owners attended the meeting. Comments and concerns from neighboring residents at the meeting included possible privacy impacts to properties adjacent to the site as well as landscaping along the shared boundary walls. The location of the existing and proposed property walls was discussed along with the need for further coordination on the selected tree species. Staff has included Condition of Approval BP-17a to require further consultation with property neighbors regarding the placement of trees and landscaping within close proximity to shared property lines.

Additional concerns included the scale and amount of commercial development proposed for the site. Residents preferred that commercial development not be increased for the site. Some concerns were also noted regarding the possibility of traffic being allowed through Allegheny Drive if a connection is enabled. Letters of support for the project and adjacent residents have been included in Attachment F.

Planning Commission Study Session: A Planning Commission Study Session was held on August 22, 2011. The study session focused primarily on the policy issues of the Precise Plan for El Camino Real. Commissioners noted concerns with the amount of commercial space included in the proposal. Other Commissioners acknowledged

the difficulty to design a development that met the 20% FAR requirements, given the configuration of the site; however, alternative plans with a higher percentage of commercial uses were requested. No revisions to the proposal and site layout have been made since the study session. Instead, an alternative proposal has been submitted to create a 1.81-acre commercial parcel with no specific project or defined timeline for construction.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 390 notices mailed to the property owners and residents within 300 ft. of the project site 	<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

CONCLUSION

Discussion: The proposal to develop 113 residential units and approximately 17,302 square feet of commercial uses is recommended for denial due to the significant deficiency of commercial development planned for the site. The proposed project is only composed of 4.8% FAR for commercial uses whereas 20% FAR is required in the designated nodes as defined in the El Camino Real Precise Plan. While staff understands that the lot configuration and limited street frontage challenges the feasibility of a commercial development that complies with FAR standards, staff does not support the significant deviation requested by the applicant. This deviation would set a precedent for future proposals along the corridor and is not in conformance with the Precise Plan and Zoning Code as noted in the staff analysis and attached Recommended Findings for Denial (Attachment A). Staff has worked with the applicant to consider alternative proposals to increase floor area to a more acceptable level. Although conceptual plans have been discussed, no formal revision has been submitted.

Allowing the conversion of this site from commercial to residential will forfeit any potential future sales tax revenue from the site. Staff has been very direct with the applicant regarding the fact that staff cannot support the project as proposed as the City Council adopted the El Camino Real Precise Plan with the intent of preserving the commercial uses on El Camino Real. Staff has also been very clear in that the required 20% commercial FAR does not need to be for retail use. Staff has told the applicant that this 20% FAR can be office or hotel uses.

Allowing this property to convert to residential could also have a domino effect on other properties located on El Camino Real. Staff has had discussions with other

property owners regarding their sites and a few are awaiting the outcome of this decision to decide whether or not they will also approach the City with an application to convert their property to residential use. Staff believes that it would be in the City's best interest to work with the applicant and property owner to explore a more acceptable project that substantially conforms to the Precise Plan. As noted in the staff report, interest from hotel developers has been received on the site and staff believes such a use could be successful and conform to Precise Plan objectives for commercial development.

Furthermore, staff cannot support the alternative plan proposed by the applicant to redevelop a portion of the site entirely for residential uses and to defer resolving the issue of commercial redevelopment to a later date on a remainder parcel. Staff finds that approval of this alternative would further limit the development potential and flexibility of the site area for commercial development. Staff recommends that this important opportunity site should be reserved for a focal, character-defining commercial or mixed use project. The proposed amount of retail space and limited size of the commercial parcel would not achieve this goal. The recently adopted Precise Plan for El Camino includes policies that are designed to preserve the corridor as a destination for commercial activity and a primary source for retail tax revenue. Residential uses are encouraged at node locations through mixed-use proposals only under certain conditions, as noted in the Recommended Findings (Attachment A). The current proposal is the first proposal including residential since the revisions to the Precise Plan were adopted. Staff is unable to support such a significant deviation without consideration of alternative proposals that are more in line with adopted policies and Zoning Code requirements.

Findings and General Plan Goals: Staff recommended the Planning Commission deny this project because the Findings (Attachment A) could not be made. Planning Commission concurred with staff and denied the project. Staff suggests providing direction to the applicant to submit a new application with a more substantial commercial component that conforms more closely to Precise Plan goals.

Conditions of Approval: If the City Council is able to make the required findings, Recommended Conditions of Approval are located in Attachment B.

ALTERNATIVES

1. Deny the appeal and adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map with attached conditions.
2. Grant the appeal and adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions (including referring the project back to Planning Commission for detailed review of site plan and architecture: COA PS-1).

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

RECOMMENDATION

Alternative 1: Deny the appeal and adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map.

Reviewed by:

Hanson Hom Director, Community Development Department
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Ryan Kuchenig, Associate Planner

Approved by:

Gary M. Luebbers
City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Project Description from the Applicant
- F. Letters from Other Interested Parties
- G. Retail Development Opportunity Report provided by SRS Real Estate Partners dated January 28, 2011
- H. Fiscal Impact Analysis by Economic & Planning Systems dated January, 2011
- I. Planning Commission Minutes from November 28, 2011
- J. Appellant's Letter of Justification

RECOMMENDED FINDINGS FOR DENIAL

Special Development Permit

Goals and Policies that relate to this project are:

Grand Boulevard Initiative's Guiding Principles for El Camino Real

1. Target housing and job growth in strategic areas along the corridor.

The project provides additional housing but underutilizes the site in terms increased job opportunities with the lack of floor area devoted to commercial development.

2. Encourage compact mixed-use development and high quality urban design and construction.

The project proposes medium density housing compatible with neighboring residential development and utilizes high quality design in both residential and commercial architecture. However, the node location and size of the development area affords an opportunity to create a much larger commercial project envisioned for a site near a major intersection.

3. Create a pedestrian-oriented environment and improve streetscapes, ensuring full access to and between public areas and private developments

The project incorporates a site design that positions the building close to the street along with landscaping improvements provide to allow for a more pedestrian friendly environment. Within the site itself, however, a strong pedestrian-oriented connection between the residential and commercial uses is lacking.

4. Develop a balanced multimodal corridor to maintain and improve mobility of people and vehicles along the corridor.

The proposed project underutilizes the site in terms of desired amount of commercial development with only 4.8% of the site area devoted to this use.

5. Manage parking assets

The project provides adequate parking and is located on a busy commercial corridor with transit alternatives. El Camino Real is a major bus route corridor with stops located nearby.

6. Provide vibrant public spaces and gathering places.

There is limited opportunity for public gathering area at the site; however outdoor dining area could be introduced at the site depending on the type of new businesses that locate in the commercial development. The residential development includes adequate private and public usable open space including a clubhouse, for future residents. Increased commercial development with appropriate site design could allow for additional plaza and meeting areas that would increase activity for the site.

7. Preserve and accentuate unique and desirable community character and the existing quality of life in adjacent neighborhoods.

While the proposed residential density is compatible with neighboring uses, the lack of commercial redevelopment changes the community character for this portion of El Camino Real. The project reduces commercial activity and fundamentally limits opportunities envisioned for the area.

8. Improve safety and public health.

Redevelopment of the site will improve the safety and public health for the site and surrounding area.

9. Strengthen pedestrian and bicycle connections with the corridor.

Improvements at the site should help strengthen the pedestrian connection along El Camino Real. Required bicycle facilities will also improve this mode of transportation along the corridor.

10. Pursue environmentally sustainable and economically viable development patterns.

The project utilizes environmentally friendly site and architectural design through the use of certain building materials and energy efficiency construction; however, staff finds that the proposal does not utilize the economic potential of the property.

Land Use and Transportation Element

Policy LT-4.1 *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

Policy LT-4.2: *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

Policy LT-4.11: *Recognize El Camino Real as a primary retail corridor with a mix of uses.*

Policy LT-4.13 *Promote an attractive and functional commercial environment.*

Community Design Sub-Element

Policy CC3.1: *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for business, residents, and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

Precise Plan for El Camino Real

Policy 3.2.3 *To maintain and enhance the capacity of the street to accommodate automobile and transit traffic, while providing improved facilities for bicyclists and pedestrians.*

Policy 3.2.4 *To create a series of quality places which are valued by the people of Sunnyvale as attractive, functional and comfortable destinations.*

Policy 3.2.5 *To ensure that properties are developed and operated in such a manner as to minimize their negative impacts upon adjacent residential areas.*

Policy 3.2.6 *To design, develop and maintain the public right-of-way in a manner which creates a strong, positive image of the City of Sunnyvale for both residents and visitors.*

Policy 3.2.7 *To require quality design, architecture and landscaping which incorporate sustainable design principles.*

Policy 3.2.8 *To encourage development which supports the use of public transit.*

Policy 3.4.8 *Mixed-use projects consist of more than one use on a site, either integrated in one building, or in separate buildings on one site and are unified by roadways, landscaping, and architecture. Typical mixed-use projects can include either projects with retail on ground floor and residential units above, or projects like the Cherry Orchard development that have retail on one portion of the site and residential units on another.*

- a. Generally located at major intersections, on nodes*
- b. Emphasis on retail component, particularly at street level (strive for at least 25%)*

- c. *Minimum 2-acre parcel for mixed-use projects with a residential component*
- d. *Retail needs of the adjacent community should be met by a mixed use project*
- e. *Mid-block mixed-use projects are discouraged*
- f. *Access to residential use shall be separate from access to the commercial use on site*
- g. *Tax income from a new mixed use project at least equal to what was historically present at the site*
- h. *Underground parking garages should be encouraged in mixed use projects.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. (*Finding Not Met*)

Staff cannot make the finding that the project meets General Plan Policies, as listed above. The project is primarily composed of residential uses and conflicts with the intent to preserve El Camino Real as the City's primary commercial corridor. The project is also not consistent most specifically with Policy 3.4.8 of the Precise Plan for El Camino Real which includes policies for mixed-use projects. The project is located within a node but not at a major intersection. As stated in the report, the project is significantly below the 20% FAR threshold for nodes (per zoning code) for commercial development with only approximately 4.8% FAR being proposed. The entire site would meet the two-acre threshold for redevelopment, however; if the alternative proposal requested by the applicant were to be approved, the remainder parcel would be less than this minimum development area. Although two access points are proposed for the development, the entrance for the residential use off El Camino also serves commercial uses, which is discouraged by Precise Plan policies. Furthermore, staff does not find that the project is consistent to many of the "Grand Boulevard Initiative's Guiding Principles for El Camino Real," as described 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. (*Finding Not Met*)

Redevelopment of the site will greatly improve the visual appearance of the site over current conditions; however, the current mix of uses could negatively impact the commercial viability of El Camino Real. The proposed commercial floor area is less than half of the amount of building area currently on-site. Although increased residential ownership opportunities are encouraged, the reduced amount of commercial area affects the commercial viability and long-term outlook for El Camino Real, Sunnyvale's primary tax generator.

Tentative Map

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

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

Staff was able to make Finding #1 that the project is not consistent with the General Plan and the Precise Plan for El Camino Real as outlined above. Staff recommends denial of the Tentative Map.

ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS DECEMBER 13, 2011

Planning Application 2011-7063

660 – 666 W. El Camino Real

Special Development Permit and Vesting Tentative Map for 17,302 s.f. of Commercial Floor Area Development and 113 Residential Townhouse Units

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.
--

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. PERMIT EXPIRATION:

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

- GC-3. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-4. ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-5. BMR UNITS (OWNERSHIP):
The approved project is subject to the City's Below Market Rate (BMR) requirements and shall comply with the requirements of Sunnyvale Municipal Code 19.66.
- The project will provide 14 Below Market Rate dwelling units in compliance with SMC 19.66 and the Below Market Rate Housing Program Administrative Procedures for Developers.
- All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c)). [SDR][HOUSING]
- GC-6. RECREATION FACILITIES:
The recreation facilities (pool and clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-7. STORMWATER MANAGEMENT PLAN:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-8. SIGNS:
A Master Sign Program shall be established prior to approval of individual signs for future commercial (multi-tenant) uses on-site. [PLANNING] [COA]

-
- GC-9. TENTATIVE MAP – The developer has indicated the desire to record a condominium map for this development. The developer shall label “FOR CONDOMINIUM PURPOSES” on all sheets of the tentative map. [COA] [PUBLIC WORKS]
- GC-10. FINAL MAP REQUIRED - This project is subject to, and contingent upon, the approval of a tentative map and recordation of a Final map prior to any permit issuance. All existing and proposed property lines, easements, dedications shown on the vesting tentative map are subject to City’s technical review during the final map process. [COA] [PUBLIC WORKS]
- GC-11. MAP PHASING - If the developer desires to file multiple final maps, it must be stated on the tentative map and all public improvements shall be completed with phase 1 development, unless otherwise approved by the Director of Public Works. All conditions for phase 1 development shall be completed prior to issuance of any permits for subsequent phase(s), unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]
- GC-.12 SUBDIVISION AGREEMENT - The developer shall execute a Subdivision Agreement and post surety bond(s) and/or cash deposit(s) for all proposed public and/or private improvements prior to the first final map recordation and/or any permit issuance. [COA] [PUBLIC WORKS]
- GC-13. DEVELOPMENT FEES - The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to first final map recordation and/or any permit issuance, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]
- GC-14. UTILITY IMPACT ANALYSIS – This project is subject to developer’s submittal and City approval of a focused “Utility Impact Analysis” and a stormwater management plan, in particular, the incremental and cumulative sanitary sewer impact analysis, the storm runoff tributary area before and after the project, etc. Sewer flow data may be required as needed. The utility improvements shown on the vesting tentative map is subject to change for compliance with any mitigated measures as identified by the focused “Utility Impact Analysis”. [COA] [PUBLIC WORKS]
- GC-15. EASEMENT DEDICATION - This project is subject to dedication of a pedestrian realm easement as required by Precise Plan for El Camino

Real, unless otherwise approved by the Director of Public Works and the Director of Community Development. [COA] [PUBLIC WORKS]

- GC-16 EASEMENT RESERVATION – This project is subject to reservation of private storm drain, sanitary sewer, and water easements across Lot 1 for the benefit of Lots 2 through 5. [COA] [PUBLIC WORKS]
- GC-17 RECORDATION OF EASEMENTS - Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map or prior to occupancy. Quitclaim Deed is required for abandonment of private easements. No permanent structures are allowed within any of the easement limits. [COA] [PUBLIC WORKS]
- GC-18 UTILITY COMPANY NOTIFICATION - All utility companies shall be contacted to establish appropriate easements to provide services to each lot/parcel. [COA] [PUBLIC WORKS]

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

PS-1. REQUIRED REVIEW OF PROJECT PLANS:

The site and architecture plans are subject to review and approval by the Planning Commission. Revised plans shall be submitted that address the following:

Commercial Design

- a) Provide a central breezeway within the commercial building with an architectural element in scale with the building, along the street side elevation.
- b) Storefront windows shall remain transparent and obstructed to maintain visibility from the street.
- c) The proposed gate currently located at the property line between the commercial and residential developments of the project shall be shifted further south within the designated “residential entry plaza” area to reduce conflicts resulting from any potential queuing with circulation of the retail center uses.
- d) The proposed new 8-foot walls located along property lines between commercial sites to the east and west shall be removed.

Residential Design

- e) The roofline of the 10-unit townhouse structure shall be broken up more to break up the mass
- f) The color palette shall be expanded to introduce more color variation within the project. [COA] [PLANNING]

- g) In addition to pedestrian access, a vehicular connection to the adjacent street, Allegheny Drive, shall be provided to enable access to the residential development. Allegheny vehicular access may be access controlled; location is subject to review and approval by the Director of Public Works and the Director of Community Development.
- PS-2. EXTERIOR MATERIALS REVIEW:
Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]
- PS-3. BMR STANDARD PERMIT CONDITION:
The developer shall submit a "BMR Standard Conditions Form and a site plan, as Exhibit A to the Affordable Housing Manager for review prior to submitting building permit plan. The plan will include a description of the number, type, size and location of each unit on the site. The Affordable Housing Manager will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). [SDR] [HOUSING/BMR Administrative Guidelines]
- PS-4. PUBLIC IMPROVEMENTS: The permittee shall submit the public improvement plans to the California Department of Transportation (Caltrans) for review and approval prior to issuance of any city permit. A Caltrans encroachment permit is required and a copy submitted to the city. [COA] [PUBLIC WORKS]

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

- BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to

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

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure that are consistent with SMC 19.38.030. The required solid waste and recycling enclosure shall:

- a) Match the design, materials and color of the main building.
- b) Be of masonry construction.
- c) Be screened from view;
- b) All gates, lids and doors shall be closed at all times;
- c) Shall not conflict with delivery/receiving areas;
- d) Shall be consistent with the approved Waste and Recycling Management Plan;
- e) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PUBLIC WORKS/PLANNING]

BP-6. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-7. WASTE & RECYCLING REPORTING FORM (CONSTRUCTION):

To mitigate the impacts of large projects on local waste disposal and recycling levels, construction weights/volumes, demolition waste weights/volumes, and recycling weights/volumes are to be reported to the city, per city’s “waste & recycling reporting form” (electronic copy available) or a similar chart approved by the City. As part of the

project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report the Department of Public Works, Solid Waste Division both periodically and at project completion. [COA] [PUBLIC WORKS]

BP-8. SOLID WASTE AND RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under a master account held by the homeowners association (HOA). The HOA will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the appropriate documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]

BP-9. CONSTRUCTION PHASING AND MITIGATION PLAN:

The permittee shall prepare a detailed construction phasing and mitigation plan for the subject project; the plan shall be subject to review and approval by the Director of Community Development with input from Public Safety and Public Works Departments, to include at a minimum the number of parking spaces available at any one time, location of construction activities and routes of construction vehicles, public safety and protection measures. Plan shall include measures to protect businesses and residents from construction related impacts and include measures to assure compliance and accountability.

- a) If multiple general contractors are utilized for development of this project, construction mitigation shall be coordinated amongst the contractors.
- b) Any residual materials and/or contaminated soil shall be handled cautiously during construction or construction related activities. [COA] [PLANNING/PUBLIC WORKS/PUBLIC SAFETY]

BP-10. SOLID WASTE DISPOSAL PLAN:

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

BP-11. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-12. FEES AND BONDS:

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

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, based on the fee in

place at the time of payment, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

- b) PARK IN-LIEU - Pay Park In-lieu fees based on the 3 acres/1000 population standard and the adopted land value in place at the time of payment, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]
- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire shopping center development project will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

BP-13. CONSTRUCTION PHASING:

Building permits for the commercial development shall be obtained prior to final inspection of 25% of the residential units. Final inspections for the Commercial building shall occur no later than final inspection of 75% of the residential units. [PLANNING] [COA]

BP-14. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-15. EXHAUST AND OPENINGS:

The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-16. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide publicly visible artwork along El Camino Real. [COA] [PLANNING]

BP-17. BMR DEVELOPMENT AGREEMENT:

The developer shall execute a Development Agreement with the City to establish the BMR unit(s) prior to issuance of Building Permits. The

rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement (BMR Administrative Guidelines).

In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)

In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Administrative Guidelines]

BP-18. LANDSCAPE PLAN:

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

- a) The applicant shall work with neighboring property owners to southwest to determine appropriate tree and landscaping species along the southern boundaries of the site.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- j) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]

BP-19. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-20. LANDSCAPE BUFFER:

Install and maintain an 8-foot solid decorative masonry wall, as noted on the proposed plan between the commercial and residential uses (on-site). The height of the wall shall be measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

BP-21. TREE PROTECTION PLAN:

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

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-22. TOT LOTS:

As noted on the plan, a "tot lot" shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities on a secured area of at least 1,500-sq. ft. each. The building permit plans shall include construction details for the "tot lot" and shall be subject

to review and approval by the Director of Community Development.
[COA] [PLANNING]

BP-23. STORMWATER MANAGEMENT PLAN:

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

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

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

BP-25. BEST MANAGEMENT PRACTICES - STORMWATER:

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.

- iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-26. CITY STREET TREES:

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

BP-27. EXTERIOR LIGHTING PLAN:

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the commercial project and 8 feet in height on the residential development and the periphery of the commercial project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

BP-28. PHOTOMETRIC PLAN:

Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]

BP-29. LIGHTING SPACING:

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

BP-30. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

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

- a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
- b) The property manager/homeowner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use.
- c) Clearly indicate that the property manager/homeowner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

BP-31. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

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

- a) Employee parking locations shall be away from the building, in parking spaces that are the least used.
- b) Specify the location and term of short-term parking.
- c) Allow the use of valet parking when appropriate on sites with limited parking.
- d) Employees shall be required to park on the site.
- e) Provide adequate signage to direct traffic and pedestrians [COA] [PLANNING]

BP-32. COMPACT SPACES:

Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

BP-33. BICYCLE SPACES:

Provide 1 Class I (double sided bike locker) 4 Class II (bike racks) per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-34. NOISE REDUCTION:

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

WHAT: 1) Typical dual-pane construction-grade windows and doors are expected to reduce traffic noise to the DNL 45 dBA criterion indoors. Calculations should be repeated during the design phase when room dimensions and window sizes have been finalized to confirm this.

2) Where windows will need to be closed to meet the interior noise criterion, units must incorporate a ventilation or air-conditioning system to provide a habitable interior environment.

3) Retail rooftop equipment, outdoor residential air condensing units, and other mechanical equipment must incorporate mitigation measures to reduce property line noise to the Municipal Code limits. Details should be determined during the design phase.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

BP-35 AIR QUALITY:

The following measures as set forth under "Mitigation Measures" related to air quality in the approved environmental document shall be demonstrated: [COA] [PLANNING] Mitigation Measure:

WHAT: Permits must be obtained from the City of Sunnyvale, Bay Area Air Quality prior to demolition or new construction.

WHEN: These permits are required prior to any demolition or construction on site.

WHO: The property owner will be solely responsible for obtaining permits

HOW: These mitigation measures will be required to be completed prior to building permit issuance.

BP-36 HAZARDOUS MATERIALS:

The project shall comply with all necessary requirements regarding hazards and hazardous materials. [COA][PLANNING] Mitigation Measure:

WHAT: 1) Impacted soil was discovered during subsurface exploration. Although, not found to be pervasive, additional impacted material is anticipated to be located elsewhere on the property. The impacted areas are likely to be found in localized areas. More extensive sampling would need to be considered in order to quantify the amount of impacted material. Impacted material could be managed and mitigated at the time of demolition.

2) An environmental professional should be on-site during demolition and excavation activities to properly assess the extent of impacted areas. Soil containing the pesticides above residential criteria, and the soil containing petroleum hydrocarbons and lead above screening criteria shall be excavated and disposed off-site at a treatment facility prior to residential development. A plan for disposal and verification shall be submitted to the City.

3) According to the historical records reviewed, some of the structures were constructed at a time when asbestos-containing building materials (ACBM) and lead-based paints may have been used, A CAL-OHSA certified ACBM and lead based paint contractor shall be retained to assess structures prior to any renovation or demolition activities.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

IP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED IN THE IMPROVEMENT PLANS. IMPROVEMENT PLANS SHOULD BE SUBMITTED CONCURRENTLY WITH THE BUILDING PERMIT PLANS.

- IP-1 STREETSCAPE IMPROVEMENTS: The following streetscape improvement shall be included in the improvement plans and shall be subject to review and approval by the Director of Public Works and the Director of Community Development prior to issuance of encroachment permit: [COA][PUBLIC WORKS]
- a) Streetscape elements shall be designed in accordance with the Precise Plan for El Camino Real Standards and Specifications of the City of Sunnyvale.
 - b) Street trees shall be a minimum of 25 gallon or 24-inch box trees or as determined appropriate of a smaller size by the City arborist. Final selection of street tree species shall be approved by the City arborist.
 - c) Backflow devices, water pipes, and other appurtenances (e.g. irrigation, standpipes, DCDAs) not placed underground are to include screening and covers as approved by the Director of Community Development and City Engineer. Covers should be black, metal mesh with rounded top covers (i.e. – “mailbox style”), or equivalent.
- IP-2 PUBLIC IMPROVEMENTS: All Public Improvements shall be included in the building permit plan submittal, and shall be completed prior to issuance of certificate of occupancy (either temporary or final occupancies) for any structure. [COA][PUBLIC WORKS]
- a) Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. Obtain an encroachment permit with insurance requirements for all public improvements.
 - b) Final approved public improvement plans shall be prepared on 24”x36”, 4 mil mylars.
 - c) Record drawings (including street, sewer, water, storm drain, streetlight, traffic signal and interconnect, and off-site landscaping plans) shall be submitted to the City prior to occupancy release.
 - d) This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
 - e) The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
 - f) All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
 - g) All lots/parcels shall be served by utilities, allowing each lot/parcel to function separately from one another.
 - h) Provide the Public Works Department with a detailed estimate of water consumption in gallons per day and peak water demand in

- gallons per minute, and estimate of sanitary sewer generation in gallons per day.
- i) All proposed on-site drainage and sanitary sewer systems shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
 - j) All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
 - k) Install sanitary sewer service backflow valve as required by Building Division when the upstream manhole finished grade elevation is higher than the finished floor elevation where the fixture units exist.
 - l) No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.
 - m) Installation of new Radio Read meters will be required.
 - n) Master metering of water utilities shall be per latest City Council policy 3.1.2.
 - o) The existing fire hydrant shall be upgraded to Clow-Rich 75. Install new above ground double check detector assembly for fire services per city standard detail 21B.
 - p) Fire service and domestic service shall be separate.
 - q) A looped water system with 2 points of connection to service the development shall be provided at El Camino Real and Allegeny Drive.
 - r) Remove existing driveways and install new driveways to comply with ADA requirements as per city standard detail 6C-3.
 - s) This project shall not cause any negative impact on the drainage pattern for adjacent properties. Provide adequate drainage modification on adjacent properties as needed with consent from adjacent property owners.
 - t) Adequate drainage/erosion control shall be provided at all times during each phase of the development.
 - u) Submit a traffic control plan with the off-site improvement plans for review and approval.
 - v) A separate irrigation water meter with backflow prevention device shall be installed.
 - w) The fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc for a minimum of 4 feet.
 - x) All catch basins and storm drain inlet facilities shall be stenciled with the appropriate "No Dumping" message as supplied by the Public Works Department.

- IP-3 TRANSPORTATION AND TRAFFIC - Unless otherwise noted, the following Transportation and Traffic conditions shall be satisfied prior to building permit issuance (except demolition, rough grading, excavation, foundations up to grade level, and utilities), or shown on the building permit plan submittal. [COA][PUBLIC WORKS]
- a) Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit. Improvements shall include but not be limited to:
 - i) Submit a signage and striping plan in accordance with the 2006 California Manual for Traffic Control Devices (MUTCD) for the project area along El Camino Real and Allegheny Drive. It should be noted that all new pavement markings will be in thermoplastic.
 - i) Traffic control plan will be required for any and all work that may impact the public right of way. The Traffic Control Plan shall be submitted along with improvement plans.
 - b) Street improvement plans:
 - i) Redlines shall be returned with the revised plan submittal, otherwise it will be considered an incomplete submittal.
 - ii) Electronic set of final approved plans shall be submitted in AutoCAD 2010 format for Division of Transportation and Traffic Records.
 - c) Streetscape elements shall explicitly reference the Santa Clara Valley Transportation Authority Community Design and Transportation Manual and Pedestrian Technical Guidelines. Provision of a list or write-up summarizing and confirming referencing of this guidance will facilitate review and approval. [COA] [PUBLIC WORKS]

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

- EP-1. PUBLIC IMPROVEMENT UPGRADES - Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. Obtain an encroachment permit with insurance requirements for all public improvements. [COA] [PUBLIC WORKS]

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

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

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

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #**2011-7063**, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- e) The CC&Rs shall contain language for Best Management Practices (for Stormwater) "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following language:
 - i) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
 - ii) Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed

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

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

TM-2. HOA CREATION:

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

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

TM-3. HOA TRANSFER:

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

TM-4. NEW STREET NAMING:

The name of the street shall be in accordance with the official Street Name System, as selected by the Community Development Department. [COA] [PLANNING]

TM-5 FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP – Final map shall be substantially the same as the vesting tentative map. Any alteration of vesting tentative map after the vesting tentative map is approved maybe subject to additional approval by the City prior to final map approval. Record the final map prior to any building permit issuance. [COA] [PUBLIC WORKS]

TM-6 TRASH ENCLOSURE (RETAIL) – The retail trash enclosure location shall be clearly indicated on and prior to approval of the vesting tentative map:

- a) The enclosure shall not be located at the bottom of a loading dock, unless it is a compactor.
- b) The enclosure wall shall be a minimum of 6 feet high.
- c) Minimum interior dimensions shall be 9 feet by 13 feet. Trash generation and enclosure sizing for the retail building shall be per the city's guidelines.
- d) Wheel stops shall be 12 inches from the inner wall of the enclosure.
- e) A minimum 10 feet by 10 feet concrete stress (6 inches Portland cement concrete over 5 inches of aggregate base) shall be provide in front of the trash enclosure.
- f) A minimum 10 foot wide service door/gate is required.
- g) A minimum 20 foot vertical clearance at the enclosure is required.
- h) A minimum 15 foot vertical and 16 foot horizontal travel lane with 30 foot inner turning radius is required.
- i) Enclosures shall have an automatic fire sprinkler system if located within 5 feet of a building structure.

- TM-7 TRASH ENCLOSURE (RESIDENTIAL) – The residential trash enclosure location shall be clearly indicated on and prior to approval of the vesting tentative map:
- a) Items a through h above.
 - b) The enclosure shall be a maximum of 150 feet from any residential unit.
 - c) A pedestrian access door, separate from the service doors, is required.
 - d) A trash truck turnout is required at the end of a lane longer than 50 feet.
 - e) Sanitary sewer drains are not allowed within the trash enclosure area unless the enclosure is covered.

PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. COMPACT SPACES:
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- PF-3. PARKING LOT STRIPING:
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-4. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):
The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]
- PF-5. HOA ESTABLISHMENT:
The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at

- the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]
- PF-6. IRRIGATION METERS:
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-7. NOISE REDUCTION VERIFICATION:
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
Mitigation Measure
- PF-8. MITIGATION MEASURES:
Documentation indicating that the following mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities:

MM 1 – Noise: Documentation that a 65 Ldl has been achieved for the specified areas of the project (Acoustical Engineer).

Refer to the building permit plans for the Mitigation Monitoring Plan or Negative Declaration, attached to the approved building permit plans. [COA] [PLANNING] *Mitigation Measure*
- PF-9. BMR COMPLETION 60 ADVANCE DAY NOTICE:
The Developer/Owner shall notify the Affordable Housing Manager of the BMR unit(s) to be available sixty days (60) prior to the request for occupancy. The developer shall also coordinate a site inspection with the Affordable Housing Manager to verify that the constructed BMR units are in compliance with the BMR Development Agreement. [COA] [HOUSING]
- PF-10. BMR RENTAL UNITS DEED RECORDATION:
The Developer/Owner or its successor shall endorse a Deed of Trust to secure the BMR restrictions to be recorded on the property prior to issuance of a Certificate of Occupancy by the City of Sunnyvale Building Division. The Deed of Trust and a preliminary title report

shall be submitted to the Housing Officer for execution, approval of the City Attorney and recordation with the Santa Clara County Recorders Office. Proof of such recordation shall be deemed a condition precedent to occupancy of any residential unit within a development. [COA] [HOUSING]

PF-11 TENTATIVE MAP IMPROVEMENTS:

All improvements required as part of the approved Tentative Map shall be completed prior to final inspection or release of utilities. [COA] (PLANNING/ENGINEERING)

PF-12 IRRIGATION METERS:

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

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

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

AT-1. HOURS OF OPERATION:

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

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

Development through a Miscellaneous Plan Permit. [COA]
[PLANNING]

- AT-2. DELIVERY HOURS:
Delivery hours for the approved use shall comply with SMC 19.42.030:
- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
 - b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
- AT-3. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-5. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-6. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-7. AWNINGS:
Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-8. PARKING MANAGEMENT:
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

- AT-9. OFF-STREET PARKING:
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-10. PARKING LOT MAINTENANCE:
The parking lot shall be maintained as follows:
- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
 - b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
 - c) Maintain all parking lot striping and marking.
 - d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]
- AT-11. RECREATIONAL VEHICLE STORAGE PROHIBITED:
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-12. HOA REVIEW AND APPROVAL:
In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]
- AT-13. HOA RESPONSIBILITIES:
The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]
- AT-14. STORMWATER BMP MAINTENANCE:
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management

practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-15. STORMWATER BMP RIGHT OF ENTRY:

The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]

AT-17. COMMERCIAL USES:

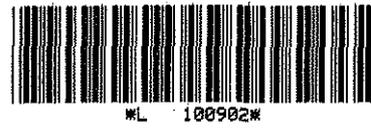
- a) Restaurant establishments (not requiring a general license or on-sale liquor license) are permitted to occupy up to 10% of the gross floor area of the shopping center, without requiring a separate Miscellaneous Plan Permit.
- b) All permitted uses within the C-2 Zoning District (SMC 19.20.030) shall be permitted on this property. Any use requiring a Use Permit is subject to approval of a Special Development Permit. [COA] [PLANNING]

Santa Clara County Clerk - Recorder's Office
State of California

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665



Document No.: 473
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CRO Order Number:
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REGINA ALCOMENDRAS, County Clerk - Recorder
by Veronica Aguirre, Deputy Clerk - Recorder

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

- 1. LEAD AGENCY: City of Sunnyvale
- 2. PROJECT TITLE: Application for a Special Development Permit and Vesting Tentative Map.
- 3. APPLICANT NAME: SummerHill Homes PHONE: 408-730-7431
- 4. APPLICANT ADDRESS: 660-666 W. El Camino Real, Sunnyvale, CA 94087
- 5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
- 6. NOTICE TO BE POSTED FOR 21 DAYS.
- 7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) \$ 2,839.25 \$ 0.00
- 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) \$ 2,044.00 \$ 0.00
- 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) \$ 965.50 \$ 0.00
- 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS \$ 949.50 \$ 0.00
- 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) \$ 50.00 \$ 0.00
Fish & Game Code §711.4(e)

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) \$ 50.00 \$ 0.00
 - 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)
- DOCUMENT TYPE: ENVIRONMENTAL IMPACT REPORT NEGATIVE DECLARATION \$ 50.00 \$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- NOTICE OF PREPARATION NOTICE OF INTENT NO FEE \$ NO FEE

- 8. OTHER: _____ FEE (IF APPLICABLE): \$ _____
- 9. TOTAL RECEIVED..... \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



PLANNING DIVISION
CITY OF SUNNYVALE
P.O. BOX 3707
SUNNYVALE, CALIFORNIA 94088-3707

File Number: 2011-7063
No. 11-19

**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Mitigated Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

PROJECT TITLE:

Application for a **Special Development Permit** and **Vesting Tentative Map** filed by **SummerHill Homes**.

PROJECT DESCRIPTION AND LOCATION (APN):

2011-7063: SummerHill Homes [Applicant] **Dorothy Miller Family, LP** [Owner] Application for a Special Development Permit and Vesting Tentative Map for a mixed use project consisting of 113 residential townhouse units and approximately 17,302 square feet of office/commercial space located at **660-666 W. El Camino Real**. (ANP: 201-22-011 & 201-23-029) RK

WHERE TO VIEW THIS DOCUMENT:

The **Mitigated Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, November 28, 2011**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

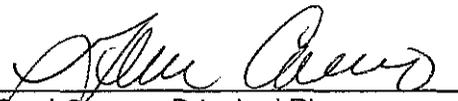
A public hearing on the project is scheduled for:

Monday, November 28, 2011 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On November 4, 2011

Signed: 
Gerri Garuso, Principal Planner

Project Title	Special Development Permit and Vesting Tentative Map for 113 Townhomes and 17,302 s.f. of commercial development.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Ryan Kuchenig, Associate Planner
Phone Number	408-730-7431
Project Location	660-666 W. El Camino Real
Applicant's Name	SummerHill Homes
Project Address	660-666 W. El Camino Real, Sunnyvale, CA 94087
Zoning	C-2/ECR
General Plan	Commercial General Business
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT: The proposed project includes the redevelopment of a former auto dealership site with a mixed use development consisting of 17,302 s.f. of commercial floor area and 113 townhouse units. The project site consists of two parcels totaling 8.29 acres (one 1.46 acre parcel with frontage on El Camino Real, and a larger 6.83 acre parcel adjacently located to the south). The 1.46 acre lot would be developed with a mix of commercial uses while a multi-family residential subdivision would be created within the 6.83 acre site. The analysis takes into account the development on both sites. Environmental analysis was also conducted for a project with increased commercial development over the proposed 17,302 s.f., including scenarios of retail uses up to 72,000 s.f., and a possible hotel development up to 148 units.

DETAILED PROJECT DESCRIPTION:

On-site Development: The existing development consists of a vacant 42,948 square foot commercial building (formerly occupied by a Chevrolet auto-dealership) on two parcels that total approximately 8.29 acres.

Construction Activities and Schedule: Construction activities include demolition of the existing building on the site, and construction of the multi-tenant commercial building and 113 townhouse units. Construction is anticipated to begin in early 2012 and will take approximately two years. The project will be subject to the Sunnyvale Municipal Code requirements for noise and hours of construction contained in Chapters 19.42.0.0 and 16.08.030.

Surrounding Uses and Setting: The site is surrounded by commercial uses to the east and west. South and southwest of the site are multi-family townhouses. To the north, across El Camino Real, is the County Courthouse.

Off-site Improvements: The existing sidewalk will be replaced along the street frontage, which can be fully accommodated within the public right-of-way. Standard water, sewer, right-of-way and utility upgrades will be provided as required by the Municipal Code.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
6. Earlier Analysis Used. Identify and state where they are available for review.
7. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
8. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

MANDATORY FINDINGS OF SIGNIFICANCE (see checklist for further information):

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? Yes No

Mandatory Findings of Significance? Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)? Yes No

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes No

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Checklist Preparer: Ryan Kuchenig

Date: October 26, 2011

Title: Associate Planner

City of Sunnyvale

Signature: 

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Land Use and Transportation Element of the General Plan, General Plan Map www.sunnyvaleplanning.com Project Description
5. Population and Housing -Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element, Land Use and Transportation Element and General Plan Map www.sunnyvaleplanning.com Project Description
6. Population and Housing -Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element www.sunnyvaleplanning.com Project Description
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map www.sunnyvaleplanning.com Project Description
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Land Use and Transportation Element, Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					w.php?topic=19-4-19_46&frames=off
10. Hazards and Hazardous Materials - For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
11. Hazards and Hazardous Materials - For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. Hazards and Hazardous Materials - For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-element, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off Environmental Noise Assessment conducted by Charles M. Salter Associates, January, 2011
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-Element www.sunnyvaleplanning.com Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-element www.sunnyvaleplanning.com
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
U.S Wildlife Service?					
18. Biological Resources -Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Hortscience Survey, September, 2010.
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Heritage Preservation Sub-Element, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project Description
24. Public Services - Would the project result in substantial adverse physical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The following public school districts are located in the City of Sunnyvale:

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?					Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. Project Description
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Air Quality Evaluation reports conducted by ENVIRON, February 2011 and Illingworth & Rodkin, May 2011
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Project Description
28. Air Quality -Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element Project Description
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Project Description
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Project Description
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
of a known fault?					
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

Further Discussion if "Less than Significant" with or without mitigation:

2. Aesthetics (Less than Significant): The subject property lies along El Camino Real, a busy commercial arterial. The proposed redevelopment will alter the streetscape of the property from the surrounding area in comparison to the vacant site. The new three-story townhouse buildings and commercial buildings will be different from the existing auto dealership buildings in terms of architecture and overall scale. The new buildings will utilize a mix of high quality architectural materials. Staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not degrade the visual character or quality of the site and its surroundings.

14. Noise (Less than Significant with Mitigation) - The project may introduce short-term temporary sources of noise to the project area during construction. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction. The subject site is located adjacent to office buildings, restaurants and retail establishments. There will also be traffic noise impacts resulting from the proximity of the subject property to El Camino Real and Sunnyvale-Saratoga Road.

The applicant submitted a noise study prepared by Charles M Salter Associates analyzing the existing exterior noise levels at the site, both short term and long term, over a period of 48-hours, between 12th and 14th of January 2011. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

When determining if noise generated from adjacent streets and surrounding uses is at acceptable levels for a project, the Noise Sub-Element of the General Plan is typically applied to projects. The Sub-Element requires noise exposure levels between 60 and 75 dbA as "Conditionally Acceptable", subject to an analysis of the necessary noise reduction requirements. Inclusion of required noise-mitigation features in the design will be necessary. The mitigation measures must be capable of reducing the interior noise levels due to exterior sources to 45 db or less.

As discussed in the noise study, the average DBA of noise was measured at five different locations on the existing site and level ranged between 51-72 dbA, including both short-term and long-term measurements. These noise levels were used to determine the mitigation to meet the City's maximum noise goals. Based on

acoustical measurements, the future noise levels at the proposed setback of the homes would range from DNL 53 dBA to 65 dBA. All of these measured noise levels would be considered "conditionally acceptable" per the City's Noise Element. Therefore noise-reducing measures would be required to comply with City's noise standards and to reduce the impact to a less than significant level.

This could be accomplished through the following mitigation measures:

WHAT: 1) Typical dual-pane construction-grade windows and doors are expected to reduce traffic noise to the DNL 45 dBA criterion indoors. Calculations should be repeated during the design phase when room dimensions and window sizes have been finalized to confirm this.

2) Where windows will need to be closed to meet the interior noise criterion, units must incorporate a ventilation or air-conditioning system to provide a habitable interior environment.

3) Retail rooftop equipment, outdoor residential air condensing units, and other mechanical equipment must incorporate mitigation measures to reduce property line noise to the Municipal Code limits. Details should be determined during the design phase.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

15. Noise (Less than Significant) - The project may introduce short-term and temporary additional sources of noise to the project area during construction. Through the City's implementation of the Municipal Code noise regulations, this impact will be lessened to a less than significant level during construction. The project will not require pile driving.

16. Noise (Less than Significant) - The project will introduce additional sources of noise to the project area both during construction and as an operational aspect of the 113 additional housing units and 17,302 sq. ft. of retail/commercial establishments. The subject project proposes an overall increase in the total number of residential units and commercial uses on site. Through the City's implementation of the Municipal Code noise regulations, this is anticipated to be less than significant.

20. Biological Resources (Less than Significant with Mitigation): A tree survey was conducted by Hortscience, September 2010. This survey is available for review at the City of Sunnyvale's One-Stop Counter. The reports reviewed the existing trees on-site and adjacent to the site. Four of the ten trees on-site appear to meet the definition of a "protected" tree and are planned to be removed. Protected under SMC is defined as any tree greater than 38" in circumference, measured at 4.5' from the adjacent grade.

The following mitigation measures are proposed:

WHAT: Tree protection measures shall be in place for any off-site trees located immediately adjacent to the project site per Municipal Code requirements prior to grading activities at the site.

WHEN: Conditions of Approval shall include appropriate tree protection measures for nearby off-site trees as well as appropriate size replacement trees (min. 36-inch box size) for those protected trees to be removed on-site.

WHO: The property owner will be solely responsible for obtaining permits

HOW: These mitigation measures will be required to be completed prior to demolition permit, grading permit or building permit, whichever comes first.

23. Historic and Cultural Resources (Less than Significant): The existing buildings on site do not have any Federal, State, local historical or architectural significance. Staff has no evidence of archaeological resources being located on site or being found in the immediate vicinity. However, the scope of the project does include grading and excavation of the site associated with the construction of the project. There may be the potential that the project may uncover resources. As a standard Condition of Approval, staff has included specific project requirements related to the potential discovery of resources and procedural requirements. Based on this analysis and standard conditions of approval, staff has determined that the project would have a less than significant impact.

25. Air Quality (Less than Significant with Mitigation) – The project requires significant grading of the site, including demolition and removal of the existing buildings. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. There are existing residential units to south, east and west of the subject property. This population could be negatively affected by the change in air quality, if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction.

The following mitigation measures are proposed:

WHAT: Permits must be obtained from the City of Sunnyvale, Bay Area Air Quality prior to demolition or new construction.

WHEN: These permits are required prior to any demolition or construction on site.

WHO: The property owner will be solely responsible for obtaining permits

HOW: These mitigation measures will be required to be completed prior to building permit issuance.

26. Air Quality (Less than Significant) – The project would generate greenhouse gas emissions (GHGs) during construction (one-time related) and annual (operational related). An air quality evaluation was performed by a consultant, ENVIRON, dated 2/4/11, which noted possible health risks and hazards from existing sources on the project and that "calculations may be refined and these risks could be mitigated." A follow up study was conducted by Illingworth & Rodkin, Inc. dated 5/2/11. The study provides a detailed analysis of air quality impacts posed by traffic on El Camino Real and Mathilda on new residences as well as analyzing the local air quality impacts caused by project construction upon adjacent residences. Results of this assessment indicate an incremental child cancer risk of 8.4 excess cancer cases per million and the adult incremental cancer risk is 0.5 excess cancer cases per million as a result of nearby roadway traffic conditions (Mathilda Ave. and El Camino Real) and from construction impacts of this project. As stated by the report, "this cancer risk is below the BAAQMD's threshold of 10 in one million excess cancer cases per million." As a result, the project would have a less than significant impact with respect to community risk caused by construction activities. The studies by ENVIRON and Illingworth & Rodkin, Inc. is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. at Sunnyvale City Hall.

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan, and AASHTO: A Policy on Geometric Design of Highways and Streets. Transportation Impact Analysis conducted by Hexagon Transportation Consultants, October 2011
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds).
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan including the Land Use and Transportation Element.
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan.
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual, and Sunnyvale Neighborhood Traffic Calming Program.

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects.
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Transit Operations Performance Report, VTA Short Range Transit Plan, and Valley Transportation Plan for 2035.

Further Discussion if "Less Than Significant" with or without mitigation:

35. Transportation (Less than Significant) - The currently proposed project (113 residential units and approximately 17,302 s.f. commercial floor area) does not result in a significant increase in peak hour trip generation to the site. The applicant has submitted a Transportation Impact Analysis, conducted by Hexagon Transportation Consultants, in October 2011, that includes several scenarios for the project development at the site including: a) a project with 120 residential units, and 17,000 s.f. of retail space, b) a project with an additional 18,000 s.f. of office space (including 120 units and 17,000 s.f. of retail space) c) a project with entirely composed of retail (approx.. 72,000 s.f.), d) a 120 residential unit project with 72,000 of retail, and lastly, e) a 120 residential unit with a 148 room hotel. In all scenarios, it was found that a.m. peak hour trips did not exceed 100 trips. Scenarios d and e exceeded 100 trips during p.m. peak hours. The reports further analyze scenarios within the above noted possible projects where a secondary access point is provided at Allegheny Drive and Reseda Drive. The study further points out that based on the residential trip distribution pattern, it is estimated that approximately 25 percent of the residential project trips would utilize Allegheny Drive to access the site. The study notes that the if a secondary access point at this location is created, an increase of only 13-15 peak hour (a.m. and p.m.) trips would be expected. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

In addition, the project will pay the require Traffic Impact Fees (TIF) as required by the Sunnyvale Municipal Code. The anticipated TIF for the current mix of development is approximately \$44,842.14.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: October 26, 2011

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map www.abag.ca.gov , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
46. Geology and Soils -Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual Project Description
47. Geology and Soils -Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Seismic Safety Sub-Element, www.sunnyvaleplanning.com California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code
48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

Further Discussion if "Less than Significant" with or without mitigation:

47. Geology and Soils (Less than Significant) – The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake. Through the City's implementation of the Uniform Building Code requirements for areas with potential for seismic activity, this aspect of the project will be reduced to a less than significant level.

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com
50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com
51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com
52. Utilities and Service Systems: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Water Resources Sub-Element www.sunnyvaleplanning.com
53. Utilities and Service Systems: Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com
54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Solid Waste Management Sub-Element www.sunnyvaleplanning.com
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description Water Resources Sub-Element www.sunnyvaleplanning.com
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
60. Utilities and Service Systems: Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description

Further Discussion if "Less than Significant" with or without mitigation: None required.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: September 20, 2011

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant <i>environmental impacts</i> , in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Law Enforcement Sub-Element Sunnyvale Fire Services Sub-Element Safety and Seismic Safety Sub-Element www.sunnyvaleplanning.com
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

Further Discussion if "Less than Significant" with or without mitigation: None required.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: October 26, 2011

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale Phase 1 and 2 studies conducted by ENGEO, June 2010
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

Further Discussion if “Less than Significant” with or without mitigation:

67. Hazards and Hazardous Materials (Less than Significant with Mitigation): Phase 1 and Phase 2 Environmental Site Assessments were completed by ENGEO in June, 2010. The Phase 1 study identified the former auto dealership use of the property and associate structures. A comprehensive survey was conducted that identified various uses of the buildings including locations for hydraulic lifts and service bays. The study further identifies the orchards that had occupied various parts of the site. The study identifies the history of the installation and removal of the various underground storage tanks (USTs) at the property. An agricultural chemical soil assessment was conducted on the property during the Phase 1 assessment. A total of 16 near-surface soil samples were taken. Detectable concentrations of DDD, DDE, and DDT were reported. Levels fell below the applicable screening levels. Arsenic concentrations were noted as consistent with the background concentrations for the State of California. Soil and groundwater samples were collected at six locations on the property. Groundwater was also collected at two locations at approximately 58 feet below ground surface. Detection of various solvents was reported in one discrete soil sample, which exhibited several constituents

exceeding applicable State screening or regulatory levels. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

WHAT: 1) Impacted soil was discovered during subsurface exploration. Although, not found to be pervasive, additional impacted material is anticipated to be located elsewhere on the property. The impacted areas are likely to be found in localized areas. More extensive sampling would need to be considered in order to quantify the amount of impacted material. Impacted material could be managed and mitigated at the time of demolition.

2) An environmental professional should be on-site during demolition and excavation activities to properly assess the extent of impacted areas. Soil containing the pesticides above residential criteria, and the soil containing petroleum hydrocarbons and lead above screening criteria shall be excavated and disposed off-site at a treatment facility prior to residential development.

3) According to the historical records reviewed, some of the structures were constructed at a time when asbestos-containing building materials (ACBM) and lead-based paints may have been used, A CAL-OHSA certified ACBM and lead based paint contractor shall be retained to assess structures prior to any renovation or demolition activities.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

Responsible Division: Planning

Completed by: Ryan Kuchenic

Date: October 26, 2011

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description
71. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description

Further Discussion if "Less than Significant" with or without mitigation:

69. & 70. Recreation (Less than Significant) The project will generate an increase in the use of existing park facilities, but this impact is less than significant because the project will comply with the City's Park Dedication Fee requirement, which includes a fee of \$16,230.46 per unit. The project will generate \$1,913,782.46 (base on the current proposal of 113 housing units) in Park Dedication fees for the Citywide acquisition and improvement of park facilities to offset this potential increased use.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: September 20, 2011

ENVIRONMENTAL CHECKLIST REFERENCE LIST

City of Sunnyvale General Plan:

- A. General Plan Map
- B. Air Quality Sub-Element (1993)
- C. Arts Sub-Element (1995)
- D. Community Design Sub-Element (1990)
- E. Community Engagement Sub-Element (2007)
- F. Fire Services Sub-Element (1995)
- G. Community Vision (2007)
- H. Fiscal Sub-Element (2006)
- I. Heritage Preservation Sub-Element (1995)
- J. Housing & Community Revitalization Sub-Element (2009)
- K. Land Use & Transportation Sub-Element (1997)
Revised 4/28/09 with Allocation of Street Space Policies
- L. Law Enforcement Sub-Element (1995)
- M. Legislative Management Sub-Element (1999)
- N. Library Sub-Element (2003)
- O. Noise Sub-Element (1997)
- P. Open Space and Recreation Sub-Element (2006) *Updated with Parks of the Future Study 4/28/2009. Revised 4/24/09.*
- Q. Safety & Seismic Safety Sub-Element (2008)
- R. Socio-Economic Sub-Element (1989)
- S. Solid Waste Management Sub-Element (1996)
- T. Support Services Sub-Element (1988)
- U. Surface Run-off Sub-Element (1993)
- V. Wastewater Management Sub-Element (1996)
- W. Water Resources Sub-Element (2008)

City of Sunnyvale Municipal Code:

- A. Title 8 Health and Sanitation
- B. Title 9 Public Peace, Safety or Welfare
- C. Title 10 Vehicles and Traffic
- D. Title 12 Water and Sewers
- E. Chapter 12.60 Storm Water Management
- F. Title 13 Streets and Sidewalks
- G. Title 16 Buildings and Construction
- H. Chapter 16.52 Fire Code
- I. Chapter 16.54 Building Standards for Buildings Exceeding Seventy –Five Feet in Height
- J. Title 18 Subdivisions
- K. Title 19 Zoning
- L. Chapter 19.28 Downtown Specific Plan District
- M. Chapter 19.29 Moffett Park Specific plan District
- N. Chapter 19.39 Green Building Regulations
- O. Chapter 19.42 Operating Standards
- P. Chapter 19.54 Wireless Telecommunication Facilities

- Q. Chapter 19.81 Streamside Development Review
- R. Chapter 19.96 Heritage Preservation
- S. Title 20 Hazardous Materials

Specific Plans:

- A. Downtown Specific Plan
- B. El Camino Real Precise Plan
- C. Lockheed Site Master Use Permit
- D. Moffett Park Specific Plan
- E. 101 & Lawrence Site Specific Plan
- F. Southern Pacific Corridor Plan
- G. Lakeside Specific Plan
- H. Arques Campus Specific Plan

Environmental Impact Reports:

- A. Futures Study Environmental Impact Report
- B. Lockheed Site Master Use Permit Environmental Impact Report
- C. Tasman Corridor LRT Environmental Impact Study (supplemental)
- D. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
- E. Downtown Development Program Environmental Impact Report
- F. Caribbean-Moffett Park Environmental Impact Report
- G. Southern Pacific Corridor Plan Environmental Impact Report
- H. East Sunnyvale ITR General Plan Amendment EIR
- I. Palo Alto Medical Foundation Medical Clinic Project EIR
- J. Luminaire (Lawrence Station Road/Hwy 237 residential) EIR
- K. NASA Ames Development Plan Programmatic EIS
- L. Mary Avenue Overpass EIR
- M. Mathilda Avenue Bridge EIR

Maps:

- A. General Plan Map
- B. Zoning Map
- C. City of Sunnyvale Aerial Maps
- D. Flood Insurance Rate Maps (FEMA)
- E. Santa Clara County Assessors Parcel
- F. Utility Maps
- G. Air Installations Compatible Use Zones (AICUZ) Study Map
- H. Noise Sub-Element Appendix A 2010 Noise Conditions Map

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Lists / Inventories:

- A. Sunnyvale Cultural Resources Inventory List
- B. Heritage Landmark Designation List
- C. Santa Clara County Heritage Resource Inventory
- D. Hazardous Waste & Substances Sites List (State of California)
- E. List of Known Contaminants in Sunnyvale
- F. USFWS / CA Dept. F&G Endangered and Threatened Animals of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- G. USFWS / CA Dept. F&G Endangered, Threatened and Rare Plants of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEPlants.pdf>

Legislation / Acts / Bills / Resource Agency Codes and Permits:

- A. Subdivision Map Act
- B. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit
- C. Santa Clara County Valley Water District Groundwater Protection Ordinance
- D. The Hazardous Waste and Substance Site List
www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
- E. The Leaking Underground Petroleum Storage Tank List
www.geotracker.waterboards.ca.gov
- F. The Federal EPA Superfund List
www.epa.gov/region9/cleanup/california.html
Section 404 of Clean Water Act

Transportation:

- A. California Department of Transportation Highway Design Manual
- B. California Department of Transportation Traffic Manual
- C. California Department of Transportation Standard Plans & Standard Specifications
- D. Highway Capacity Manual
- E. Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- F. Institute of Transportation Engineers - Traffic Engineering Handbook
- G. Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- H. Institute of Transportation Engineers - Transportation Planning Handbook
- I. Institute of Transportation Engineers - Manual of Traffic Signal Design

- J. Institute of Transportation Engineers - Transportation and Land Development
- K. U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- L. California Vehicle Code
- M. Santa Clara County Congestion Management Program and Technical Guidelines
- N. Santa Clara County Transportation Agency Short Range Transit Plan
- O. Santa Clara County Transportation Plan for 2035
- P. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- Q. Statewide Integrated Traffic Records System
- R. Sunnyvale Zoning Ordinance – including Titles 10 & 13
- S. City of Sunnyvale General Plan – land Use and Transportation Element
- T. City of Sunnyvale Bicycle Plan
- U. City of Sunnyvale Neighborhood Traffic Calming Program
- V. Valley Transportation Authority Bicycle Technical Guidelines
- W. Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
- X. Santa Clara County Sub-Regional Deficiency Plan
- Y. City of Sunnyvale Deficiency Plan
- Z. AASHTO: A Policy on Geometric Design of Highways and Streets
- AA. City of Sunnyvale Pedestrian and Bicycle Opportunities Studies
- BB. Valley Transportation Authority Operations Performance Report

Public Works:

- A. Standard Specifications and Details of the Department of Public Works
- B. Storm Drain Master Plan
- C. Sanitary Sewer Master Plan
- D. Water Master Plan
- E. Solid Waste Management Plan of Santa Clara County
- F. Geotechnical Investigation Reports
- G. Engineering Division Project Files
- H. Subdivision and Parcel Map Files

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Initial Study Checklist
Project Name: 660-666 W. El Camino Real
File # 2011-7063
Page 23 of 23

- J. Project Draft Storm Water Management Plan
- K. Project Tree Inventory by Hortscience, September 2010
- L. Project Tree Preservation Plan
- M. Project Green Building Checklist
- N. Project LEED Checklist

Miscellaneous Agency Plans:

- A. ABAG Projections 2010
- B. Bay Area Clean Air Plan
- C. BAAQMD CEQA Guidelines
- D. Criteria of the National Register of Historic Places

Other: None

ATTACHMENT C
Page 25 of 25

Building Safety:

- A. California Building Code
- B. California Energy Code
- C. California Plumbing Code
- D. California Mechanical Code
- E. California Electrical Code
- F. California Fire Code
- G. Title 16.52 Sunnyvale Municipal Code
- H. Title 16.53 Sunnyvale Municipal Code
- I. Title 16.54 Sunnyvale Municipal Code
- J. Title 19 California Code of Regulations

Guidelines and Best Management Practices

- A. Storm Water Quality Best Management Practices Guidelines Manual 2007
- B. Sunnyvale Citywide Design Guidelines
- C. Sunnyvale Industrial Guidelines
- D. Sunnyvale Single-Family Design Techniques
- E. Sunnyvale Eichler Guidelines
- F. Blueprint for a Clean Bay
- G. SCVWD Guidelines and Standards for Land Use Near Streams
- H. The United States Secretary of the Interior 's Guidelines for Rehabilitation
- I. Criteria of the National Register of Historic Places

Additional Project References:

- A. Project Description
- B. Sunnyvale Project Environmental Information Form
- C. Project Development Plans dated 1/31/11
- D. Project Traffic Impact Analysis Hexagon Transportation Consultants on 10/18/11
- E. Project Noise Study by Charles M. Salter Associates on 1/28/11
- F. Project Air Quality Analysis by Environ International Corporation on 2/4/11 and Illingworth & Rodkin Inc. on 5/2/11
- G. Field Inspection
- H. Project Site Plan dated 1/31/11
- I. Project construction schedule

Note: All references are the most recent version as of the date the Initial Study was prepared.

**Attachment D is provided
as a separate file for web posting
due to large file size.**



Updated Project Summary
Miller Family Property at 660 W. El Camino Real
Date: October 19, 2011

Background: In January of 2011, SummerHill Homes submitted an application for a Special Development Permit for property owned by the Miller family at 660 W. El Camino Real. The proposal consisted of 17,300 square feet of retail and 113 attached homes on the 8.29 acre site. The proposal details are outlined in the original Project Summary (attached for reference).

During the departmental review process in the spring of 2011, City Planning Staff indicated that, while they acknowledge the property's significant limitations for successful large scale retail due to the unusual site shape, location and constrained access, staff wanted SummerHill to consider ways in which the commercial component of the project could be increased beyond the 17,300 square foot size.

To obtain further clarity on SummerHill's proposal, the project was sent to a Planning Commission study session on September 26, 2011. The discussion focused primarily on the size of the commercial component. While many Commissioners agreed that the rear portion of the property was challenging for retail due to there being no secondary exit onto Mathilda, its limited visibility to El Camino, and the existing residential adjacency on three sides of the property, there was also an expressed desire to understand how the front portion of the property could accommodate more commercial square footage such that the deviation from the City's ECR Precise Plan zoning of 20% commercial would be minimized.

The Revised Proposal: In response to staff and Planning Commissioner feedback, SummerHill now proposes the following:

- **To seek approval for the project as initially proposed, with 113 residential units and 17,300 square feet of neighborhood serving retail, in order to revitalize this stretch of El Camino Real. Prior to making the submittal, we studied the El Camino Real corridor and the commercial market extensively and concluded that the 17,300 square foot retail size would enable the entire project to be developed and built concurrently, even in the current, challenging economic climate. Based on feedback from a number of commercial brokers and leasing agents active in the Sunnyvale market, this retail format is expected to be leasable and successful. The parcel size of 1.81 acres upon which the 17,300 sf retail sits, also mirrors the historical pattern of commercial development along the El Camino. For these reasons, we continue to propose this as the preferred development approach for this property.**

OR, alternatively, SummerHill proposes:

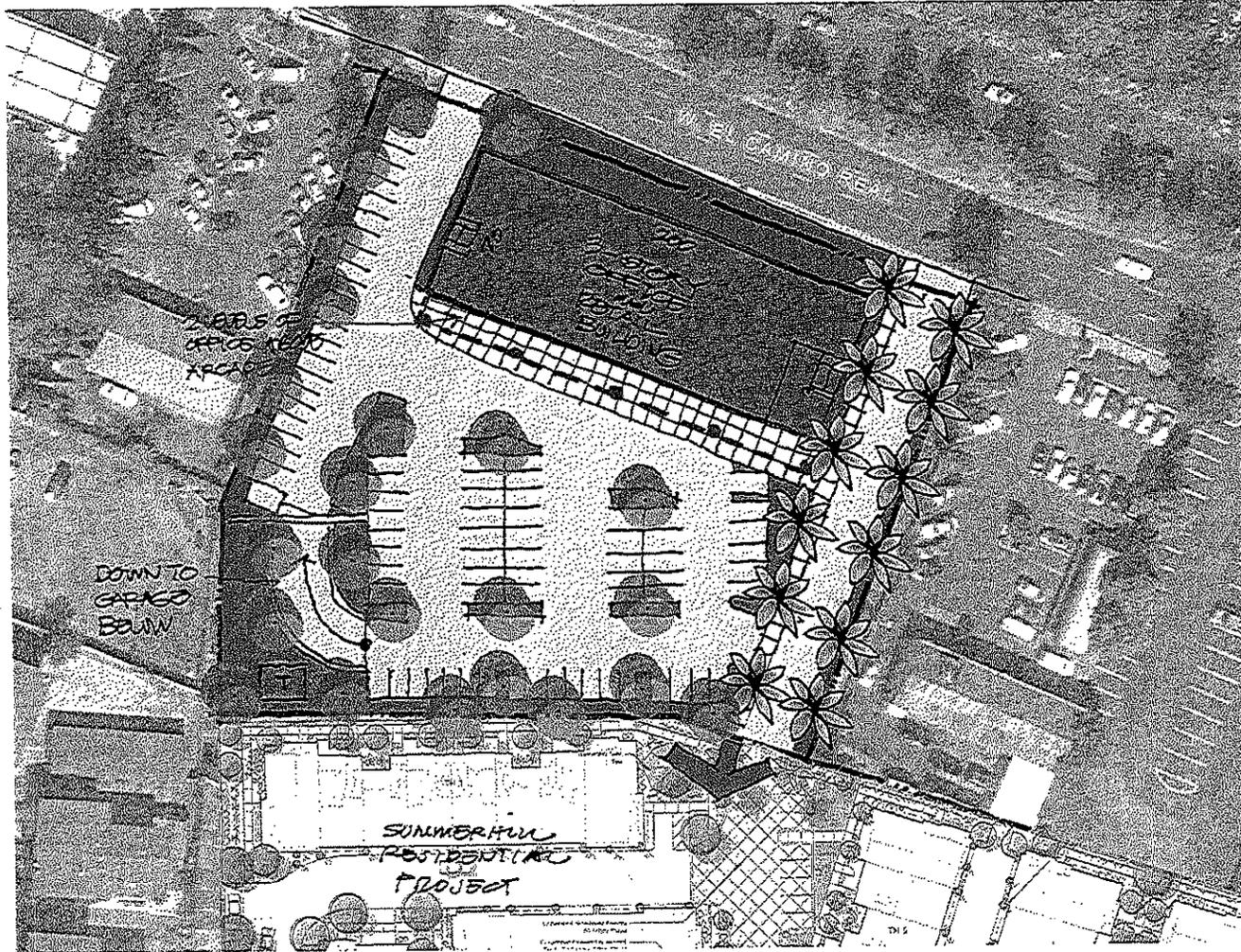
- To seek approval for the 113 residential units and set aside a "Remainder Parcel" of 1.81 acres, designated for Future Commercial. This approach would carve out the approximately two acre parcel along the El Camino Real frontage as a Remainder Parcel to be developed sometime in the future when the market improves or a suitable tenant has been identified, but that it would not be required to be constructed concurrent with the residential homes.

As part of the documents submitted to the City, we have provided two sample studies illustrating the possibilities for developing this Remainder Parcel. Although the property owner is not currently able to develop them in this format, the studies illustrate the viability of the Remainder Parcel concept such that City decision makers can be satisfied that the Remainder Parcel can in fact be developed with more intense commercial uses, and that by approving the project, the City is still maximizing the property's development potential for successful commercial even in the face of the market challenges.

- Study 1 shows the Remainder Parcel with a 3-story commercial building with 48,000 square feet, or 13% of commercial on the site, overall. The building contains 16,000 square feet of ground floor retail with two stories of office above the retail. Each level is 16,000 square feet in size, for a total of 48,000 square feet. Parking is a mix of underground and surface parking.
- Study 2 shows the Remainder Parcel with a hotel use, totaling about 110 rooms and approximately 75,000 square feet of commercial use, or 20% of the overall site. The building is 4-story with surface parking.

Conclusion:

Given the unique site constraints of this land, the property owner's desire to retain the commercial parcel in the family, and the current challenges in the commercial market, SummerHill requests approval of the original project proposal of 17,300 square feet of retail and 113 residential units, or, alternatively, approval of the residential project with a Remainder Commercial parcel such that the parcel along the El Camino Real frontage (the area most suitable for commercial development) can be developed at a future date in accordance with the City's 20% commercial goal when the market improves and the landowner can find a suitable tenant.



REMAINDER COMMERCIAL PARCEL
 STUDY #1: RETAIL / OFFICE

BUILDING AREA 48,000 SF
 RETAIL 12,800 SF
 OFFICE 35,200 SF
 (2-STORY ABOVE RETAIL)

PARKING 187 STALLS
 GRADE 77 STALLS
 BELOW GRADE 110 STALLS

RATIO
 RETAIL 64 STALLS (5/1000)
 OFFICE 123 STALLS (3.5/1000)

Sunnyvale Miller Property
 SUNNYVALE, CALIFORNIA
 SUMMERHILL HOMES
 KENNETH RODRIGUES & PARTNERS, INC.

0 25 100 150
STUDY #1
 125.019 11.9.11

ATTACHMENT E
 Page 3 of 8

Project Summary
For
Miller Family Property
Mixed Use Development Proposal
660 W. El Camino Real, Sunnyvale, CA

Background

SummerHill Homes is proposing to redevelop 8.29 acres at 660 W. El Camino Real in Sunnyvale with a mixed-use project consisting of 17,300 square feet of commercial retail and 113 attached residential units. The property is owned by the Miller family, long-time land owners and business operators in the City of Sunnyvale. For decades, the Millers operated a thriving Chevrolet car dealership at this location. Faced with increasingly intense competition from the internet and unprecedented economic conditions, Chevrolet decided that 660 W. El Camino Real was no longer a viable site for their business, and shuttered the dealership doors in the Fall of 2009. Facing the impacts from the loss of their long-term tenant, the Millers selected SummerHill Homes to redevelop this family owned land in the heart of Sunnyvale with a high-quality mixed-use proposal with several goals in mind:

- Preserve the family asset enabling the family to continue doing business in Sunnyvale
- Respect the lands' current C2-ECR zoning designation and the design guidelines in the El Camino Real Precise Plan
- Support the Guiding Principles of the Grand Boulevard Initiative
- Develop a project that delivers a net positive fiscal impact to the City of Sunnyvale

The Vision:

Our vision is to create a vibrant, high quality mixed-use development that revitalizes the commercial and retail uses along this stretch of the El Camino Real corridor and provides new for-sale housing at a range of price points, while providing a net positive fiscal impact for the City.

Plan Summary:

Retail Component:

- 17,300 square feet of commercial retail on the 1.81 acre parcel (22%) fronting El Camino Real. This building location maximizes the retail visibility and is in keeping with the Precise Plan design guideline of providing functionality for both auto-destination and pedestrian friendly uses.
- The retail parcel includes a total of 96 parking spaces; 92 parking spaces dedicated solely for retail use and 4 spaces shared with the residential component, for an overall parking ratio of 180 square feet of retail per parking space.
- The retail design was created by Ken Rodrigues with the goal of achieving a modern day retail center using high quality materials and landscape design in a flexible space configuration, in order to attract new viable retailers to this currently languishing stretch of El Camino Real.

- The retail parking design has been visually broken down into smaller groupings of parking bays separated by landscape islands that can comfortably accommodate shade trees.
- A well defined and visually stimulating entry drive off El Camino Real serves both the retail and residential parts of the project. The entry drive includes accented paving, a pedestrian scale plaza and sidewalk, and is lined with Canary Date Palms. These high quality landscape design elements were incorporated to provide an attractive visual connection that draws visitors in for both uses.
- Secondary access point serving the retail, further west of the main entry drive, providing for a loop parking lot design.
- Strong pedestrian linkage between existing and proposed residential and the El Camino Real retail via the proposed pedestrian /bicycle connection (that also serves as an Emergency Vehicle Access) through the Allegheny/Reseda neighborhood.

Residential Component:

- 113 residential for-sale units on 6.48 acres (17.44 units per acre)
- Two distinct product types as follows:

64 Townhomes:

- 3-story
- Three plan types with 2-3 bedrooms ranging in size from approximately 1,267 to 1,893 square feet.
- All units have an enclosed two car garage with direct access to the units.
- Plan 2 (16 of 64 townhome units) has a tandem garage, and one additional surface parking space for each of these tandem-served units has been accounted for onsite.
- The townhome design provides for either an at-grade private patio or a second floor deck on all units.

49 Triplex/Quadplex Units:

- These residences were designed with both 2-story and 3-story elements to provide an appropriate transition in scale from the existing residential uses that surround the site along the South and along portions of the Westerly and Easterly lines.
- Five plan types with 3 and 4 bedrooms; 1,610 to 1,829 square feet.
- All units have an enclosed two car garage with direct access to the units.
- These residences include private open space in the form of a more traditional private yard that also functions as part of the 20' landscape buffer per the Precise Plan Design Principles. The light dashes in the site plan signify fence lines. This approach provides for the much desired private open spaces desired by today's high density homebuyers while providing a private and protected landscape buffer to the existing residences.
- Private streets range from 22 to 26' wide.
- 73 guest parking spaces, including 4 shared parking spaces, are provided for the use of the residential units and are well distributed throughout the residential component. This is in addition to the 194 two-car side by side parking spaces and 16 tandem spaces (counting only one of the two spaces in a tandem garage per City requirements) for a total of 220 covered parking spaces (plus 16 uncounted tandem spaces) and 73 guest spaces (283 overall on-site parking spaces).

- A 20' wide landscape buffer adjacent to all residential components per the Precise Plan Design Guidelines.

The architectural style for the residential project component is an Early California style using modern day elements and interpretations. As such, the exterior of the residential buildings is proposed as stucco with dark timber accents and concrete barrel tiled roofs throughout.

An 899 square foot community room is centrally located to the residences. This community room can be utilized for community gatherings (HOA meetings, Block Parties) or be used by individual residents. A mail room has been integrated as a part of the community room, which further encourages the intermingling of residents. A common area playground and turf area is located adjacent to the community room. In addition, a passive turf area is also proposed between TH2 and TH3. Pedestrian paseos connect the townhomes, and a series of pedestrian walkways and crosswalks connect the Single Family Attached Tri- and Quadplexes.

All residential units at the proposed project are planned to be GreenPoint Rated with a target point total of 80. SummerHill has been utilizing the Build It Green Checklist and independent verification protocol since 2006 and has successfully completed a range of product types and point totals using their checklist and inspection process.

Retail Design Considerations:

SummerHill Homes retained SRS Real Estate Partners (formerly Retail Real Estate Group) to study the *retail development opportunity for the subject property*. While the Sunnyvale market and an El Camino Real location are positives for retailers, SRS identified significant constraints on this specific property, including challenges with identity, access, and existing competition, which limit successful retail to approximately 15,000 – 20,000 square feet on the site. The mid-block location, combined with a flag-lot shape and limited frontage limit its viability to retail fronting El Camino Real. SummerHill and the Miller Family worked with Retail Architect Ken Rodrigues to maximize the building footprint along El Camino Real, provide two access points, and integrate the El Camino Specific Plan design guidelines in the retail component of the site plan. *Ultimately, the retail portion of the property was maximally designed for approximately 17,300 sf of neighborhood retail, which could be supported by a combination of tenants including neighborhood serving retail, financial and food services. The design allows for maximum flexibility for future users, and the opportunity for inviting outdoor plaza seating. (Please see SRS Real Estate Partner's report attached as a part of this submittal.)*

El Camino Real Precise Plan:

The proposal is located within the El Camino Precise Plan's Downtown Node where only one parcel has redeveloped in recent years on this City block. We anticipate that the proposed mixed-use project may *trigger redevelopment and revitalization of other parcels in this block*. Our design enables other parcels to develop in a meaningful way, and complimentary to the proposed design concept.

The proposed project is consistent with the intent of the El Camino Real Precise Plan Guidelines as follows:

- *Support the Economic Vitality of the Corridor's Retail Uses:* The retail design proposed will maximize active storefronts and minimize vacancy within the retail center. The retail design encourages both regional and neighborhood retail activity.
- *Provide Visual Unity to the Street:* The design was created to establish a fresh, high-quality retail presence along El Camino. The only other development recently completed in this block is the retail plaza at the corner of Mathilda and El Camino Real. The proposed retail design utilizes brick for visual tie-in to the previously completed retail plaza at corner of Mathilda and El Camino and the Canary Date Palms chosen for the retail plaza and entry drive provide visual continuity to the landscaping used on the PF Changs retail center.
- *Accommodate Auto Oriented Uses while Maintaining a High Degree of Pedestrian Scale and Appeal:* The retail design allows for a right-in/right-out which is typical for mid-block retail along El Camino Real that do not have corner frontage or available breaks in medians. The looped parking lot provides an easy to navigate vehicular pattern. The pedestrian walkway with proposed canary palms along the main entry provides an inviting "grand entrance" feel for pedestrians, and the interconnectivity between the proposed and existing residential uses maximizes the opportunity for pedestrian activity to the retail. The retail component provides ample, easily accessible surface parking at a ratio of 180 square feet per space.
- *Encourage a Sense of Place Distinctive as a Unique District within the City of Sunnyvale:* Landscaping, with the canary palms in particular, will continue the Downtown Node character begun with the development of the Olsen property, which has similar landscaping features.
- *Encourage Architectural Diversity Emphasizing High Quality Design:* The proposed architecture has been designed to include modern elements than many of the retail parcels along this section of El Camino Real, while remaining architecturally compatible with the recently developed retail parcels along El Camino Real.
- *Encourage Commercial Development that is Sensitive to Adjacent Residential Neighborhoods:* This property is narrow and deep, an unusual feature for a property mid-block on El Camino Real. Existing residences surround the project on the South, East, and West sides. In keeping with the Precise Plan, the design includes a 20' landscape buffer along all of the property lines with existing residential uses. In response to neighbor outreach, the buildings closest to existing residential incorporate a two-story element to minimize privacy concerns.

Grand Boulevard Initiative:

In addition to the El Camino Real Precise Plan, the Grand Boulevard Initiative was also respected during the design of the proposal. The Grand Boulevard has ten Guiding Principles that this design has taken into consideration and supports:

- Target housing and job growth in strategic areas along the corridor
- Encourage compact mixed-use development and high-quality urban design and construction
- Create a pedestrian-oriented environment and improve streetscapes, ensuring full access to and between public areas and private developments

- Develop a balanced multimodal corridor to maintain and improve mobility of people and vehicles along the corridor
- Manage Parking Assets
- Provide vibrant public spaces and gathering places
- Preserve and accentuate unique and desirable community character and the existing quality of life in adjacent neighborhoods
- Improve safety and public health
- Strengthen pedestrian and bicycle connections with the corridor
- Pursue environmentally sustainable and economically viable development patterns

September 21, 2011

City of Sunnyvale Planning Commissioners
c/o Mr. Ryan Kuchenic
456 W. Olive Avenue
Sunnyvale, CA 94088

Dear Commissioners:

I am writing to request your support for SummerHill's application for the property my family owns at 660 W. El Camino Real.

My great-grandfather came to the Santa Clara Valley in 1848. Lockheed and part of Moffett Field are on my grandfather's former ranch. My father opened his first auto repair shop in Sunnyvale in 1916. I grew up at 221 S. Murphy Avenue watching my mother and father run their small business. 221 was where Macy's current parking lot is today. My Dad spent years on the Sunnyvale City council and was the mayor in 1947. Our shop needed more room and so we moved to El Camino in 1952. Many customers were upset that we moved so far away. The building was fine until widening of the highway brought the street to our door. My husband, Jack Miller, started building in the back while staying open for business.

We kept the business open for over 86 years in Sunnyvale. We were fortunate to have another Chevy dealer extend that for five more years before it too was unable to survive. We wanted to continue in Sunnyvale. No business would move in without a second exit onto a main street. We were surrounded by homes and knew they would continue to resist large commerce there.

Summerhill Homes' proposal presents the best opportunity we see for this land; to place homes in the back portion of our land which is surrounded on three sides by existing homes and to retain the front portion for retail and stay compatible with current retail depth along El Camino.

The City's desire for more retail is understandable but far from realistic. This has been a drastic recession and we are not out of it yet. There are so many empty buildings and the Town Center still needs to be filled. Shouldn't you get the town center filled before adding more? Studies show the need for more housing. Why not do both? We have spent years looking for proper development and this mix is the best we've found.

It is also important for the Commission to understand that we are not financially able to build any retail until Summerhill builds the back acreage; then we can do Sunnyvale proud. This is my retirement income and it is presently very negative. Sunnyvale is deeply in my veins and my family has desired to remain here.

We care deeply about this City but we simply don't believe it is appropriate for the City to force us into building a large, multi-million dollar retail center on our land before we are ready to do so and certainly not before there is a known, paying tenant for it.

We therefore ask that you direct the City Planning staff to support the Summerhill application with 113 homes and 17,300 square feet of retail. Alternatively, allow the Summerhill application to move forward and let us leave the 1.8 acre parcel along El Camino Real for "future retail use" (i.e. to be developed in the future with retail when the market support returns).

Thank you for taking our viewpoint into consideration as you discuss this matter next Monday evening. We will be there in case you wish to ask us any further questions.

Dorothy Raines Miller

Dorothy Raines Miller

Ryan Kuchenig - Planning Commission - Miller / SummerHill Homes Project, ECR, Sunnyvale

From: "William Jacobson"
To: "Ryan Kuchenig" <RKuchenig@ci.sunnyvale.ca.us>
Date: Friday, September 23, 2011 10:44 AM
Subject: Planning Commission - Miller / SummerHill Homes Project, ECR, Sunnyvale

September 23, 2011

Dear Planning Commissioners
City of Sunnyvale:

We are the owners of Cherry Glen Plaza, 398 W. El Camino Real, Sunnyvale, the boutique shopping center on the corner of Mathilda and El Camino Real. We have reviewed the original plans for the SummerHill/Miller development on about 8 adjacent acres, for about 17,000 sq. ft of retail and 113 townhouses, and fully approve of the developers' plans.

The proposed project maintains the continuity of retail on the El Camino, and, because of the landlocked rear of the site, and the adjacent residential, provides an excellent environment for multifamily residences. Overall, an outstanding solution for a very difficult land use!

In today's uncertain and strained economic climate, it behooves the City to listen very carefully to the requests of the developer as it takes an unusual competence and good judgment to make a large project "pencil out".

We believe that SummerHill Homes will build an exceptional project for the City of Sunnyvale.

Sincerely,

William R. Jacobson, President
CHERRY GLEN PLAZA LLC

Glenis and Paul Koehne
761 Danforth Terrace
Sunnyvale, CA 94087
November 20, 2011

**Planning Commission
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086**

**Re: File #2011-7063
660-666 W. El Camino Real (APN: 201-22-011 & 201-23-029)**

Ladies & Gentlemen:

We are direct neighbors of this proposed project whose backyard is located along the property line to the south (Danforth Terrace).

Katia Kamangar of SummerHill Homes kindly met with us last Fall. We also attended the neighborhood meeting at the Sunnyvale Senior Center. At both meetings we strongly urged that consideration be given to the impact of the project on the existing homes. In particular, that no three-story buildings be located along the perimeter overlooking our backyards and homes that would impinge on our daylight and privacy.

In briefly reviewing the proposed plans, it appears that only two-story buildings are to be located next to the existing homes and apartments, except, part of the design includes a raised third story that could block out some light. All the buildings along the Danforth Terrace perimeter are placed sideways so that windows do not look out onto Old Orchard homes, EXCEPT the Quadplex directly behind our home. It is not clear if ALL the two-story buildings have the raised third story feature, but if they do, we would like to recommend that it be disallowed. Also, if there is any way that the Quadplex behind our home could be turned sideways also.

We would also request that the setback along the Danforth perimeter be increased.

We were happy to see that the proposed street into Reseda has been rejected by the City. We urge you to keep this as an emergency vehicle exit only. If not already done so, perhaps pedestrian access could be planned from Reseda into the commercial part of the project.

It is understood that the City would like to see more retail in the project. The idea of a mixed use retail/residential is a good one. We don't want or need any more box stores. With the limited frontage along El Camino Real the commercial part of the plan as presented appears nicely planned.

In closing, we urge you to give serious consideration to the impact this project could have on the quality of life for existing homeowners.

Thank you.

Sincerely,

Glenis & Paul Koehne

**Cc: Ryan Kuchenig, Planner
Katia Kamangar, SummerHill Homes**

Office (530) 885-0471
Toll Free 1-800-995-CHEV
Fax (530) 877-4014
Fax (530) 877-3014
570 Grass Valley Hwy
Box 898 Auburn CA 95604



 CHEVROLET  SUBARU

November 21, 2011

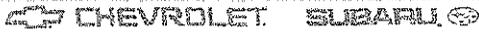
To Whom It May Concern:

Dorothy Miller has told me that the City of Sunnyvale is requesting that she find a new car dealer to lease her property at 666 El Camino Real. As the current Chairman of the California New Car Dealers Association, we represent the interests of over 1,100 franchised new car and truck dealer members. Our members are primarily engaged in the retail sale and leasing of new and used motor vehicles, but also engage in automotive service, repair and parts sales. From my personal experience and in the current economy, I can tell you with a good deal of confidence that leasing this property to a franchised new car dealer does not seem to be a reasonable request.

Since 2005, the National new vehicle market has declined from about 17 million sales to a projected market of about 12 million sales. In California, new vehicle sales have declined from about 2 million sales to about 1.2 million sales. Automotive manufacturers have eliminated Nationally over 3,000 new car dealers and even to this day, dealers are still going out of business in this very tough economy. In the State of California, I would guess that we have lost over 300 new car dealers either through bankruptcy or the loss of their franchise. For those dealers still in business, most manufactures are requiring new facilities or very expensive renovations of their current facilities. In almost all cases, automotive manufactures are looking not to increase new car dealers, but to eliminate or just retain their current dealers. As you may know, an individual cannot simply open a new car dealership or even relocate a current dealership without the permission of the manufacturer. In fact, in the State of California we have some very strong laws that prevent relocation of current franchises without following very strict procedures. In other words, establishing a new dealership or relocating an existing dealership is very difficult.

There is no doubt in my mind that if the opportunity arose, Dorothy Miller would be receptive to leasing her Facility. But common sense and knowledge of the new vehicle market would dictate that this is nearly impossible. What automotive manufacturer is not represented in the Sunnyvale market and what automotive manufacturer is willing to establish a new point? Is there even an experienced individual entrepreneur willing to spend hundreds of thousands of dollars to open a new car franchise? My answer to both questions is no.

Office (530) 885-0471
Toll Free 1-800-865-2433
Toll Free 1-800-877-4019
Fax (530) 885-0781



570 Grass Valley Hwy
P.O. Box 0065 • Auburn, CA 95604

Secondly, is there a current new car dealer in Sunnyvale willing to give up his or her current facility and relocate to this facility? My guess is that there is not. Of course, moving to another facility would demand not only a substantial amount of money just in renovations but also these renovations must meet the high and expensive standards of the manufacturer.

Chrysler and General Motors both went bankrupt and in bankruptcy eliminated about 25% of their dealers. Most new vehicle dealers were loosing money in 2008, 2009 and 2010. The road to recovery in the automotive industry is starting to return but it will take years for most dealers to gain back what they lost. In my opinion, Dorothy Miller may never be able to lease her Facility to a new car dealer. I believe the City of Sunnyvale should rethink their position.

As a point of information, I was the General Manager of Raines Chevrolet from 1974 to 1979. I became very active in the Chamber of Commerce and as always, Raines Chevrolet was a strong supporter of Sunnyvale's Community Projects.

Please feel free to contact me for any additional information.

Regards,

Steven A. Snyder
President
Gold Rush Chevrolet-Subaru

ATTACHMENT F
Page 8 of 9

From: Kathy Lunde ·
To: <rkuchenig@ci.sunnyvale.ca.us>
Date: 11/22/2011 6:06 PM
Subject: File #2011-7063, 660-666 W. El Camino Real proposed project

Attention: Ryan Kuchenig, Planning Commission.
File #2011-7063, 660-666 W. El Camino Real proposed project, APN:
201-22-01 and 201-23-029.

Dear Mr. Kuchenig,

I am a resident at 720 Russett Terrace (owned by my mother, Evelyn Lunde), in the Old Orchard Townhouse Complex. I received the notice of public hearing on November 28, 2011 about the proposed project by the developer Summerhill Homes / Dorothy Miller Family, LP that affects Old Orchard Townhouse complex. I would like to provide my input in advance of the hearing, since the townhouse I live in--very close to the dividing wall--will be very directly affected by the building plan of the developer.

My immediate living environment has already deteriorated since development of the townhouse complex (built in 2005) that replaced part of Olson's cherry orchard that faced Mathilda Boulevard. This complex towers over the strip of townhouses (specifically, the back patios and bedrooms) of 712 through 722 Russett Terrace. The development blocks a lot of daylight on that side of our townhouses. The windows on the second and third floors that look directly down on our back patios and into our bedroom windows on that side deprive us of our privacy.

Having been negatively affected by this other development, I would like to prevent a similar development from happening. Specifically I want to ensure that Summerhill Homes will not create a development of buildings that would further "hem in" Old Orchard residents (such as myself) who live close to the dividing wall (on Old Orchard's property) parallel to El Camino Real and destroy the beauty, daylight, quiet, and privacy of our end of the complex.

First, I want to be sure that the three-story buildings will be placed as close as possible to El Camino Real so as not to block our daylight and impinge on our privacy. I would like the lower buildings to be the ones closest to our complex.

I was informed that there will be a driveway on the other side of the wall. While this seems to be a good way to use space while providing a set-back, I hope this driveway will not be a through street that opens up to Reseda Avenue, the next public street near the complex. I think this would exacerbate a previous problem of traffic noise. I have previously called the Department of Public Safety about traffic noise on the other side of the wall when Chevrolet dealership closed and the parking lot was apparently used by some cars to "drag race." While I realize that this will no longer be a vacant lot tempting to drag racers, I would like to avoid noise of traffic created by a through-street so close to where I sleep and live.

I am also requesting there will be no major department stores (or "big

box" stores) that attract a lot of traffic on the other side.

Finally, I am requesting that the area that overlooks our swimming area will be kept from development overlooking the pool, both for purposes of privacy, and to preserve the beauty of that area--a source of great relaxation for me. I would like to continue to see a view of the sky, not a tall building towering over the pool area.

I hope you will consider my requests in your consideration of this project.

Thank you,
Kathy Lunde

ATTACHMENT F
Page 9 of 9



January 28, 2011

Ms. Wendi Baker
SummerHill Homes
777 California Avenue
Palo Alto CA 94304

Re: 660 El Camino Real ("Property")
Sunnyvale, California

Dear Ms. Baker:

Per your request the following is a review of the retail development opportunity for the above referenced property.

Assignment Description

Summerhill Homes tasked our firm to prepare a report, in executive summary form, explaining the retail development possibilities of the Property based upon our firm's twenty two years of local retail-leasing and retail-sales experience. Personal resume's and qualifications are available upon request.

Review and Description of the Property

The Property is comprised of approximately 6.834 acres respectively totaling approximately 8.29 acres of land and improvements most recently used as an auto dealership. The southern most portion of the Property is approximately 668.74 lineal feet adjacent to existing single family residential while the northern most portion of the Property measures approximately 300 feet facing the commercial street of El Camino Real.

Explanation of Current Market and Forecast

The regional real estate market peaked in 2008 and began to fall and largely erased property appreciation gained since 2006. In short, commercial-retail values and rents are close to where they were approximately five years ago. The economy dramatically impacts retail tenants however there are other significant trends that are changing retail tenants, shopping centers, Landlords and the shopping center industry going forward.

Internet shopping is well established and is changing the demand for retail space. Box retailers have been merging and or closing store locations. Walmart, Costco and Target have become weekly shopping venues and are now competitors to well established supermarket chains.

2391 The Alameda, Suite 201
Santa Clara, California 95050
408.553.6135 Fax 408.553.0896

www.srsre.com

Ms. Wendi Baker
January 28, 2011
Page 2 of 5

What does this mean in terms of retail expansion? It means that retailers are far more risk averse today. Retailers are "cherry picking" locations that are consistent with tried-and-true successes. If an expanding retailer perceives a potential location as missing a core requirement such as identity, access, parking, appropriate demographics, absence of threatening competition then said retailer will pass on a location and concentrate on the next and better opportunity. Retailers are unwilling to open stores in a market where their direct competitors have superior locations that have all the attributes as specified above. If a particular site doesn't accurately fit a Tenant's requirement the Tenant will satisfy its expansion needs in other communities or wait for a site that does satisfy their requirements.

Shopping Center Potential for the Property

The Property has some important and appealing features.

Demographics: The area has a strong residential and daytime population.

Traffic Counts: Approximately 48,000 cars per day moving north and south during a twenty four hour period.

The Property also has features that will impede Tenant interest.

Identity

In contrast to competing retail centers in the trade area, with shallower depths than the subject Property, there is only a 300' window to visually take in the Property (eight plus acres) and retailer(s) that might be featured on the Property. Proceeding at 40 miles per hour and assuming a customer is in the right hand lane, a customer has only a very short time to see to identify the property, assess available parking and drive into the site. Once past the site the customer will most likely continue and not turn back to the site via two "U" turns. Refer to the attached Exhibit A.

Access

Most major retailers in the Sunnyvale trade area have more than one convenient access point from two different streets as well as building and signage visibility to one or two major streets. The subject Property will only have a right hand turn in and a right hand turn out due to an existing median strip along El Camino Real. If a customer misses the access points they must do a "U" turn at Mathilda, proceed north and do another "U" turn at Hollenbeck to return to the site. In terms of access, the Property is at a competitive disadvantage. See the attached Exhibit B.

Competition

Many of the major and stronger retailers are currently in the market competing for customers including Safeway, CVS, Beverages and More, Borders Books, Walgreens, Sprouts Market, Ross, Office Depot, PetSmart, PEP Boys, Orchard Supply, Trader Joes, Aaron Brothers, Best Buy, PetSmart, Babies R Us, Toys R Us, Big 5, Target, Macy's, Loehmans, Sports Authority, Home Depot, Costco, and Lowe's.

Ms. Wendi Baker
January 28, 2011
Page 3 of 5

Going forward, the industry anticipates retailers to be more insistent on getting quality locations. Quality defined as access, identity, solid demographics; all to be superior to competing retailers. Access issues appear to be cast. There is no prospective access from Mathilda and large-long medians preclude convenient all-direction customer turning movements and close proximity to existing lighted intersections are problematic in terms of adding more.

Conclusion

Sunnyvale is a great community with excellent demographics that are attractive to retailers. El Camino Real is a significant commercial-retail street that customers associate with shopping. The subject Property is handicapped in terms of its identity being choked by properties that form a kind of wall in front of the majority and deeply recessed portion of the Property.

Given the Property's current configuration, the portion of the Property that would have the best footing to compete for retail tenants would be the 1.46 acres fronting El Camino Real which could accommodate approximately 15,000-20,000 square feet. Users for this development may include, smaller grocery format, various restaurant types, and other neighborhood serving retailers that are more impulse oriented.

The Property is handicapped in terms of access. It is limited to right-in and right-out turns and access exclusively from El Camino Real. Major tenants are going to require better access. Retailers are only expanding to sites with strong street identity, excellent access, acceptable parking close to their storefront, and sites where they have an equal or better location than their immediate competitors.

Please contact us with any questions.



Randol Y Mackley
Senior Vice President



Bruce H. Frazer
Senior Vice President

Exhibit A: Identity



Exhibit B: Access



Final Report

Sunnyvale Miller Property Fiscal Impact Analysis

The Economics of Land Use



Prepared for:

SummerHill Homes

Prepared by:

Economic & Planning Systems, Inc.

*Economic & Planning Systems, Inc.
2501 Ninth Street, Suite 200
Berkeley, CA 94710
510 841 9190 tel
510 841 9208 fax*

January 2011

EPS #20106

*Berkeley
Sacramento
Denver*

www.epsys.com

Table of Contents

1.	INTRODUCTION AND FINDINGS	1
	Key Findings	1
2.	BACKGROUND INFORMATION	3
	Project Description	3
	Budget Overview	3
3.	FISCAL IMPACT ANALYSIS.....	9
	General Fund Revenues	9
	General Fund Expenditures	14

List of Figures and Tables

Figure 1: Proposed SummerHill Housing Project Site 5

Table S-1. Fiscal Impacts at Buildout 2

Table 1: Sunnyvale Citywide Assumptions, 2010 4

Table 2: SummerHill Homes Population, Employment, and Assessed Value Estimates 6

Table 3: Budget Summary and Estimating Factors 7

Table 4: Fiscal Summary at Buildout 9

Table 5: Property Tax, Property Tax In Lieu of VLF, and Documentary Transfer
Tax Estimate 11

Table 6: Sales Tax Estimate 12

Table 7: Police Department Service and Cost Estimate 16

Table 8: Fire Department Service and Cost Estimate 17

1. INTRODUCTION AND FINDINGS

This report presents a fiscal impact analysis of the proposed development of the former Chevrolet Dealership located on West El Camino Real near the intersection with Mathilda Avenue in the City of Sunnyvale (the Project). SummerHill Homes is proposing a mixed-use development program with 112 residential units, including 14 below market-rate units and approximately 17,300 square feet of commercial space, likely to be ground floor retail.

A fiscal impact analysis compares additional costs likely to be incurred by the City from providing public services with the additional tax and other public revenues generated by the Project. The actual fiscal impact will depend on a number of factors that cannot be predicted with certainty, including timing of development, market performance, economic conditions, and budget practices. The impacts of the proposed Project are considered upon completion of construction and full stabilization (Project buildout).

The analysis is based on a number of sources, including the City's Adopted Budget and Resource Allocation Plan Fiscal Year 2010-2011, information from SummerHill Homes, other data sources, and EPS's prior work experience in similar jurisdictions.¹ All results are expressed in constant 2010 dollars.

Key Findings

- ***The Project will result in a positive net fiscal impact on the City's General Fund at buildout.***

The fiscal surplus (General Fund revenues minus expenditures) is estimated at \$72,000 a year after completion of the Project. This impact is based on the net new revenues of \$220,000 and expenditures of \$148,000 a year related to the Project. Net funds will be available to support other City services or reduce certain taxes or fees within the City's control (see **Table S-1**). The project would still generate a fiscal surplus at project buildout under more conservative assumptions concerning sales and use tax revenues.

- ***Property tax, property tax in lieu of VLF, and sales and use tax will account for the largest revenue sources for the City of Sunnyvale.***

More than half of the General Fund revenues generated by the Project, or nearly \$125,000, will come from property taxes and property taxes in lieu of VLF collected on the new assessed value of the Project. Sales and use tax will be the second largest source of revenue for the City estimated at approximately \$59,000 or 27 percent of the revenue total. This revenue will depend on the type of commercial space developed and tenants attracted.

¹ SummerHill Homes provided information on development program and price points.

- **Public safety costs will make up the largest expenditures to the City's General Fund.**

The Project's share of fire protection costs is estimated at \$42,000 annually, while police costs are estimated at \$40,000 per year at buildout. Costs associated with public safety overhead are estimated at \$15,000. These expenditures account for two-thirds of all Project-related uses of funds. The public safety department cost estimates are based on average existing service levels in the City of Sunnyvale.

Table S-1. Fiscal Impacts at Buildout

Item	Total
General Fund Revenues	
Property Tax	\$93,466
Property Tax In Lieu of VLF	\$30,236
Real Property Transfer Tax	\$3,092
Sales and Use Tax	\$58,763
Utility User Fees	\$12,163
Franchise Fees	\$11,327
Fines and Forfeitures	\$2,132
Permits and Licenses	\$8,944
Total Revenues	\$220,122
General Fund Expenditures	
General Government	\$6,227
Public Works	\$14,427
Community Services	\$11,878
Library	\$10,328
Community Development	\$7,606
Police	\$39,716
Fire	\$42,152
Other Public Safety	\$15,363
Total Expenditures	\$147,696
NET ANNUAL FISCAL SURPLUS	\$72,426

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

2. BACKGROUND INFORMATION

This chapter provides background information pertinent to the fiscal impact analysis. This includes information on the City of Sunnyvale's demographics, the description of the proposed Project, and a budget overview for the City's General Fund. This information is used to inform the fiscal impact analysis described in the subsequent chapter. As shown in **Table 1**, the City of Sunnyvale is located in Santa Clara County and is home to over 140,000 residents and 78,000 employees.

Project Description

The Project's site is located along El Camino Real near the intersection with Mathilda Avenue. As shown in **Figure 1**, the site consists of 6.3 acres occupied by a former Chevrolet Auto Dealership. The proposed development includes a mixed-use project with 112 residential units and approximately 17,300 square feet of commercial uses, envisioned as ground floor retail. In order to fulfill the City of Sunnyvale's affordable housing ordinance, 12.5 percent or 14 units are planned as below market-rate housing. The unit mix for the site includes townhomes, triplexes, and quadplexes, as shown in **Table 2**. According to the developer, units will include nine different options ranging in size from two to three bedrooms. SummerHill Homes expects to achieve price points that range between \$585,000 and \$745,000 per unit for market-rate units with an average value of nearly \$672,000. The below market-rate units are assumed to have an average value of \$243,256 per unit based on SummerHill Homes' assumptions. EPS estimates the value of \$250 per square foot for the commercial component, which results in a total Project value of \$73.6 million.

The Project will increase the number of residents and jobs in the City. The residential population will grow by approximately 300 residents while employment will grow by 50 employees. Because an employee is only likely to require public services during work hours, they do not impact the General Fund to the same extent as a resident. As a result, a daytime population of 333 people is estimated based on this approach. Estimates for development program, assessed value, population, and employment are shown in **Table 2**.

Budget Overview

At the time this Fiscal Impact Analysis is being assembled, the U.S. economy and real estate market are weak. Like many parts of the State, Santa Clara County and Sunnyvale have seen increases in foreclosures and decreases in median home values and retail expenditures. Based on available economic forecasts, a more constrained revenue and expenditure situation is likely to continue for several years. As a result, the most recent FY2010-11 Adopted Budget is considered a reasonable basis for this analysis and is shown in **Table 3**.

Table 1
Sunnyvale Citywide Assumptions, 2010
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

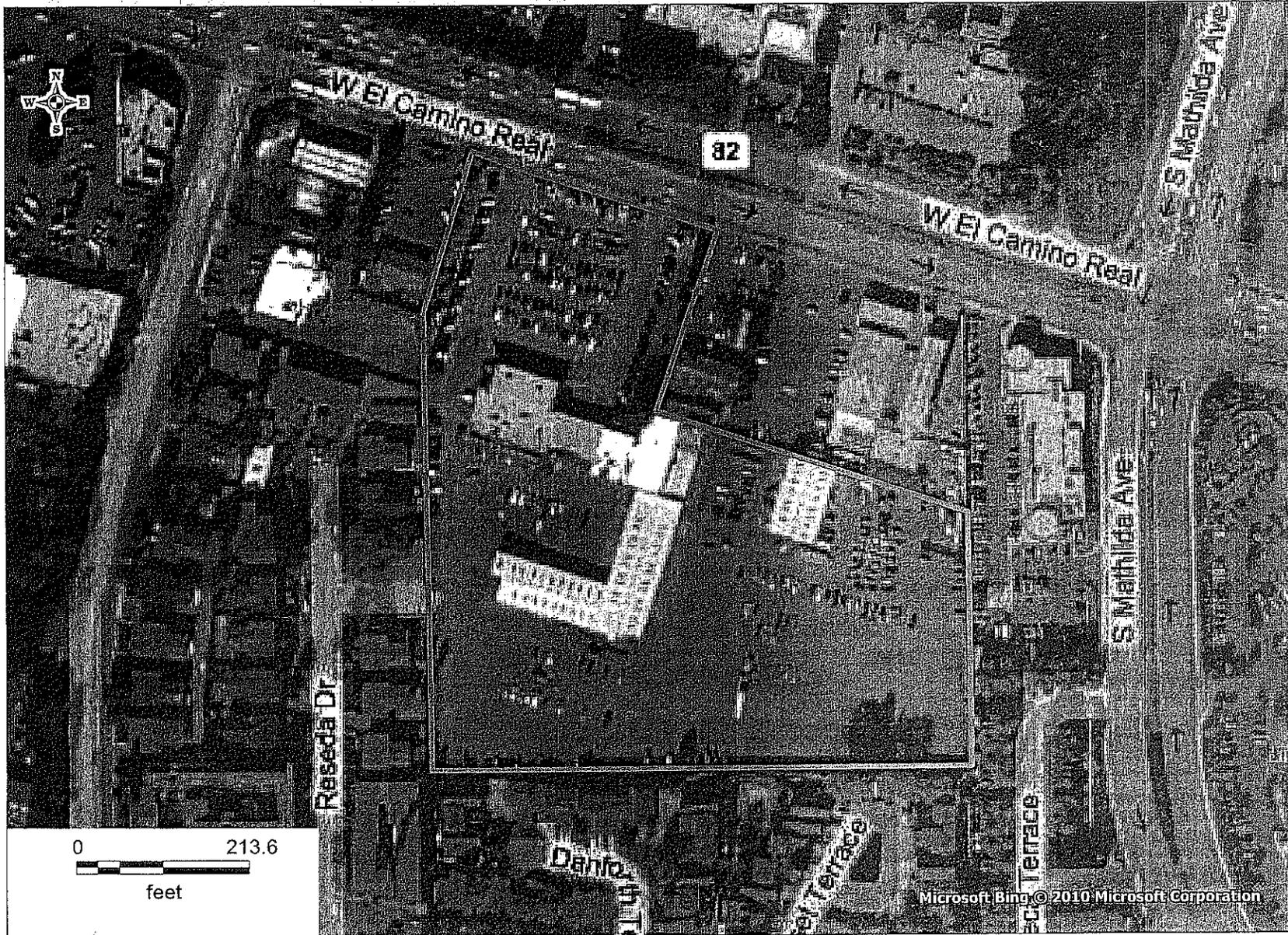
Item	Amount	Sources
Housing Units	55,782	DOF 2010
Occupied Households	54,524	DOF 2010
Population	140,450	DOF 2010
Persons/Household	2.56	DOF 2010
Jobs	78,010	ABAG 2009
Daytime Population (1)	179,455	ABAG 2009/DOF 2010

(1) Daytime population is calculated by adding total residential population and half of total employment.

→ Sources: ABAG *Projections 2009*; Department of Finance; Economic & Planning Systems, Inc.

ATTACHMENT
Page 7 of 21

Figure 1:
Proposed Summerhill Housing Project Site



5

Table 2
SummerHill Homes Project Population, Employment, and Assessed Value Estimates
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

Item	Total Units	Unit Size		Projected Population		Projected Employment		Daytime	Assessed Value	
		Avg. Sq.Ft.	Bedrooms	Pop. per	Total	Sq.Ft./Emp.	FTE Total	Pop (1)	per unit or per sq.ft.	Total
Commercial										
Office/Commercial		17,302	n/a			350	49	25	\$250	\$4,325,500
Residential										
Townhome 1	30	1,267	2	2.2	66			66	\$585,000	\$17,550,000
Townhome 2	5	2,578	3	2.5	13			13	\$665,000	\$3,325,000
Townhome 3	15	1,893	3	2.7	41			41	\$695,000	\$10,425,000
Quadplex/Triplex 1	3	1,610	3	2.5	8			8	\$695,000	\$2,085,000
Quadplex/Triplex 2	12	1,626	3	2.7	32			32	\$700,000	\$8,400,000
Quadplex/Triplex 3	15	1,706	3	3.0	45			45	\$715,000	\$10,725,000
Quadplex/Triplex 4	3	1,732	3	2.5	8			8	\$720,000	\$2,160,000
Quadplex/Triplex 5	15	1,833	3	2.7	41			41	\$745,000	\$11,175,000
BMR (3)	14	1,579	3	4.0	56			56	\$243,256	\$3,405,584
Total/Average	112	1,643	-	2.7	308	-	49	333	\$618,309	\$73,576,084

(1) Daytime population is calculated by adding total residential population and half of total employment. It represents a measure of public service demand in which employees are given one-half the weight of residents because of more limited service requirements.

(2) Residential values are based on estimates provided by SummerHill Homes.

(3) Per Sunnyvale's housing ordinance, 12.5% of the total units are required as below market-rate.

Sources: SummerHill Homes; Economic & Planning Systems, Inc.

**Table 3
Budget Summary and Estimating Factors
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #201006**

Item	FY2010-11 Total	% Variable (1)	Allocation Factor
General Revenues			
Property Tax	\$31,490,771		13.3% of 1% of base assessed value
Property Tax In Lieu of VLF	\$11,022,972		0.27% of citywide assessed value
Real Property Transfer Tax	\$650,000		\$0.55 per \$1,000 in AV
Sales and Use Tax	\$24,087,500		1.00% of estimated taxable sales
Utility User Tax	\$6,562,157		\$36.57 per daytime population
Franchise Fees	\$6,110,996		\$34.05 per daytime population
Fines and Forfeitures	\$1,150,030		\$6.41 per daytime population
Permits and Licenses	\$4,825,633		\$26.89 per daytime population
Construction Tax	\$726,567		- not impacted
Transient Occupancy	\$5,631,782		- not impacted
Interfund Revenue	\$8,976,276		- not impacted
Services Fees	\$3,261,558		- not impacted
Interest	\$994,080		- not impacted
Business License	\$1,250,000		- not impacted
Miscellaneous	\$327,795		- not impacted
Rents and Concessions	\$2,511,341		- not impacted
Intergovernmental (2)	\$1,174,265		- not impacted
Other Revenue (3)	\$3,267,472		- not impacted
Total Revenues	\$114,021,195		
General Fund Expenditures			
Finance	\$7,783,229		
Office of City Manager	\$3,921,450		
Office of City Attorney and Human Resources	\$5,092,082		
General Government (4)	\$16,796,761	20%	\$18.72 per daytime population
Public Works (5)	\$9,729,745	80%	\$43.37 per daytime population
Community Services (6)	\$8,544,269	75%	\$35.71 per daytime population
Library (7)	\$7,429,741	75%	\$31.05 per daytime population
Community Development (8)	\$5,129,453	80%	\$22.87 per daytime population
Public Safety			
Police	\$23,808,534	90%	\$172,804 per sworn officer
Fire	\$25,268,665	90%	\$264,440 per firefighter
Other (9)	\$20,722,161	40%	\$46.19 per daytime population
Other Expenditures (10)	\$5,746,152		- not impacted
Total Expenditures	\$123,175,481		

Note: excludes transfers.

- (1) Percentage of costs that are population-dependent, as opposed to fixed costs.
- (2) Includes Federal transfers and Prop 172 sales tax.
- (3) Includes repayment from Town Center developer, State shared, and budget supplements.
- (4) Includes City Attorney, City Manager, Finance Department, and Human Resources Department.
- (5) Based on total budget for Public Works net of Public Works Administration, General Engineering & Capital Project Management, and Land Development. These costs are assumed fixed and will not be affected by the Project.
- (6) Based on total budget for Community Services net of Youth and Family Services, Neighborhood Parks and Open Space Management Department Management, and a portion of Columbia Neighborhood Center. These costs are assumed fixed and will not be affected by the Project.
- (7) Based on total budget for Library net of Technology Services and Department Management and Support costs. These costs are assumed fixed and will not be affected by the Project.
- (8) Based on total budget for Community Development net of Building Safety Administrations, Policy Planning, Planning Administration and Department Management. These costs are assumed fixed and will not be affected by the Project.
- (9) Includes Public Safety Administrative, Investigation, Community Safety, Communication, Records Management, and Personnel and Training Services.
- (10) Include Projects Budget, Debt Service, Equipment, and Payment to Town Center Developer.

Sources: City of Sunnyvale Adopted Budget and Resource Allocation Plan FY 2010/11; Economic & Planning Systems, Inc.

3. FISCAL IMPACT ANALYSIS

This chapter describes the methodology and key assumptions used to estimate the fiscal impacts of the Project. EPS has used several approaches in calculating the impact of the proposed mixed-use development on the City of Sunnyvale's General Fund. The forecasting approach is shown in **Table 3** with fiscal impact at buildout shown in **Table 4**. For each revenue and expenditure item, EPS used the most appropriate forecasting methodology and applied it to the project description.

- **Per Daytime Population.** The relative impacts of employment and population are compared and used to estimate total daytime population. An employee is only likely to access services during non-work hours and therefore has a significantly lower impact than the residential population. For departments affected by daytime population, EPS assumes that the cost to provide services to one worker is equivalent to half of the cost of providing the same service to one resident.
- **Not Impacted.** Some budget items, such as Interest and the Transient Occupancy tax, are not estimated because certain City revenues and expenditures are not affected by new development associated with this Project.
- **Other.** A case study approach is used to calculate budget items for which none of the above approaches is deemed appropriate, such as property and sales taxes.

General Fund Revenues

This section describes the methodology and assumptions used for each revenue item estimated in this analysis. Several General Fund revenue items are not forecasted because the Project is not expected to affect them.

Property Tax

Property taxes are based on the assessed value of land and improvements of new development. Property tax based on 1.0 percent of assessed value collected by Santa Clara County. Of this amount, the City of Sunnyvale receives 13.3 percent of the County's property tax base from the Project area.² This share is assumed fixed going forward.

The Project will include 112 residential units and approximately 17,300 square feet of commercial space, assumed as ground floor retail. Market-rate units are estimated to range from \$585,000 to \$745,000 per unit, while below market-rate units are estimated at \$243,256 per unit by SummerHill homes. Commercial value of \$250 per square foot is assumed by EPS and reflects a conservative estimate. These assumptions result in the Project's assessed value of

² Based on the City's General Fund share of property tax generated from parcels 201-23-029 and 201-22-011, located in TRA 09-000. Percentage provided by Santa Clara County Controller's Office.

Table 4
Fiscal Summary at Buildout
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

Item	Total
General Fund Revenues	
Property Tax	\$93,466
Property Tax In Lieu of VLF	\$30,236
Real Property Transfer Tax	\$3,092
Sales and Use Tax	\$58,763
Utility User Fees	\$12,163
Franchise Fees	\$11,327
Fines and Forfeitures	\$2,132
Permits and Licenses	<u>\$8,944</u>
Total Revenues	\$220,122
General Fund Expenditures	
General Government	\$6,227
Public Works	\$14,427
Community Services	\$11,878
Library	\$10,328
Community Development	\$7,606
Police	\$39,716
Fire	\$42,152
Other Public Safety	<u>\$15,363</u>
Total Expenditures	\$147,696
NET ANNUAL FISCAL SURPLUS	\$72,426

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

about \$73.6 million at buildout, a net-increase of \$70.3 million (see **Table 5**). The estimate of assessed value and associated property tax generation include the assessed value of the below market-rate units. While rental affordable units are often exempt from property tax payments, for-sale units typically are subject to property taxes, as assumed in this analysis. To the extent that below market-rate for-sale units would be exempt from property tax payments, the Project's property tax generation to the General Fund would decrease.

Property Tax In-Lieu of Vehicle License Fees

In 2004, the State of California adjusted the method for sharing vehicle license fees (VLF) with local jurisdictions. Recent state budget changes replaced the VLF with property tax, which grows proportionate to increases in assessed value of the City. The Project will add less than 1 percent to the current assessed value in Sunnyvale (assuming no other assessed value growth) and will generate the same increase in percentage of in-lieu VLF revenues (see **Table 5**).

Document Transfer Tax

The City receives documentary transfer tax from any units that are sold in the amount of \$0.55 for every \$1,000 of value (see **Table 5**). EPS estimates that about 8 percent of homes will be resold annually based on experience in comparable jurisdictions.

Sales Tax

Sales tax generation is based on estimates of taxable transactions generated by the new population in the City. To estimate the level of new sales, household income, spending on taxable items, and the proportion of spending likely to occur in the City are estimated (see **Table 6**). Household incomes are based on the price points for the Project. Households occupying residential units are estimated to earn an average of \$109,000 and about 27 percent of household income will be spent on taxable expenditures.³ About 40 percent of total taxable expenditures are likely to be captured by retailers in Sunnyvale, resulting in new sales tax proceeds to the City's General Fund.

The new retail space would also result in new sales tax generation. This analysis assumes that about 17,300 of the commercial space would generate sales tax as ground floor retail. Although specific tenants have not been identified, commercial space is estimated to generate about \$350 per square foot in annual taxable sales, a typical level of retail sales for new inline retail. This would produce an equivalent of \$6.1 million in annual sales with about 75 percent of the retail sales from the Project assumed as net new to reflect a shift from existing sales and expenditure of new residents described above. The sales tax calculations are shown in **Table 6**.

³ Based on the San Francisco MSA average provided by the Bureau of Labor Statistics Consumer Expenditure Survey. Because income of residents in the Project would be significantly higher than the San Francisco MSA average, their share of taxable retail expenditures could vary.

Table 5
Property Tax, Property Tax In Lieu of VLF, and Documentary Transfer Tax Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

Item	Assumption / Factor	Total
<u>Property Tax</u>		
Existing Assessed Value		\$3,301,072
New Assessed Value		\$73,576,084
Net Value Increase		\$70,275,012
Property Tax	1.0%	\$702,750
Sunnyvale General Fund Share	13.3% of the new value increase	\$93,466
<u>Property Tax In Lieu of VLF</u>		
Existing Citywide Property Tax in Lieu of VLF		\$11,022,972
Citywide Assessed Value (1)		\$25,620,000,000
Project Net Assessed Value Increase (2)		0.27%
Net New Property Tax In Lieu of VLF (3)		\$30,236
<u>Documentary Transfer Tax</u>		
Net New Assessed Value		\$70,275,012
Turnover Rate (4)	8% per year	
Tax Rate	\$0.55 per \$1,000 in AV	
Total Documentary Transfer Tax		\$3,092

- (1) FY2010-2011 value based on the Santa Clara County Assessor Annual Assessor's Report
 (2) Calculated by dividing net value increase by citywide assessed value.
 (3) Calculated by multiplying existing property tax in lieu of VLF by project net assessed value increase.
 (4) EPS estimate.

Sources: City of Sunnyvale; Economic & Planning Systems, Inc.

Table 6
Sales Tax Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

Item	Assumptions	Total
HOUSEHOLD SALES		
Average unit sale price (1)		\$618,309
Mortgage % (2)		80%
Total mortgage amount		\$494,647
Annual mortgage payment (3)		\$35,936
Housing cost/household income		33%
Required household income/unit		\$108,896
<u>Average HH Retail Exp. (4)</u>		
% of Income		27.4%
Total		\$29,788
<u>Total Net New Expenditures Captured by Sunnyvale (5)</u>		
Expenditures per New Household Captured by Sunnyvale	40% of taxable expenditures	\$11,915
<u>Total New Retail Sales from Households</u>		
New Households		112
Total New Retail Sales Captured by Sunnyvale		\$1,334,489
Total Sales Tax Generated by New Residents	1.0% of taxable sales	\$13,345
RETAIL SALES		
New Retail Space (6)		17,302
Total Taxable Sales	\$350 per square foot	\$6,055,700
Net New Taxable Sales (7)	75% of total taxable sales	\$4,541,775
Total Sales Tax Generated by New Retail	1.0% of taxable sales	\$45,418
TOTAL NEW SALES TAX		\$58,763

(1) Includes a combination of market-rate and affordable units.

(2) Assumes 20 percent down payment.

(3) Assumes 6.0 percent interest rate and 30 year mortgage period.

(4) Based on Bureau of Labor Statistics Consumer Expenditure Survey.

(5) Assumes 40 percent of taxable retail spending by Sunnyvale residents is captured by the retailers within the City, based on amount and range of retail located in City.

(6) It is assumed that 17,000 square feet of commercial space would be sales generating ground floor retail.

(7) Reflects sales shifted from existing retail establishments and new resident sales accounted for above to avoid double-counting.

Sources: State Board of Equalization, U.S. Bureau of Labor Statistics; Economic & Planning Systems, Inc.

Utility User Tax

The City collects Utility User Fees for utility use such as gas, electric and intrastate telephone usage. The net increase in Utility User Fees associated with the Project is estimated at \$37 per daytime population based on the City's budget.

Franchise Fees

The City collects Franchise Fees for cable services, gas, electric, and solid waste which would be increased because of development by SummerHill Homes. The net increase in fees is estimated at approximately \$34 per daytime population.

Fines and Forfeitures

The City's General Fund receives proceeds from Fines and Forfeitures. The net increase in these proceeds associated with the Project is estimated at about \$6.40 per daytime population.

Permits and Licenses

The Project is expected to result in Permits and Licenses proceeds to the City. These proceeds are estimated at \$27 per daytime population based on the City's budget.

Other Revenues

The City collects other revenues that impact the General Fund. These revenues include Construction Tax, Transient Occupancy, Interfund Revenue, Services Fees, Interest, Business License, Miscellaneous, Rents and Concessions, Intergovernmental, and Other Revenue. The amount of development in the Project is not anticipated to require additional resources from these sources, therefore, their impact is not calculated.

General Fund Expenditures

This section describes the methodology and key assumptions used for calculating various General Fund expenditure items. Certain expenditures, such as General Government, Community Services, and others, consist of both fixed and variable costs. While fixed costs are independent of new development, variable costs are assumed to increase based on new growth in the City. Only variable costs are used to project the General Fund expenditures in this analysis, as shown in **Table 3**. The net impact on the General Fund costs generated by the Project is shown in **Table 4**. Several items are not forecasted because they are not expected to be affected by the proposed Project.

General Government

The City's General Government includes the following categories:

- City Attorney
- City Manager
- Finance
- Human Resources

Based on EPS's research in similar jurisdictions, new development of the Project's scale typically impacts administrative and legislative government costs by only a fraction of these department's operating budgets. As a result, EPS assumes that 20 percent of the cost of general government services are variable and will be affected by new development; the remaining 80 percent represents fixed costs and services that will not be affected by the proposed Project. The portion of general government costs assumed to be affected by new development is estimated at an average of \$19 per daytime population.

Public Works

This category includes costs associated with traffic and transportation planning, street trees, concrete maintenance, water supply and distribution, sewer and stormwater collection and treatment, and solid waste disposal. Additional staff and equipment are assumed to be necessary to provide maintenance services throughout Sunnyvale associated with increased population at buildout. The cost associated with Public Works is estimated to be 80 percent variable based on the Department's budget and a fixed cost share associated with Public Works Administration, General Engineering & Capital Project Management, and Land Development costs. This approach yields a cost of \$43 per-daytime population. It is worth stating that this estimate is conservative as a portion of the maintenance cost will likely be covered by the Home Owners Association, reducing the City's share of the cost.

Community Services

The Community Services Department maintains a variety of outdoor recreation spaces; offers swimming, dance, health and therapeutic classes; and runs programs for youth and adult sports in Sunnyvale. The cost associated with Community Services is assumed to be 75 percent variable with expenditures related to Youth and Family Services, Neighborhood Parks and Open Space Management, Department Management, and a portion of Columbia Neighborhood Center is assumed to be unaffected by the Project. As a result, a cost of \$36 per daytime population is estimated for the Project.

Library

The costs related to the Library are estimated on a per-service population basis. For this department, 75 percent of the expenditures are assumed to be variable based on Technology Services and Department Management and Support categories assumed as fixed and unaffected by the Project. This yields a per-daytime population cost of \$31.

Community Development

The Community Development Department is responsible for land use planning and zoning and oversees the physical development of the City. For this department, 80 percent of the expenditures are assumed to be variable with expenditures associated with Community Development net of Building Safety Administrations, Policy Planning, Planning Administration, and Department Management not likely to be affected by the Project. This results in a per-daytime population cost of \$23.

Public Safety

The Public Safety Department in the City of Sunnyvale has a unique structure with police officers and firefighters cross-trained in order to be able to cross-over roles in cases of emergency. This system provides more streamlined responses to public safety emergencies. Police and Fire and EMS departments and associated methodologies are described in detail below.

Police Services

The Police Services Program includes normal policing activities such as police protection and traffic enforcement in the City of Sunnyvale. The City also has many special teams such as Traffic Safety Education and Enforcement, the Gang Enforcement Team, and Special Weapons and Tactics (SWAT) that are part of this department. In addition to traditional policing services, Sunnyvale police officers also participate in fire fighting activities during emergencies. The costs associated with this department are projected to be about \$23.8 million in the FY2010-11 fiscal year.

The development will create new residents who will increase demand for additional law enforcement officers and associated staff time and equipment. This analysis assumes that variable police services expenditures, which are subject to change with the addition of new residents, include those associated with field services, investigations and crime prevention services, traffic services, and animal services. Variable costs for this department are assumed to be 90 percent of expenditures due to the close relationship between service and population. Based on current service levels, an average cost of \$173,000 per sworn police officer is applied to the Project's share of daytime population growth and associated demand for police services, as shown in **Table 7**.

Fire Services

The Sunnyvale Fire Department provides fire protection, emergency response, and environmental and safety management services for a total annual cost of \$25.3 million. Because this department's cost are closely related to the size of the population it serves, variable costs are estimated at 90 percent of total costs. The average cost per firefighter of nearly \$264,000 is estimated based on the City's current budget and is applied to the daytime population generated by the Project (see **Table 8**). The increase in daytime population associated with the Project is anticipated to represent demand increase for fire services, equivalent to an annual demand for 0.16 additional firefighters at buildout and a total annual cost of about \$42,000.

Other Public Safety

This category includes expenditures associated with Public Safety overhead with 40 percent of other public safety costs assumed to be variable. Other public safety costs include Community Safety Services, Personnel and Training, Investigation Services, Communication Services, Public Safety Administration Services, and Records Management and Property Services. These costs are not likely to be significantly impacted by the Project.

Table 7
Police Department Service and Cost Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

Item	Buildout
Total Public Safety Budget	\$23,808,534
Percent Variable	90%
Total Variable Costs	\$21,427,681
Sworn Police Officers (1)	124
Cost per Sworn Officer	\$172,804
Officers per 1,000 Daytime Population	0.69
Project-Related Officer Net Increase (2)	0.23
Total Project Cost	\$39,716

(1) Estimate from representative in the City of Sunnyvale's Department of Finance/Budget Management
 (2) Includes the timing of occupancy assumption.

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

Table 8
Fire Department Service and Cost Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #20106

Item	Buildout
Annual Fire Operations Budget (FY2009-2010)	\$25,268,665
Percent Variable	<u>90%</u>
Total Variable Costs	\$22,741,799
Sworn Firefighters (1)	86
Cost per Firefighter	\$264,440
Firefighters per 1,000 Daytime Population	0.48
Project-Related Firefighter Net New Increase	0.16
Total Project Cost	\$42,152

(1) Estimate from representative in the City of Sunnyvale's Department of Finance/Budget Management

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

Other Expenditures

This category includes expenditures associated with the Projects Budget, Debt Service, Equipment, and Payment to Town Center Developer. The amount of development in the Project is not anticipated to generate any net impact in expenditures associate with these uses of funds.

Net Fiscal Impact on General Fund

Based on the assumptions and analysis described above, the annual net fiscal impact associated with the proposed development is estimated at approximately \$72,000 at buildout, as summarized in **Table 4**. The Project is estimated to generate about \$220,000 in General Fund revenues compared to \$148,000 in General Fund costs. Actual fiscal impacts may be different because of the actual timing of Project buildout and changes in economic and budgetary conditions.

4. **FILE #:** 2011-7063
Location: 660-666 W. El Camino Real (APN: 201-22-011 & 201-23-029)
Proposed Project: Special Development Permit and Vesting Tentative Map for a mixed use project consisting of 113 residential townhouse units and approximately 17,302 square feet of office/commercial space.
Applicant / Owner: SummerHill Homes / Dorothy Miller Family, LP
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us

Ryan Kuchenig, Associate Planner, presented the staff report. He said supplemental information received after the completion of the report has been provided on the dais.

Comm. Sulser discussed with staff condition IP-3.a.i on page 18 in Attachment B confirming with staff that the language, "including Washington Avenues between Frances and Mathilda," should be struck from the condition.

Comm. Chang confirmed with staff that there are no other active applications for this site. **Trudi Ryan**, Planning Officer, said if the property owner would like to pursue something else, they could return with a different application.

Chair Hendricks discussed with staff the emergency and pedestrian accesses. Chair Hendricks asked about dual use parking spaces and the number of stories proposed. Chair Hendricks confirmed with staff that there is a buffer between the project and the adjacent residential, except on the north edge. Ms. Ryan discussed the initial environmental study and said from a policy standpoint, staff feels this project is not consistent with the General Plan.

Chair Hendricks opened the public hearing.

Katia Kamangar, with SummerHill Homes, the applicant, said the Miller family has been contributing to Sunnyvale's history for over 100 year. Ms. Kamangar discussed the unique characteristics of the site, provided a project overview, and provided feedback regarding the Commissioner's Study Session comments. She said the parcel is large, however, only 300 linear feet of frontage is on El Camino Real, and it is difficult to place retail or commercial on the back portion of the property. She said they think the proposed project meets the policies in the Precise Plan for El Camino Real (PPECR) and is consistent with the Grand Boulevard Initiative's (GBI) guiding principles. Ms. Kamangar said this is a horizontal mixed-use project with residential on the back portion of the site. She discussed the commercial component and alternate plans considered. She said the primary challenge with the higher commercial square footage the City is seeking is the state of the market and the ability to secure a tenant. She said the Millers are proposing to build the retail components with the residential however, if the City

wants more retail than proposed, they would like to move forward with the residential and build the commercial when there is a secured tenant. Ms. Kamangar said they found nothing in the code prohibiting the phasing of the project with the residential built first and the commercial later. She said Ken Rodrigues, the architect, is present to answer any questions.

Comm. Chang discussed with the applicant the driveway on Allegheny with Ms. Kamangar saying it would be open for emergency and pedestrian access.

Chair Hendricks confirmed with Ms. Kamanger that the pedestrian access would not be gated which allows the residents easier access to the retail. Chair Hendricks discussed with the applicant the efforts to make this area a pedestrian friendly environment. Chair Hendricks discussed with the applicant the City's requirement for a greater percentage of commercial and the applicant's request for a lesser percentage from a zoning perspective. Chair Hendricks said the applicant is not any closer to the City's desired commercial percentage than at the Study Session commenting that if the Commission were to approve the project as proposed it would prevent additional commercial on the back portion of the property in the future.

Thomas Hadig, a member of the public, expressed his concern about opening up traffic on Alleghany Drive saying it would increase traffic in an area that is a major walkway for schoolchildren in morning. He said he is in favor of the pedestrian and emergency access as proposed.

Ms. Kamangar said the Miller family wants to retain the portion of the site along El Camino Real for future income generating opportunities for the family. She discussed the advantages of approving this project and said they have tried to be as creative as they can with the tough constraints on this site.

Chair Hendricks closed the public hearing.

Comm. Sulser moved for Alternative 3, to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map, with modified conditions. Comm. Chang seconded the motion. Chair Hendricks confirmed that staff would make the correction to condition IP-3.a.i removing the language, "including Washington Avenues between Frances and Mathilda."

Comm. Sulser said he moved to deny the project as he cannot find this to be consistent with the PPECR. He said there are challenges with this property, however he is reluctant, to start dividing the site.

Comm. Chang said he cannot make findings, and the PPECR was only recently adopted to help maintain the commercial viability of El Camino Real. He said this is a

very challenging site and it would have been easier to approve the project if there were more of a commercial component.

Chair Hendricks offered a Friendly Amendment, that a recommendation be made to Council that if this motion passes and the project is appealed to City Council and the City Council decides allow this project, that the project be brought back to the Planning Commission to go through the details of the project. The Friendly Amendment was acceptable to the maker and the seconder.

Chair Hendricks said he could not make the findings from a zoning perspective. He said the PPECR is a new policy and the proposed project is too far off from the commercial percentage guidelines. He said if the applicant could get a bit closer to the retail percentage requirement it would be easier to consider. He said he does not think it is appropriate to split up the property. Chair Hendricks said if this item is appealed and goes to City Council, and Council wants to change the policy, they could make that decision. He said it is not the Planning Commission's place to change policy. He said if Council approves the project, it would be good to bring the project back to the Planning Commission for further review.

ACTION: Comm. Sulser made a motion on 2011-7063 to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map with modified conditions: to recommend that if this item is appealed to City Council and Council approves the project that the project is brought back to the Planning Commission for further review of the details. Comm. Chang seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 13, 2011.

777 California Avenue
Palo Alto, CA 94304
Tel: (650) 857-0122
Fax: (650) 857-1077

December 1, 2011

Honorable Mayor Hamilton and City Councilmembers:

Pursuant to City Code Section 19.98.070.c), we are appealing the Planning Commission's decision to deny the Special Development Permit for the subject property as we believe there to be unique circumstances that warrant the Council's review and final decision on this matter.

While the El Camino Real Precise Plan is an excellent document for guiding the look and feel of the El Camino Real revitalization, we believe there to be unique circumstances related to the subject property and application that should be taken into consideration as you evaluate the merits of the proposal and the appeal. Planning Commission did not feel that it was in their purview to deviate from the 20% Commercial FAR rule due to it being a relatively new code.

- 1) Although the property is sizable, most of the land is tucked back behind other properties, over 700' away from El Camino. This parcel configuration presents significant limitations for any commercial use in the back portion of the property; namely: lack of frontage onto a second major thoroughfare, lack of visibility, and existing two-story residential on three sides of the back portion. We would welcome an opportunity to tour the site with you so that you can witness these limitations first-hand. For these reasons, only the portion of the Miller's land with frontage onto El Camino is suitable for successful commercial and retail. The Millers have first-hand experience with these limitations as commercial users have explored their site but walked away after discovering these significant limitations of their property.
- 2) The Millers want to retain the two acre commercial parcel of their land as an income producing property. This is an important consideration for Council to recognize. While the Millers own this significant land asset, until they monetize a portion of it, they are not in a financial position to build a speculative commercial center the size stipulated by Staff (50,000 to 72,000 sf) on the commercial parcel. They are committed to abiding by the Precise Plan but their financial position warrants either a smaller retail component (such as the proposed 17,300 sf center), or a phased approach.

- 3) Adding to the above challenges and limitations are the continued market woes and the deep supply of commercial space currently available in Sunnyvale. In order to build anything more than the 17,300 sf in our current application, the Millers will first need to first secure a tenant in order to be able to obtain financing, and build out the commercial, and this takes time as they do not have a confirmed tenant even two years after the dealership closure.

Due to these special circumstances, we request that the City allow flexibility either in the Commercial FAR amount or in the timing of the commercial development portion of the Millers' land.

By its very nature, the Special Development Permit offers such flexibility that can be utilized to approve projects with some deviation from portions of the Code such as the Commercial FAR.

Additionally, we believe that there are also benefits to phasing the development of the Miller's land, as follows:

- Fees in excess of \$3 million to the City
- Fees of approximately \$1/2 million to the two School Districts
- 14 new for-sale Below Market Rate units
- Improved sustainability through a Build it Green and LEED certified construction techniques
- New residents brought in close proximity to the El Camino Real retail corridor to live and shop
- Less conflict and impact on El Camino traffic and adjacent neighbors during the construction phase of the project with residential construction occurring first in the back portion and then later the commercial component; and not concurrently

Most importantly, we believe there to be significant merit also to this largest parcel in the 600 block of El Camino to redevelop as soon as possible with a high quality mixed use project, such that it will serve as the catalyst for further revitalization and redevelopment of parcels on this City block.

The project has been designed in conformance with the Design Guidelines of the El Camino Precise Plan and the Grand Boulevard Initiative and is also compatible with the planned VTA BRT project.

Lastly, we believe the City's code or the Precise Plan does not prohibit a property owner from developing their land in phases. Especially in light of the continued market challenges, this should be something that the City supports. We have all witnessed what happens when large scale developments are stalled due to unforeseen events leading to financial market meltdowns and dried up funding sources.

SummerHill HomesSM

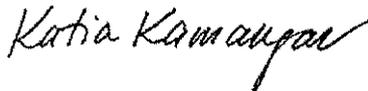
We respectfully request that the Council overturns the Commission's denial and approve either:

- 1) The currently proposed 17,300 sf retail center, along with the 113 residential units, or
- 2) Allows the phased development of the Miller property such that the residential component is permitted to proceed first, with the two acre Commercial Parcel to develop as soon as the Millers can secure a tenant and financing for a larger new retail center. The application would be reviewed by the City to ensure compliance with the City's Codes and the Precise Plan Guidelines when the application comes in. This second approach would enable the City decision makers to be satisfied that the Commercial Parcel would be developed with the maximum square footage that the market will bear when the economic forces permit.

We don't feel that the granting of an appeal would be precedence setting in this case as these are unique circumstances relating to this specific property, its geometry, access and its ownership. Other parcels in the Precise Plan Area are not similarly constrained.

Thank you for your consideration and please contact me at (650) 842-2371 if you are available to tour the site prior to the December 13th hearing.

Sincerely,



Katia Kamangar
Senior Vice President

Cc: Ryan Kuchenig/Hanson Hom
Dorothy Miller and the Miller Family
Pat Castillo
Ken Rodrigues