

**Council Meeting: October 30, 2012**

**SUBJECT:** **2012-7304 - Legacy Partners / Sunnyvale Business Park:**  
Application on a 29.9-acre site located at **600 W. California Avenue** in an M-S/PD Zoning District (APN: 165-26-010):  
Motion **Special Development Permit** for a new 106,617 square foot office/R&D building within Sunnyvale Business Park resulting in a 47.8% Floor Area Ratio;  
Motion **Vesting Tentative Map** to create one new lot in an existing campus with nine lots and one common lot; and  
Motion **Mitigated Negative Declaration** for the Special Development Permit and Vesting Tentative Map.

**REPORT IN BRIEF:**

**Existing Site Conditions** Existing office/R&D campus with nine buildings

**Surrounding Land Uses**

North	Multi-family development, industrial, and Mellow's Nursery
South	Southern Pacific Railroad
East	Fire station, public parking lot, and Mathilda Avenue
West	Multi-family development

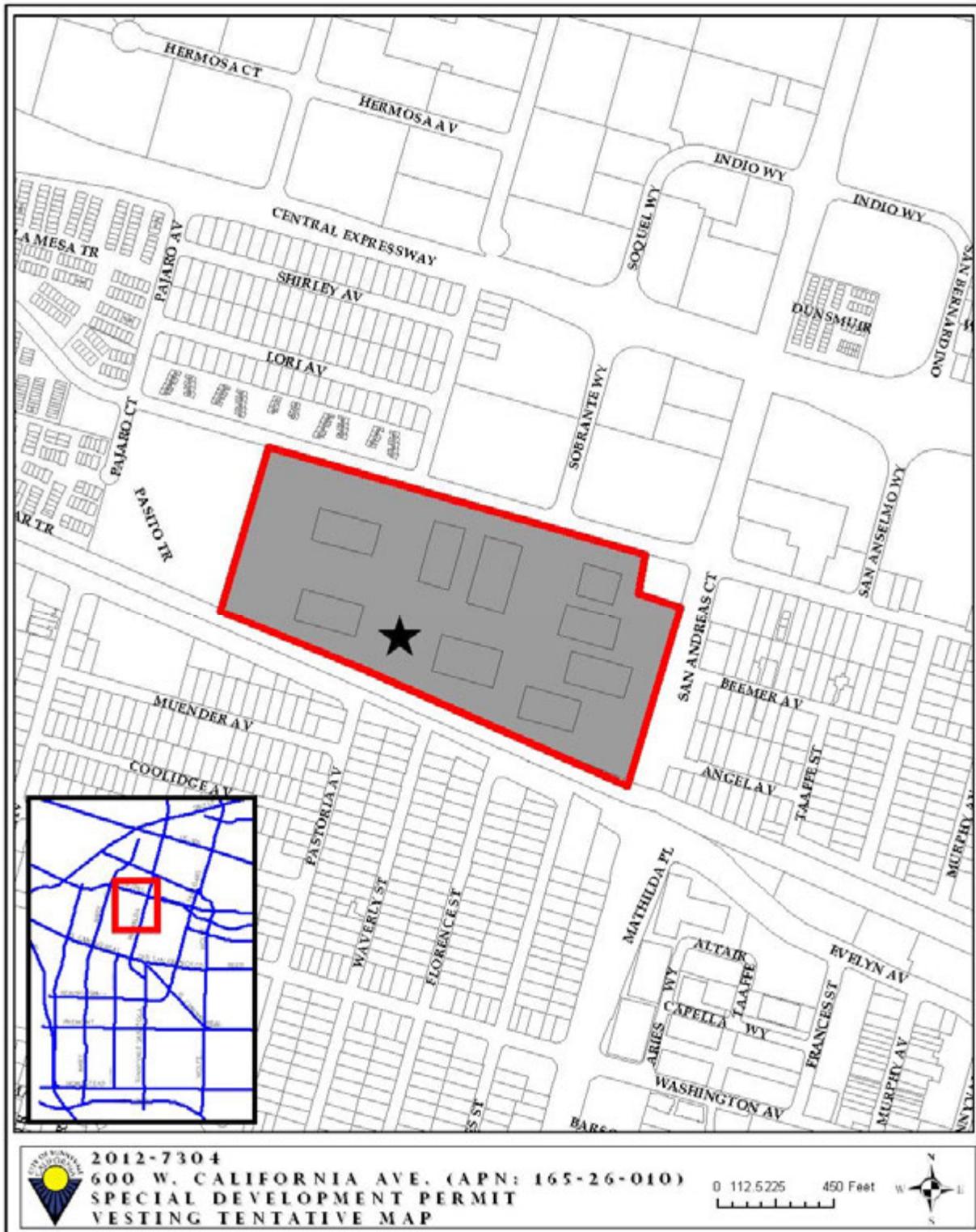
**Issues** Floor area ratio, parking lot shading, and neighborhood compatibility

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

**Planning Commission Recommendation** Adopt the Negative Declaration and Approve the Special Development Permit and Vesting Tentative Map with conditions

**Staff Recommendation** Approval in accordance with Planning Commission recommendation.

# VICINITY MAP



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industry	Same	Industry
<b>Zoning District</b>	M-S/PD	Same	M-S/PD
<b>Lot Size (s.f.)</b>	1,300,865	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	516,456	623,073	455,302 max. without CC review
<b>Lot Coverage (%)</b>	20.6%	23.4%	45% max.
<b>Floor Area Ratio (FAR)</b>	39.7%	47.8%	35% max. without CC review
<b>No. of Buildings</b>	9	10	N/A
<b>Distance Between Buildings (ft.)</b>	Varies 20' to 113'	62'-8"	5' min.
<b>Building Height (ft.)</b>	47'	55'	75' max.
<b>No. of Stories*</b>	2	3	3 max.
<b>Setbacks (Facing Property)</b>			
<b>Front*</b>	95'	190'	25' min.
<b>Left Side *</b>	60'	440'	100' min.
<b>Right Side</b>	110'	270'	None
<b>Rear*</b>	18'	83'-4"	10' min.
<b>Landscaping</b>			
<b>Total Landscaping (s.f.)</b>	365,850	351,713	260,173 min.
<b>% Based on Lot Area</b>	28.1%	27%	20% min.
<b>% Based on Floor Area</b>	70.8%	56.4%	10% min.
<b>Frontage Width</b>	15'	Same	15' min.
<b>Parking Lot Area Shading (%)</b>	18%	24.4%	50% min. in 15 years
<b>Parking</b>			
<b>Total Spaces</b>	1,728	1,652	1,246 min. 2,492 max.
<b>Standard Spaces</b>	1,094	1,012	124 min.
<b>Compact Spaces</b>	593	593	50% max.
<b>Covered Spaces</b>	41	47	No min.
<b>Aisle Width (ft.)</b>	26'	26'	26 min.
<b>Impervious Surface Area (s.f.)</b>	668,233	645,279	No max.
<b>Impervious Surface (%)</b>	54.4%	49.6%	No max.

\* Per Southern Pacific Corridor Specific Plan.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **BACKGROUND**

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### **Description of Proposed Project**

The proposed project involves the construction of a new 106,617 square foot three-story office/R&D building within Sunnyvale Business Park. The existing site is currently developed with nine office/R&D buildings totaling approximately 623,073 square feet. The proposed building would make the tenth building on the site. The existing site was built at 39.7% Floor Area Ratio (FAR) and the proposed project will result in a 47.8% FAR. Projects exceeding 35% FAR require approval of a Special Development Permit by the City Council.

The Planning Commission voted 5-0 (one absent and one vacant seat) to recommend approval of the project on September 24, 2012.

### **Previous Actions on the Site**

Previous planning applications for the site are summarized below:

File No.	Brief Description	Hearing/Decision	Date
1998-0563 (9247)	Tentative Map to create nine lots for each building footprint and one common lot.	Planning Commission / Approved	01/27/1997
1994-0293 (8287)	Special Development Permit to construct five additional office/R&D buildings resulting in 39.7% FAR. Amendment to the Southern Pacific Corridor Specific Plan to remove employee density (45 employees per acre) as the standard to control development (FAR was found to be a more appropriate method).	City Council / Approved	10/11/1994
5188	Special Development Permit to construct four office/R&D buildings and phased out operation of two warehouse buildings resulting in a final 39.1% FAR	City Council / Approved	02/28/1984

The site is the location of the former Libby Cannery, which ceased operation in 1983. Redevelopment of the site was completed in phases in the 1980s and 1990s. As part of the original redevelopment, the historic Libby's Can Water Tower was retained and incorporated into the project and continues to be a

prominent feature of the Sunnyvale Business Park. The water tower is a Sunnyvale Heritage Landmark. No changes are proposed to the water tower.

## **EXISTING POLICY**

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**General Plan Goals and Policies:** The following are key goals and policies from the Land Use and Transportation Element of the General Plan which pertain to the proposed project:

**GOAL LT-6:** Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.

Policy LT-6.2: Balance land use and transportation system carrying capacity necessary to support a vital and robust local economy.

Policy LT-6.4: Encourage sustainable industries that emphasize resource efficiency, environmental responsibility, and the prevention of pollution and waste.

**Specific Plan:** Specific Plans provide a bridge between the General Plan and individual projects, in a more area-specific manner than is possible with community-wide general plans or zoning. The site is located within the Southern Pacific Corridor Specific Plan (SPCSP) Site 2, which encourages a “green campus character” for low-profile two or three-story office/R&D buildings, with lush landscaping and open space for employees. The SPCSP also encourages developments to be compatible with the surrounding neighborhood.

To achieve those objectives, the SPCSP outlines development standards for the site, including parking, loading, lot coverage, FAR, landscaping, number of stories, and setbacks. Most of the development standards listed in the SPCSP are consistent with industrial zoning standards with the exception of setbacks and number of stories, which are more restrictive in the SPCSP and are identified in the Project Data Table.

**Floor Area Ratio:** The standard FAR permitted in the M-S Zoning District is 35%. There are several zoning tools that allow FARs above the standard:

1. A 10% FAR bonus may be granted if LEED certification at a Gold level is achieved for the site, which is subject to a staff-level approval (no public hearing).
2. A Use Permit or Special Development Permit may be granted by the City Council for projects not utilizing the green building bonus.
3. Properties can be rezoned to raise the standard FAR level, which also requires City Council action.

The proposed project is utilizing option #2. To assist the decision makers in considering approval of higher FAR developments, *Review Criteria for Projects Greater than 35% FAR* were developed by the City Council in 2000. These criteria are required as part of the findings to approve the Use Permit or Special Development Permit. A list of the review criteria is provided in Attachment A.

**Policies Related to Peery Park:** The project site is located in the “Peery Park” industrial area, which is characterized by a large number of Class B and C buildings (see Attachment G for a detailed description of office class levels). While the Sunnyvale Municipal Code (SMC) does not require new office buildings to be of a particular class, several past and present City policies encourage renovation and redevelopment in Peery Park to achieve more Class A and B buildings.

In 2003, staff developed a five-year *Community Development (CD) Strategy* to apply City resources strategically for community benefit. The goals of the CD Strategy were adopted by City Council and the document was updated in 2005. The CD Strategy identifies Peery Park as one of four industrial zone action areas, and encourages staff to explore incentives for redevelopment of Class C buildings in Peery Park to Class A structures. The CD Strategy notes that attraction of strong growth companies such as bio-technology to the area is an economic development goal.

In 2008, at the sunset of the five-year CD Strategy, the City Council directed staff to study preparation of a Specific Plan for Peery Park to incentivize reinvestment in the area by considering higher FARs, establishing a Development Reserve, and planning for public improvements. This study has not yet been prepared and has been placed on hold due to budget constraints, but its selection by Council provides a further policy context for the project. On October 16, 2012 the Council approved a budget modification (RTC 12-230) to contribute to the preparation of a Peery Park Specific Plan. The primary goal of the plan will be to evaluate the opportunities for higher density office projects which also respect the existing R&D uses in the area.

There have been several higher FAR projects approved by the City Council within Peery Park. City Council approved a Use Permit in February 2012 to allow redevelopment of the former post office site at 580 N. Mary Avenue for a new office building at 55% FAR. More recently, City Council approved a Rezoning to M-S/100% FAR in June 2012 for a 14.2-acre office/R&D campus located at the northwest corner of Mathilda Avenue and Maude Avenue (DiNapoli). The approved redevelopment resulted in a total of 99.4% FAR.

**Industrial Design Guidelines:** The City’s Industrial Design Guidelines (1993) provide recommendations for site planning, architecture, and design. These guidelines are referenced in the discussion and analysis below.

## **DISCUSSION AND ANALYSIS**

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### **Present Site Conditions**

The project site is 29.9 acres in size and is located on California Avenue which has a mix of industrial and multi-family residential uses. The property is bound by California Avenue to the north, the Southern Pacific Railroad to the south, Mathilda Avenue (overpass) to the east, and multi-family development to the west. The site is currently developed with nine office/R&D buildings on individual lots, surrounded by landscaping and surface parking on a common lot. The Libby Can Water Tower is located towards the eastern end of the site and is the focal point of the landscaping and open space area. Existing site access consists of four existing driveways along California Avenue.

### **Special Development Permit**

**Use:** The proposed project is for a new three-story Class A office/R&D building intended for Corporate Office uses. Multiple smaller professional office tenants could also be accommodated within the building. Future tenants would be subject to zoning requirements for permitted uses.

**Floor Area Ratio:** The existing site was built at 39.7% FAR. The proposed project will result in 47.8% FAR for the site. The *Review Criteria for Projects Greater than 35% FAR* are located in the Recommended Findings in Attachment A along with staff's discussion of the criteria. Key project features meeting these criteria include high-quality architecture and site design, green building certification, and a Transportation Demand Management (TDM) Program to reduce trips generated by the project.

**Site Layout:** The existing general site layout will be maintained. Modifications are limited to the removal of existing landscaping and parking to accommodate the new building footprint towards the back of the site (see Attachment D for site and architectural plans). The following Guidelines were considered in analysis of the site design:

<b>Industrial Design Guidelines (Site Design)</b>	<b>Comments</b>
<i>A1. New development shall enhance the character of its surrounding area through quality architecture, and landscaping and appropriate site arrangement.</i>	The existing site design is maintained, with a prominent campus driveway entry, mature landscaping, and buildings that complement the surrounding area. The proposed project enhances the site and surroundings through high-quality architecture.

<b>Industrial Design Guidelines (Site Design)</b>	<b>Comments</b>
<i>A2. New development in an area with an established character shall be compatible with its surrounding development in intensity, design, setback, building form, scale, material, color and landscaping unless there are specific planning goals to change the character of an area.</i>	The proposed project is consistent with the character of other sites in the area which have redeveloped with higher FAR buildings. Redevelopment with Class B buildings in Peery Park is consistent with City policy.
<i>B1. Site components such as structures, parking, driveways, and out-door functions shall be arranged and located to emphasize the aesthetically pleasant components of the site such as existing mature trees and views, or superior architectural features, and disguise its less attractive scenes such as service facilities, outside storage and equipment areas, and trash enclosures through placement and design of structure and landscaping.</i>	The proposed building is located towards the back of the site and will not significantly change the current streetscape along California Avenue, or views from surrounding properties. Character-defining features of the site, including mature landscaping, low-profile buildings, and the Libby Can Water Tower will be maintained.

**Architecture:** The existing buildings are two-story concrete tilt-up with mansard roofs, which are typical of Class B industrial buildings in Peery Park built in the 1980s and 1990s. The proposed building is consistent with the general form and materials found on the existing buildings but is considered to be a higher quality, updated design. Design features include colored glass windows and metal awnings and accents that provide texture and color to the building. These details create a strong horizontal design, which is consistent with the other buildings on the campus. Building entries along the east and west elevations are enhanced with a vertical glass element that breaks up massing of the building (see Attachment D for site and architectural plans). The following Guidelines were considered in the analysis of the project architecture:

<b>Industrial Design Guidelines (Building Design)</b>	<b>Comments</b>
<i>B1. New buildings shall maintain diversity and individuality in style while improving aesthetic character of their surrounding area</i>	The proposed architectural is compatible with the existing buildings on the campus, but is considered to be a higher quality, updated design.
<i>B2. Roof equipment shall be fully screened by parapets, roof screens or equipment wells.</i>	The proposed design includes an integrated roof screen that will screen all roof-mounted equipment.

<b>Industrial Design Guidelines (Building Design)</b>	<b>Comments</b>
<i>B5. Main entrances of the buildings shall be well defined</i>	Building entries along the east and west elevations are enhanced with a vertical glass element that compliments the architecture of the building.
<i>B6. New buildings shall have at least one major focal point and minor focal point. Focal points should be achieved through horizontal and vertical lines, change in material, change in color, changing the form and shape of a portion of the building, etc. Combining the main entrance and the focal points is encouraged.</i>	The enhance building entries provide a vertical focal point to the building, with glass and metal accents that provide strong vertical lines through the building. Design elements are well-integrated into the architectural design and compliment the design of the existing buildings on-site.
<i>E1. A comprehensive material and color scheme shall be developed for each site.</i>	The proposed building maintains the architectural form and materials as existing building, with updated features. The color palette includes cool/warm tones of taupe, beige, green-colored glass and metal accents.
<i>E3. Large expanses of high reflective surface and mirror glass exterior walls shall be avoided to prevent heat and glare impacts on the adjacent public streets and properties.</i>	The proposed office building will utilize clear and colored glass to minimize reflection on adjacent properties. Mirror glass is not proposed.

**Landscaping:** The existing site provides approximately 28.1% of the lot area as landscaping in compliance with the current 20% minimum required. At the center of the campus is an open lawn area that surrounds the Libby Can Water Tower, which includes walkways, benches and tables for employees. Several mature Redwood trees are located along the site frontage and smaller trees are scattered throughout the parking lot areas.

The proposed project includes the removal of over 14,000 square feet of landscaping to accommodate the building footprint. Approximately 30 small trees within the parking lot and lawn area will also be removed and are not considered to be protected by SMC 19.94 (less than 38 inches in circumference as measured 4.5 feet from the ground). The project will result in 27% of the lot area as landscaping, which still complies with 20% minimum.

The existing campus was redeveloped prior to the parking lot shading requirements contained in SMC 19.37.070, which states that at least 50% of the parking areas must be shaded within 15 years after the establishment of the lot. The existing parking lot is shaded approximately 18%. The applicant

proposes to remove and replace several existing small trees throughout the campus with tree species that will provide larger shading canopies. Species for the replacement trees were selected from the City’s *Master Parking Lot Tree List*. As a result, the proposed parking lot shading will be increased to approximately 24.4%. This is considered a legal non-conforming feature of the site.

*Staff’s Comments on Parking Lot Shading:* The proposed tree replacements will bring the site closer to conformance with the parking lot shading requirement. Staff does not find it reasonable to require the applicant to bring the entire site up to conformance, as the request would not be proportional to the scope of work of the proposed project. Staff also acknowledges that site constraints, such as size and design of existing tree wells within the parking lots, may limit options for tree selection. Therefore, staff finds the requested deviation to be reasonable.

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

<b>Industrial Design Guidelines (Landscaping)</b>	<b>Comments</b>
<i>A2. All areas not in use by structures, driveways, and parking spaces shall be properly landscaped.</i>	The project will maintain most of the existing landscaping and trees, with the exception of small trees within the proposed building footprint. All areas not utilized by structures, parking, and driveways will be landscaped with live plant materials, walkways, and patios.

**Parking/Circulation:** Industrial and Corporation Office uses require a minimum of one parking space per 500 square feet of floor area and a maximum of one space per 250 square feet. The proposed project requires a minimum of 1,246 spaces and a maximum of 2,492 spaces. The project includes removal of 99 spaces and replacement of 23 spaces, resulting in a total of 1,652 parking spaces (one parking space per 377 square feet). The proposed parking exceeds the minimum parking requirement by more than 400 spaces. Staff conducted a site visit during a weekday morning and found approximately half of the parking lot to be full, with most of the existing buildings occupied. Therefore, staff finds parking to be sufficient.

The City does not currently have bicycle requirements for industrial uses; however, it is the City’s standard practice to follow the Valley Transportation Authority (VTA) Bicycle Technical Guidelines to determine the appropriate number of bicycle spaces for a development. Per VTA’s guidelines, the existing buildings should provide 86 spaces and the new building should provide 18 spaces, for a total of 104 bicycle spaces for the site (76 Class I secured spaces

and 28 Class II racks). The existing site includes approximately 28 bicycle parking spaces throughout the campus. The applicant proposes to add 18 additional parking spaces for the new building, for a total of 46 bicycle spaces (28 secured and 18 racks). While the new building is consistent with VTA's guidelines, the site is deficient by 58 bicycle spaces (48 secured and 10 racks).

*Staff's Comments on Bicycle Parking:* In staff's opinion, there are opportunities to add 58 bicycle spaces throughout the site to conform with VTA's guidelines. Secured spaces may either come in the form of bicycle lockers or within an enclosed room in a building. Bicycle spaces can easily be accommodated within landscaping areas, next to building entries, or within the buildings. Therefore, staff recommends that the applicant work with staff to add 58 bicycle spaces (48 secured and 10 racks) by submitting a revised site plan subject to review and approval by the Director of Community Development prior to submittal of a building permit (see Attachment B for recommended conditions of approval).

**TDM Program:** Based on the reductions required for other higher-intensity projects, staff recommends a Transportation Demand Management (TDM) Program be implemented that will achieve a minimum of 20% reduction in total daily vehicle trips and a 25% reduction in daily peak hour trips (see Attachment F). The required reduction is based on the total daily and peak hour trips not only for the proposed building but also for existing buildings on-site.

A draft TDM Program has been completed by TJKM, demonstrating compliance with this requirement. The draft TDM Program contains measures that are based on existing infrastructure and physical attributes of the site, such as access to transit, bicycle parking, bicycle lanes, sidewalks, and showers/lockers in the proposed building. The draft also includes programs that promote sustainable modes of transportation, such as carpool/vanpool programs and transit subsidies. An annual report to the City would be required to monitor compliance. Staff also recommends a penalty clause for non-compliance be included in the program similar to other approved TDM Programs. Penalties would vary with the level of compliance, and would be calculated based on the estimated cost per employee of implementing a successful TDM Program. Finally, staff recommends the requirement to implement and manage a TDM Program be included in tenants' lease agreements. A final TDM Program must be submitted for review and approval by staff prior to issuance of building permits (see Attachment B for recommended conditions of approval).

**Green Building:** The minimum green building standard required by the SMC for new non-residential construction over 5,000 square feet is to design for LEED Silver level. Per SMC 19.39, designing for a LEED Gold level with certification allows a 10% FAR bonus with no City Council approval required (staff would verify LEED compliance, verify the TDM Program meets

requirements, and complete a Design Review). However, the entire site (including all existing buildings) would be required to achieve LEED Gold level. This project would not qualify for the FAR bonus because the entire site is not designed to achieve LEED Gold level. In addition, the proposed 47.8% FAR exceeds the maximum 45% FAR permitted with the bonus.

Recently, on similar higher intensity developments, the City has required applicants to achieve LEED Gold level (Core & Shell and Commercial Interiors) instead of the minimum LEED Silver level required. Exemplary design is one of the review criteria to be considered by the City Council in granting FAR over 35% and “green” or sustainable features are typically considered as an element of design quality. The higher level will ensure that the project design is exemplary in terms of sustainability. The applicant has submitted a LEED checklist demonstrating that the proposed building would achieve 64 points, where 60 points are needed to qualify for LEED Gold (see Attachment H).

For similar projects with existing buildings, the City has also required existing buildings to be upgraded to achieve LEED EB (Existing Buildings) Gold level as the tenants’ leases turn over. Staff recommends this requirement be incorporated into new tenants’ leases for the buildings (see Attachment B). Although the site cannot achieve a LEED Gold for all the buildings in the short-term, the applicant has agreed to provide a Transportation Demand Management (TDM) Program for the entire site, to be effective upon completion of the new building.

**Art in Private Development:** Sites over two acres in size are subject to the Art in Private Development requirements contained in SMC 19.52. While the current code requires artwork to be installed in a publicly visible location equivalent to 1% of the construction valuation for the building, City Council approved a code amendment on August 14<sup>th</sup> to allow payment of an in-lieu fee in the amount of 1.1% of the construction valuation of the building. This new requirement takes effect on September 27<sup>th</sup> and is included as an option in staff’s recommended conditions (see Attachment B).

**Stormwater Management:** The project will replace greater than 10,000 square feet of impervious surface; therefore, a Stormwater Management Plan (SWMP) is required. The current Municipal Regional Permit for stormwater discharge requires all treatment be achieved through Low Impact Development measures such as infiltration, harvesting/use, and biofiltration and limits the use of mechanical treatment. The applicant has prepared a draft SWMP which uses landscaped “rain gardens” to retain and treat the site’s stormwater prior to discharging it to storm drains. The condition of approval requires third-party certification of a final SWMP prior to issuance of building permits.

**Easements/Undergrounding:** Prior to redevelopment of the site, Sobrante Way (a former public street) ran in a roughly north-south direction from California

Avenue and through the site. The public street was vacated at the request of the developer in exchange for easements that remain in place today. One easement is for areas around the Libby Can Water Tower to allow for public access from California Avenue to this historic structure. A second easement runs along portions of the existing driveway to allow public access from California Avenue through the site, to a public parking lot underneath the Mathilda overcrossing. This is the only access in and out of the public parking lot, which has not been in use for a few years. A third easement, not associated with the former Sobrante Avenue) is located at the southeast corner of the property, which is currently utilized as private parking for Sunnyvale Business Park. The intent of the easement was to reserve the right for the City to construct a public parking structure in that area if needed in the future for transit parking. The easement language stipulates that the City must replace any private parking spaces displaced by the future parking structure. None of the existing easements will be modified as a part of this project.

All utilities lines shall be placed underground and new ground-mounted equipment shall be screened to full height and will not be visible from public streets (see Attachment B).

**Off-Site Improvements:** The applicant has worked with staff to identify off-site improvements that could enhance the project and meet the FAR >35% review criteria:

1. Construct a public sidewalk up to 8 feet in width along the west side of Mathilda Avenue (within public right-of-way in front of existing Mellow's Nursery site). The sidewalk would close a gap between the existing sidewalk that ends at the intersection of Mathilda Avenue and California Avenue and the nearest VTA bus stop on Mathilda Avenue.
2. Restore the adjacent public parking lot underneath the Mathilda Avenue overpass, including resurfacing and striping, adding appropriate lighting, landscaping, and bicycle parking, and signs directing vehicles off of California Avenue and into the parking lot. The applicant has also offered to maintain the parking lot. A concept parking lot striping plan has been provided in Attachment L. In addition, a Draft License Agreement with the City of Sunnyvale is provided in Attachment N, which is subject to City Council approval.
3. Construct a 10-foot wide public pedestrian/bicycle path from the parking lot under the Mathilda Avenue overpass to the Caltrain station to the east, along the north side of the Caltrain tracks. The feasibility of this improvement has not yet been evaluated, as the land lies within the jurisdiction of the Peninsula Corridor/Joint Powers Board (PC/JPB) and may need approval by other agencies. If deemed feasible, a Phased Implementation and Maintenance Agreement would be recorded with the City of Sunnyvale, which would identify the responsibility of the various

parties. A concept pedestrian/bicycle plan has been provided in Attachment M.

Staff finds that these improvements would enhance the project and provide community benefits. Staff also sees these improvements as partial compensation for the fact that the existing buildings, due to current leases, cannot meet a LEED Gold standard immediately. The improvements would encourage employees to use alternative means of transportation, such as walking, biking and transit, and would also help achieve the goals for vehicle trip reduction required by the TDM. The community would also benefit, as these improvements are also for public use. With regards to the public parking lot, the City will save money from not having to complete the improvements or maintain the parking lot. The applicant has committed to pursuing these improvements, which are also contained in staff's recommend conditions (see Attachment B).

**Pedestrian & Bicycle Connections to Downtown:** When the site was originally redeveloped, a goal of the SPCSP was to create a pedestrian and bicycle link to Downtown Sunnyvale. At that time, the sidewalks along California Avenue and Mathilda Avenue overpass were determined to provide sufficient linkage with the downtown. In 2011, the Mathilda Avenue overpass was redesigned and the sidewalks on the overpass were removed. To retain pedestrian and bicycle access into the downtown, a pedestrian/bicycle bridge was constructed along the east side of the overpass. The distance between the site and downtown by using existing infrastructure is approximately 1/2 of a mile (2,500 feet). If the pedestrian and bicycle path from the public parking lot under the Mathilda Avenue overpass is constructed, the distance to the downtown would be approximately 1/3 of a mile (1,760 feet). Staff finds that there is sufficient access to downtown, and with a new path, access would be enhanced.

### **Compliance with Development Standards**

As conditioned, the proposed development meets most of the SMC standards for the M-S zoning district, with the exception of parking lot shading which is a legal non-conforming feature of the site. The project also meets development standards found in the SPCSP. In addition, the project complies with the Industrial Design Guidelines as discussed above.

### **Expected Impact on the Surroundings**

The proposed building is located towards the back of an existing campus, which will have minimal impacts on the streetscape or surrounding properties. The proposed architecture is considered to be high-quality and is compatible with the existing buildings on-site. With implementation of a campus-wide TDM Program, peak hour traffic is expected to be reduced. Off-site improvements also enhance the project and helps to reduce vehicle trips for the

site, while also providing community benefits. In staff's opinion, the project will improve the character of the surrounding area.

### **Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City guidelines (see Attachment C). An Initial Study determined that construction of the proposed project has the potential to result in significant effects on cultural resources (possible discovery during excavation). Implementing mitigation measures during the construction phase will reduce these impacts to a less-than-significant level. The Mitigation Measures have been incorporated as Conditions of Approval (Attachment B).

### **FISCAL IMPACT**

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The proposed project is anticipated to have a positive fiscal impact on the City. Construction of the additional building on the site would increase the assessed value of the property and is estimated to result in the City receiving an additional \$15,353 in property taxes annually (for core and shell only; see Attachment A, page 8 for additional information). Additional property tax would be expected for tenant improvements, which could potentially be double the amount for core and shell. In addition, the proposed office building is designed to attract high-quality tenants such as corporate headquarters of technology companies. These tenants will have a positive economic impact by providing jobs and enhancing the image of the City. Additional revenue can be expected from corporate or employee retail sales tax from taxable goods and services purchased in Sunnyvale.

The project, as conditioned, requires restoration and enhancement of the parking lot under Mathilda Avenue. If this project had not been proposed the City would have the responsibility to restore the parking lot. The applicant has offered to upgrade the facilities and provide long-term maintenance of the parking lot. The City's expense for the parking lot would be about \$60,000; annual maintenance costs to the City would be about \$3,800. In addition the project requires the applicant to assist the City in pursuing a more convenient pedestrian path to the train station, and, if permitted, to build and maintain the path.

**Transportation Impact Fee:** Projects resulting in net new peak hour vehicle trips are subject to a transportation impact fee (TIF). The TIF is estimated to be \$216,645.74 and must be paid prior to issuance of a building permit. When sidewalks are installed as part of an industrial project, the cost of the sidewalk installation is credited to the TIF amount. The amount is subject to the fee schedule in place at the time of payment and will be recalculated with the credit given for the sidewalk installation.

**Housing Mitigation Fee:** Higher-intensity industrial projects are required to mitigate the demand for affordable housing created by the development through payment of a Housing Mitigation Fee (SMC 19.22.035). The current Housing Mitigation Fee requirement is \$9.27 per square foot of floor area greater than 35% FAR. The required fee for this development is estimated at \$988,339.59 (see Condition of Approval, Attachment B).

## **PUBLIC CONTACT**

Staff has received two letters in opposition to the project, which are included in Attachment J. Staff has also received several calls from neighboring residents with general questions about the proposed project.

<b>Notice of Mitigated Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 300 notices mailed to the property owners and tenants within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Web site</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Web site</li> </ul>

**Planning Commission Study Session:** The Planning Commission held a Study Session on the proposed project on August 27, 2012. Planning Commissioners generally supported the proposed development intensity and were supportive of the off-site public improvements. Several Commissioners stated that the architecture is respectful of the existing buildings on-site and is a “nice evolution forward.” Commissioners encouraged the applicant to explore increasing parking lot shading for the entire site and to consider access to downtown. The staff report and recommended conditions of approval address these issues.

**Planning Commission Hearing:** The Planning Commission reviewed the proposed project on September 24, 2012 (see Attachment K). Staff provided an overview of the proposed project and addressed the concerns raised in the letters of opposition, including traffic impacts along Mary Avenue. The traffic engineer from TJKM Transportation Consultants, who was hired by the City to conduct the Transportation Impact Analysis (TIA) for the project, was present to summarize the study methodology and findings.

The Planning Commission commended the applicant for making efforts to increase parking lot shading and provide off-site improvements. The Planning Commission voted 5-0 (one absent and one vacant seat) to recommend approval of the project.

## **CONCLUSION**

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Staff was able to make the required Findings based on the justifications for the Permit located in Attachment A and subject to the Recommended Conditions of Approval in Attachment B.

## **ALTERNATIVES**

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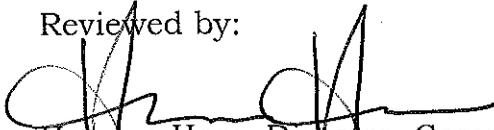
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1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.
5. Authorize the City Manager to execute an Irrevocable License Agreement for use and maintenance of the public parking lot under the Mathilda overpass in essentially the same form.

**RECOMMENDATION**

City Council approve Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions, and Alternative 5 to authorize the City Manager to execute an Irrevocable License Agreement for use and maintenance of the public parking lot under the Mathilda overpass in essentially the same form.

Reviewed by:

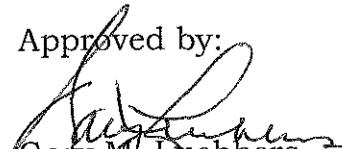


Hanson Hom, Director, Community Development Department

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Noren Caliva-Lepe, Associate Planner

Approved by:



Gary M. Luebbers  
City Manager

**Attachments:**

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Project Justifications and Letters from the Applicant
- F. Draft Transportation Demand Management Program
- G. Description of Office Class Levels
- H. Green Building Checklist
- I. Map of Surrounding Uses
- J. Letters from Resident
- K. Planning Commission Minutes, September 24, 2012
- L. Concept Public Parking Lot Striping Plan
- M. Concept Public Pedestrian/Bicycle Plan
- N. Draft License Agreement

## RECOMMENDED FINDINGS

### **Recommended Findings – Special Development Permit**

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In order to approve the Special Development Permit, the City Council must make one of the following two findings:

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

This finding can be made for the project as conditioned. The project will enhance the character of the site, surrounding neighborhood, and community through the addition of a Class B office building to an existing campus. Compliance with adopted General Plan goals and policies is discussed below.

#### **Land Use and Transportation Element**

**GOAL LT-6:** *Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.*

**Policy LT-6.2:** *Balance land use and transportation system carrying capacity necessary to support a vital and robust local economy.*

The proposed project allows for industrial redevelopment and economic growth which can be accommodated without significant impacts on the existing infrastructure and roadway systems. The site is located within an area that is well-served by existing VTA bus lines, roadways, and Caltrain service.

**Policy LT-6.4:** *Encourage sustainable industries that emphasize resource efficiency, environmental responsibility, and the prevention of pollution and waste.*

The proposed project will redevelop on an existing industrial site. A facility intended for use by technology companies which are more likely to be engaged in sustainable industry. The project as conditioned will have a highly sustainable design achieving LEED Gold certification and, as conditioned, existing buildings will also be upgraded to achieve LEED Gold. The project as conditioned meets the General Plan policy for environmentally responsible developments.

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

**Policy CC-3.1:** *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive*

*environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

The proposed project design uses exceptionally high quality architecture and high quality site design. The project will also provide additional jobs, enhancing both the image of Sunnyvale and the City's economic prosperity.

**2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.**

The above finding can be made for the project as proposed. The project will enhance the character of the site, surrounding neighborhood, and community by adding a new Class A building. The new building is located towards the back of an existing campus and will have minimal impacts on the existing streetscape and surrounding properties. The proposed project uses exceptional architecture and high-quality site design as well as adequate setbacks and parking. The proposed project is expected to reduce peak hour vehicle trips and is not anticipated to have a negative traffic or circulation impact in the project area. No other negative environmental impacts are anticipated. The project does not have a potential for detrimental impacts on surrounding properties or uses.

In addition to the two findings above, the City Council policy is to consider the following Review Criteria for Projects Greater Than 35% FAR:

**3. Certain development in excess 35% floor area ratio (FAR) in Industrial Zoning Districts (M-3 or M-S) requires approval of a Use Permit or Special Development Permit. To assist the decision makers in considering higher FAR developments, the following review criteria will be used:**

Review Criteria	Discussion/Explanation
<p><b>CATEGORY I: COMMUNITY CHARACTER</b> addresses the issues of land use and transportation capacity and neighborhood compatibility within the context of an overall City image.</p>	
<p><b>A.</b></p>	<p>Is there sufficient current and future land use and transportation capacity to incorporate this project?</p> <p>There is approximately 2.3 million square feet remaining in the City-wide development pool; this project would utilize 106,617 square feet. In addition, the project will implement a 20% total and 25% peak hour TDM Program to reduce vehicle trips.</p>
<p><b>B.</b></p>	<p>Does project use and design contribute positively to a City image and community character that reflects current and future “high-tech” Silicon Valley?</p> <p>The unique and high-quality architecture will contribute positively to community character. As conditioned, the building will be required to achieve LEED Gold certification. The contemporary architecture and sustainable features enhance the City’s high-tech image. Future tenant improvements will be required to achieve LEED Gold certified levels and the current buildings will be required to submit for LEED Gold Existing Building certification.</p>
<p><b>C.</b></p>	<p>Does the project include minor upgrading of the building for safety or special function purposes?</p> <p>The proposed project involves site modifications to accommodate the new building and not minor upgrades to the existing buildings for safety or specific function purposes.</p>
<p><b>D.</b></p>	<p>Have potential adverse impacts on nearby land uses been avoided, minimized or mitigated?</p> <p>The proposed project utilizes an existing site and is minimally visible from the street and surrounding properties. There are no anticipated negative impacts on surrounding sites. An initial study identified potential impacts on cultural resources on the subject site. Mitigation measures have been identified to reduce these impacts to a less-than-significant level.</p>
<p><b>CATEGORY II: ENVIRONMENTAL: TRAFFIC AND AIR QUALITY</b> focuses on the ability of a proposed project to avoid, minimize or mitigate City-wide and local traffic and air quality impacts.</p>	

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>E.</b>	<p>Does the project avoid or mitigate significant effects on the regional or City-wide roadway system?</p> <p>Is the project sited to avoid impacts on constrained intersections or roadway segments?</p>	<p>A TIA was prepared, Attachment A which found impacts to be less than significant. The project will also be subject to payment of a TIF. A TDM Program will be implemented for the entire site, which will help to reduce vehicle trips. Significant effects on regional and City roadways are not anticipated.</p>
<b>F.</b>	<p>Are potential air quality impacts mitigated?</p>	<p>An Air Quality and Greenhouse Gas Study was prepared for the project and demonstrated the project is not expected to result in significant air quality or greenhouse gas impacts.</p>
<b>G.</b>	<p>Does the project provide opportunities for appropriate on-site retail/support services and amenities to minimize mid-day vehicle trips?</p>	<p>The existing campus is within 3/5 of a mile from downtown, which provides a variety of services to support existing businesses. The proposed project includes off-site improvements that may reduce the distance to downtown to 1/3 of a mile. In addition, the property owner has agreements with specific food truck companies to park on-site during lunch time hours.</p>
<b>H.</b>	<p>Does the project provide mixed uses on the site to complement the primary use and adjacent land uses?</p>	<p>The proposed project is not a mixed-use project.</p>
<b>I.</b>	<p>Is the project located in close proximity to a light rail or Cal-Train station, and/or other convenient transit stops?</p>	<p>The site is located 1/2 of a mile from the Sunnyvale Caltrain station and is supported by five existing VTA bus lines. The nearest bus stop is located just north along Mathilda Avenue, approximately 1/4 of a mile away.</p>

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>J.</b>	Can identifiable and measurable negative impacts on City infrastructure and services be mitigated?	While the proposed project requests higher FAR, a development pool was created to allow intensification of individual sites above 35% FAR. The proposed project will draw from the development pool for its additional area. The project will pay Housing Mitigation Fees to offset housing demand inducing impacts, and will be required to pay connection and impact fees to offset any impacts on sewer capacity and other public utilities. The project will also require payment of a TIF and a TDM Program will be implemented for the entire site to reduce vehicle trips.
<b>K.</b>	Is a Transportation Demand Management program planned for the site? Does it reduce traffic in general and promote transit use?	The applicant has submitted a draft TDM Program, which will achieve a minimum of 20% reduction in total daily vehicle trips and a 25% reduction in daily peak hour trips.
<p><b>CATEGORY III: SITE DESIGN AND ARCHITECTURE</b> addresses several components of site design and architecture; focusing on the visual features and aesthetics, techniques to reduce the bulk and mass of the buildings, ways to reduce the amount of surface parking on the site.</p>		

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>L.</b>	<p>Does the project demonstrate exemplary architecture and design through:</p> <ul style="list-style-type: none"> <li>• use of unique and/or high quality building materials, singly and in combination</li> <li>• state of the art design and materials</li> <li>• introduction of significant, innovative, and noteworthy architectural forms and elements</li> <li>• special or unique features of the site plan design and implementation</li> </ul>	<p>The proposed project architecture demonstrates excellent design through the following elements:</p> <ul style="list-style-type: none"> <li>• Architecture that complements existing buildings on-site</li> <li>• High-quality materials including glass and metal accents</li> <li>• The building entries are enhanced with a vertical glass element that helps to add visual interest to the building</li> <li>• Green building design at a LEED Gold level</li> </ul>
<b>M.</b>	<p>Does the project complement the City image and community character currently primarily low profile with a less intensive development density?</p>	<p>The proposed building and site design meet most of the SMC and SPCSP requirements, and complies with the Industrial Design Guidelines. The new building is located towards the back of the site and the massing of the building is not easily visible from the streetscape or surrounding properties.</p>

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>N.</b>	<p>Does the site plan reduce the bulk and mass of the buildings on the site? Are the following techniques and others used in a creative and resourceful way?</p> <ul style="list-style-type: none"> <li>• Façade and roofline variations</li> <li>• Reduction in the building footprint and significant increase of landscaping required by Zoning Code</li> <li>• Substantially greater setbacks than required by the Zoning Code</li> </ul>	<p>The proposed architecture reduces the effect of mass and bulk through the following:</p> <ul style="list-style-type: none"> <li>• The high-quality glass exterior materials create a sense of lightness and translucency that reduces the apparent mass and bulk of the structure</li> <li>• The building entries are enhanced with a vertical glass element that helps to add visual interest to the building</li> <li>• The building is located towards the back of the property with significant setbacks</li> </ul>
<b>O.</b>	<p>Does the site plan include techniques to reduce non-point source pollution?</p>	<p>The project has prepared a draft Stormwater Management Plan incorporating Best Management Practices to reduce storm water runoff on the site. In compliance with the current Municipal Regional Permit, landscaped raingardens will be used to treat stormwater runoff through bioretention.</p>
<b>P.</b>	<p>Is a reduction in the amount of surface parking achieved?</p> <ul style="list-style-type: none"> <li>• Significant reduction in the number of surface parking spaces</li> <li>• Provision of structured parking and/ or underground parking</li> <li>• Introduction of a landscape reserve that can be converted to parking on an as-needed basis, or as a permanent park.</li> </ul>	<p>The project is located on an already-developed office/R&amp;D campus, with surface parking surrounding the existing buildings. The proposed project reduces the existing parking supply by 74 parking spaces, while still meeting the minimum parking requirement.</p>

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>Q.</b>	Is the site comprehensively planned through the creation of a Master Plan or Site Specific Plan? Has a long term development plan been prepared that allows phasing of the project based on implementation of improvements and mitigations?	The site is located within the SPCSP, for industrial intensification. The proposed project meets the objectives and development standards found in the SPCSP.
<b>R.</b>	How is the calculation of the “effective” FAR being conducted? Does the size of the project warrant a different method of calculating the FAR?	The FAR has been determined based on SMC standards for FAR; which includes all square footage within the exterior walls of the buildings. No street dedication is required, so gross FAR is not a factor in this project. There is currently no tenant identified for the building. Therefore, no amenities are planned at this time such as cafeterias, large meeting venues, non-employment areas or other services that may reduce effective FAR.
<p><b>CATEGORY IV: ECONOMIC, FISCAL AND COMMUNITY BENEFIT</b> identifies the need to relate the project to the economic prosperity program of the City, potential impact on the City, the relationship to the local economy and employment in terms of the types and numbers of jobs likely to be generated by the project and other features of the development that will result in an overall positive community benefit. The following questions provide examples of how benefit can be described. Please respond to as many as apply.</p>		

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>1.</b>	Does the project implement the goals of the Economic Prosperity Program?	<p>The proposed project will assist in achieving the goals of the Economic Prosperity Program which includes business retention, expansion, and economic vitality in a significant industry sector.</p> <p><i>Goal - Retention of Jobs: Actively promote the City to companies that will create jobs for Sunnyvale residents.</i></p> <p><i>Goal - Local Service Businesses: To preserve opportunity for profitable operation of those small local businesses which provide critical support services to other business and to residents.</i></p> <p>A new building will attract companies that will create jobs for Sunnyvale residents. The site is located near downtown and other commercial and service uses along Mathilda Avenue.</p>
<b>2.</b>	Does this project have a significant net positive fiscal impact over the next 5-20 years?	<p>Finance staff has calculated the potential fiscal impact to the City, including potential net revenue generation, property tax and Building Permit fees. The project does not include a “point of sale” use since the building is speculative; therefore no sales tax revenues are anticipated at this time.</p> <ul style="list-style-type: none"> <li>• The City share of the property tax increase after redevelopment (based on valuation) has been estimated to be \$15,353 annually (core and shell only). (Note: future assessed value was not available at the time of this estimate, therefore the construction value of the project was used in-lieu of assessed value.)</li> </ul>
<b>3.</b>	Does the project include the provision of on-site corporate headquarters and/or a “point of sale” office?	<p>The proposed building is speculative at this time. The site and building design is appropriate for use by corporate headquarters or major divisions of a large company.</p>

<b>Review Criteria</b>		<b>Discussion/Explanation</b>
<b>4.</b>	To what extent does this project provide resident and/or youth employment opportunities both now and in the future?	The proposed building is speculative and the future tenants of the building are not known at this time. A high-quality Class A building is expected to provide additional employment opportunities in the City.
<b>5.</b>	Do the anticipated types and numbers of jobs complement the current and desired future job profile in Sunnyvale?	The proposed building is speculative and the future tenants of the building are not known at this time. However, the project is designed to accommodate corporate headquarters such as technology companies. These types of jobs are consistent with the City's economic development goals and are critical to job expansion.
<b>6.</b>	To what degree do the proposed jobs generate related jobs and services in Sunnyvale?	The proposed jobs are expected to generate minor additional demand for related services. Using the industry multiplier forecast, for every one job created in this industry segment, three additional jobs are created in the community as support services.
<b>7.</b>	The project is intended primarily for a single user or has common/shared management (Action Statement C4.2.2.)	The future tenant(s) of the building are not known at this time. The building has been designed with the intent of serving a single tenant as a corporate headquarters, but could accommodate multiple tenants.
<b>8.</b>	Can the applicant identify other community benefits that could be attributed to the proposed project?	The applicant has committed to pursuing several off-site improvements that would benefit the community, including a new public sidewalk along Mathilda Avenue, restoration of an adjacent public parking lot underneath the Mathilda Avenue overpass, and the construction of a new public pedestrian/bicycle path from the parking lot under the Mathilda overpass to the Caltrain station.

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
OCTOBER 30, 2012**

**Planning Application 2012-7304**

~~600~~400-840 W. California Ave.

Special Development Permit for a new 106,617 square foot office/R&D building within Sunnyvale Business Park and Vesting Tentative Map to create one new lot in an existing campus with nine lots and one common lot.

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

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

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

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

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

~~GC-2. USE EXPIRATION:~~

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

## GC-3. PERMIT EXPIRATION:

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

~~GC 4. TITLE 25:~~

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

## GC-5. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all conditions of approval and requirements of planning applications #5188 and #8287. [PLANNING] [COA]

## GC-6. 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-7. GREEN BUILDING:

The project shall meet the following green building requirements:

- a) Final plans shall incorporate a completed LEED green building checklist demonstrating the *new building* achieves a LEED Gold level for Core and Shell as verified by a qualified LEED consultant.
- b) Subsequent building permit plans for interior tenant improvements for the *new building* shall incorporate a completed LEED green building checklist demonstrating the project design achieves a LEED Gold level for Commercial Interiors as verified by a qualified LEED consultant.
- c) All new lease agreements for existing and new building shall specify requirement for new tenant ~~with future tenants of the new building shall note that the tenant is responsible for constructing any~~ improvements to meet LEED Gold standards and maintaining existing facilities consistent with LEED Gold standards.
- d) All ~~new~~ lease agreements ~~with future tenants~~ of the ~~existing buildings~~ shall note that the tenant is responsible for construction of any improvements to LEED Gold standards for Existing Buildings and maintaining existing facilities consistent with LEED Gold standard ~~only improved and affected area within leased space to comply with "CAL Green" standards consistent with LEED Gold~~

~~for Commercial Interior standards.~~ [COA] [PLANNING] Condition Deleted

GC-8. PARKING LOT SHADING UPGRADES:

~~The applicant shall work with staff to explore the opportunity to increase parking lot shading for the entire site. Prior to submittal of a building permit, a site plan shall be reviewed and approved by the Director of Community Development demonstrating compliance with this requirement. The revised Parking Lot Shading Plan, dated September 17, 2012, showing an increase in parking lot shading for the entire site from 18.4% to 24.4% is approved. All permit drawings shall reflect this modified plan.~~ [COA] [PLANNING]

GC-9. BICYCLE PARKING UPGRADES:

A total of 104 bicycle parking spaces (76 Class I secured spaces and 28 Class II racks) shall be provided for the entire site. Secured bicycle spaces may either include bicycle lockers per VTA Bicycle Technical Guidelines or be provided within enclosed rooms in the existing office buildings. If Property secures easement rights to additional land, bicycle racks and/or lockers located on such property shall count toward requirements. ~~Prior to submittal of a~~ As part of the building permit submittal, a site/floor plan shall be reviewed and approved by the Director of Community Development demonstrating compliance with this requirement. [COA] [PLANNING]

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

EP-1. NEW PUBLIC SIDEWALK:

A new ~~8' wide~~ public sidewalk up to 8 feet in width shall be installed along the west side of Mathilda Avenue to close a gap between the existing southbound VTA bus stop north of California Avenue and the existing sidewalk at the intersection of California Avenue and Mathilda Avenue.

- a) Submit improvement plans for review and approval by the Departments of Community Development and Public Works prior to building permit issuance. Improvement plans should consider access needs for the adjacent private property.
- b) The sidewalk shall be installed prior to building occupancy. [COA] [PLANNING/PUBLIC WORKS]

EP-2. PUBLIC PARKING LOT UPGRADES:

~~The applicant shall restore~~ The project includes the restoration of the adjacent public parking lot underneath the Mathilda Avenue overpass in exchange for an Irrevocable License Agreement with the City of Sunnyvale. The subject Agreement shall be recorded prior to building

occupancy or map recordation, whichever occurs first. It is the responsibility of the applicant to install and maintain the following upgrades as mutually agreed upon with the City of Sunnyvale, as outlined in the Agreement:

- a) Resurface Slurry and stripe the parking lot as mutually agreed upon in accordance with applicable standards.
- b) Install new lighting per City's Downtown Streetscape details and specifications.
- c) Install Class I bicycle parking with a minimum allocation that is equivalent to 5% of the number of vehicular parking stalls.
- d) Install directional/informational signs on-site and off-site directing the public to the parking lot per applicable standards and approved by the City.
- e) Install landscaping around the perimeter and within the parking lot without significantly impacting the number of parking stalls. The irrigation system shall be tied to the project site and be maintained and paid for by the property owner.
- f) Submit a parking lot improvement plan as part of the off-site improvement plans for review and approval by the Departments of Community Development and Public Works prior to building permit issuance.
- g) Complete installation of all public parking lot upgrades prior to building occupancy. [COA] [PLANNING/PUBLIC WORKS]

EP-3. PEDESTRIAN/BICYCLE PATH TO CALTRAIN STATION:

The applicant shall diligently pursue the construction of a new pedestrian/bicycle path along the north side of the Caltrain tracks within the Peninsula Corridor/Joint Powers Board (PC/JPB) right-of-way (R-O-W), from the project site/public parking lot to the Caltrain station to the east. If the new path is deemed to be feasible, it is the responsibility of the applicant to design, construct and maintain the following upgrades with a Phased Implementation and Maintenance Agreement:

- a) Install a 10' wide asphalt public path with landscaping and fence buffer to ensure user-safety and aesthetics per state standards and as approved by the City and PC/JPB.
- b) Install new pedestrian level lighting per applicable standards and as approved by the City.
- c) Submit improvement plans for review and approval by the Departments of Community Development and Public Works, prior to building permit issuance.
- d) Submit confirmation of approval of improvement plans by outside agencies, such as SamTrans and/or the PC/JPB prior to building permit issuance.
- e) The completion of the subject path may be implemented in phases as mutually agreed upon in the Agreement. The Agreement shall be executed and recorded prior to building occupancy.

- f) If it is determined by the governing agencies that the pedestrian/ bicycle path to the Caltrain station is infeasible an equivalent benefit must be completed by the applicant, as deemed appropriate by the Departments of Community Development and Public Works. The goal of the improvement would be to benefit the public and employees of the campus. [COA] [PLANNING/PUBLIC WORKS]

EP-4. PUBLIC WORKS GENERAL CONDITIONS:

- a) This project is subject to, and contingent upon, the approval of a tentative map and recordation of a parcel map prior to any building permit issuance. The submittal, approval and recordation of the parcel map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements.
- b) Obtain a Public Works Encroachment Permit (EP) for all off-site improvements. The EP package shall include a traffic control plan in accordance to the latest CA MUTCD standards and shall be reviewed and approved by Public Works.
- c) The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
- d) This project is required to pay sewer connection fee of \$204,874.20 and water connection fee of \$21,529.50 prior to any building permit or encroachment permit issuance, whichever occurs first.
- e) The developer is required to install all public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc.) prior to building occupancy as required by the Director of Public Works.
- f) The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the park strip area, caused by the development.
- g) All public improvements shall be installed per City's design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless otherwise approved by the Director of Public Works.
- h) All public improvement plans shall be submitted to and be approved by the Department of Public Works. The off-site improvement plans shall also include traffic control plans consistent with the latest CA MUTCD.
- i) Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. [COA] [PLANNING/PUBLIC WORKS]

- EP-5. LED STREETLIGHTS:  
Streetlights fronting the entire campus site shall be upgraded with LED lighting in accordance with the City's latest standards. [COA] [PUBLIC WORKS]
- EP-6. STOP CONTROL AT DRIVEWAYS:  
The project is recommended to establish stop control (i.e. stop sign, stop bar and centerline tail) to be facing motorists exiting the site at the project driveways (Including the middle driveway that intersects with California Avenue/Pastoria Avenue). All devices should be consistent with the latest CA MUTCD. [COA] [PUBLIC WORKS]
- ~~EP-7. PC/JPB APPROVAL:  
This project requires approval and/or permits from the Peninsula Corridor Joint Powers Board (PC/JPB) for any work adjacent to their transit service. [COA] [PUBLIC WORKS] Condition Deleted~~
- EP-8. STORM DRAIN AND WATER LINE RELOCATION:  
The existing public storm drain pipes and water lines shall be relocated prior to building occupancy. The improvement plans for such relocation shall be reviewed and approved prior to building permit issuance. [COA] [PUBLIC WORKS]
- EP-9. 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 building occupancy. Quitclaim Deed is required for abandonment of private easements. No permanent structures are allowed within any of the easement limits. The existing easements shall not be abandoned until the new pipelines and easements are established and are recorded. [COA] [PUBLIC WORKS]
- EP-10. CURB RAMPS:  
Replace all existing curb ramps at the intersection of Mathilda (west side) and California, including the ones in the channelizing island. [COA] [PUBLIC WORKS]
- EP-11. DRIVEWAY APPROACHES:  
Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk. [COA] [PUBLIC WORKS]
- EP-12. PRIVATE UTILITIES:  
The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project. [COA] [PUBLIC WORKS]

- EP-13. UTILITY ABANDONMENT/RELOCATION:  
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. All City utilities shall be installed outside any driveway approaches. [COA] [PUBLIC WORKS]
- EP-14. UTILITY PLANS:  
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. [COA] [PUBLIC WORKS]
- EP-15. SEWER CLEANOUTS:  
Install cleanout(s) at the property line. [COA] [PUBLIC WORKS]
- EP-16. PUBLIC FIRE HYDRANT REQUIREMENTS:  
The existing public fire hydrant shall be upgraded to Clow Rich 75. The fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of 4 feet. [COA] [PUBLIC WORKS]
- EP-17. SEPARATE WATER SERVICES:  
Fire service and domestic service shall be separate (other than residential). [COA] [PUBLIC WORKS]
- EP-18. BACKFLOW PREVENTOR:  
Install an approved backflow prevention device on the discharge side of the irrigation, domestic (non-residential) and fire service meters. [COA] [PUBLIC WORKS]
- EP-19. UTILITY CONFLICTS WITH MATURE TREES:  
No utility trench shall be allowed within 15' radius of an existing mature street tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature street tree. Consult with the City Arborist prior to adjusting locations of utility lines. [COA] [PUBLIC WORKS]
- EP-20. TRASH ENCLOSURE REQUIREMENTS:  
A maximum number of three service pick-up days per week is required for the subject building. A minimum of two 3-CY garbage bins and one 4-CY recycling bin is required for the proposed trash enclosure. Developer shall pay for a pull-out fee as required for Specialty service if a front-load garbage truck cannot access the enclosure directly. [COA] [PUBLIC WORKS]

## EP-21. PUBLIC STORM DRAIN RELOCATION:

Provide a comprehensive hydraulic analysis of the relocated storm drain line to ensure ample velocity is provided for public storm drain discharge. The relocated storm drain is subject to re-design to better facilitate the needs of the public storm system and to ensure no conflicts with the building footprint. [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).**

**NOTE RENUMBERING OF SECTION BELOW**

## BP-1. CONDITIONS OF APPROVAL:

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

## BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

## BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

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

## BP-4. BLUEPRINT FOR A CLEAN BAY:

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

## BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:

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

- a) Match the design, materials and color of the main building.
- b) Be of masonry construction. [COA] [PLANNING]

## BP-6. RECYCLING AND SOLID WASTE CONTAINER:

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

## BP-7. SOLID WASTE DISPOSAL PLAN:

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

## BP-8. ROOF EQUIPMENT:

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

## BP-9. ART IN PRIVATE DEVELOPMENT:

- a) Publicly visible artworks shall be provided along California Avenue. The artwork shall be integrated into the building architecture or landscape and be designed specifically for this site to ensure a strong association with the site and context.
- b) An Art in Private Development application shall be submitted to the Director of Community Development prior to issuance of a building permit. The application is subject to review and approval by the Arts Commission.
- c) An Art In-lieu fee may be paid as an alternative. [COA] [PLANNING]

## BP-10. FEES AND BONDS:

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

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **\$216,645.74**, prior to issuance of a Building Permit (fee will be based on the fee in place at the time of payment). (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at **\$988,339.59**, prior to issuance of a Building Permit (fee will be

based on the fee in place at the time of payment). (SMC 19.22).  
[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 new building will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork (or payment in-lieu) requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

BP-11. 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-12. 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-13. 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 within the project area 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 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-14. STORMWATER MANAGEMENT CALCULATIONS:  
Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]
- BP-15. 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-16. STORMWATER 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-17. STORMWATER - BEST MANAGEMENT PRACTICES:  
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-18. 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-19. LIGHTING POLES:

Pole heights and design shall match existing. [COA] [PLANNING]

BP-20. 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-21. TRANSPORTATION DEMAND MANAGEMENT:

A final Transportation Demand Management (TDM) Program shall be submitted for review and approval by the Departments of Community Development and Public Works prior to issuance of a building permit. The final TDM program shall incorporate the following:

- a) The program goals require an initial requirement for a minimum of a 20% reduction in total daily vehicle trips and a minimum of a 25% reduction in daily peak hour vehicle trips for the entire site, as calculated from standard vehicle trip counts of similar projects of this size. The TDM program must include a good faith effort to achieve a minimum 25% reduction in total daily vehicle trips and 30% reduction in daily peak hour trips. The initial TDM program must also include an advocacy program to transit providers and business groups to provide services supporting reduced vehicle trips at this site.
- b) An annual monitoring and evaluation of the TDM program performance by the Departments of Community Development and Public Works is required after full occupancy. The annual monitoring shall include traffic counts to help assess the number of site trips reduced. The program goals may be increased up to

25% total daily and 30% peak hour reductions based on performance of site and/or changes to the transit environment.

- c) A penalty clause shall be included for non-compliance with the TDM measures. Penalties shall vary with the level of compliance and shall be calculated based on the estimated cost per employee of implementing a successful TDM Program.
- d) All new lease agreements executed after the approval of this permit shall note that the tenant is responsible for implementing and managing the TDM Program. [COA] [PLANNING/PUBLIC WORKS]

BP-22. MITIGATION MEASURE – CULTURAL RESOURCES:

Final construction drawings shall incorporate all mitigation measures related to cultural resources as set forth under “Mitigation Measures” in the approved environmental document and as noted below.  
Mitigation Measure

- 1) For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future development projects that the CHRIS determines may be located in a sensitive area, on or adjoining an identified archaeological site, shall proceed only after the project sponsor contracts with a qualified archaeologist to provide a determination in regard to cultural values remaining on the site and warranted mitigation measures.
- 2) In the event that subsurface cultural resources are encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:
  - Planning construction to avoid the archaeological site;
  - Incorporating the site within a park, green space, or other open space element;
  - Covering the site with a layer of chemically stable soil; or
  - Deeding the site into a permanent conservation easement.
- 3) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any

additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

The project applicant shall provide a letter from CHRIS indicating if the site is located within a sensitive area. In addition, the language from items 1-3 above shall be placed on the grading and construction permit drawings and the applicant and contractor shall beware of the requirements. [COA] [PLANNING]

**BP-23. UNDERGROUND UTILITIES:**

All utilities shall be placed underground, including boundary lines and service drops, in compliance with SMC requirements. The applicant shall provide a copy of an agreement with affected utility companies for undergrounding of any existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a building permit. [SDR] [PLANNING]

**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):**

Modify the existing CC&Rs for the development to reflect the approved project for review and approval by the Director of Community Development and the City Attorney. A copy of the Final Conditions of approval of Planning Application #2012-[74047304](#) must be included in the CC&Rs. Four (4) sets of the revised CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing.

**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. MITIGATION MEASURES:  
Documentation indicating that all environmental mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. [COA] [PLANNING] Mitigation Measure

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

- DC-1. BLUEPRINT FOR A CLEAN BAY:  
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. TREE PROTECTION:  
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
- DC-3. BAAQMD BASIC CONTROL MEASURES:  
Implement the Bay Area Air Quality Management District's (BAAQMD) Basic Control Measures to reduce criteria pollutants and greenhouse gas emissions during the construction of the project:
- a) All exposed surfaces (e.g., parking staging areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- c) All visible mud or dirt track-out onto public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g) All construction equipment shall be maintained and properly turned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- h) Post a publicly visible sign with the telephone number and person to contact at the City of Sunnyvale regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. [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. RECYCLING AND SOLID WASTE:**

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

**AT-2. 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-3. PARKING LOT MAINTENANCE:**

The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.

- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
- e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

## AT-4. 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-5. 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-6. TRANSPORTATION DEMAND MANAGEMENT REPORTING:

An annual monitoring report shall be submitted to the Director of Community Development in January of each year. The report shall demonstrate compliance with the approved TDM Program including measures implemented and data on trip reductions achieved. If the TDM goals are not met in a given year, the property owners and/or tenant shall submit to the Director of Community Development proposed program modifications intended to achieve the required goals in future years. [COA] [PLANNING]

## AT-7. TENANT LEASE AGREEMENTS:

~~All~~Any new-future lease agreements anywhere on ~~for~~ the entire site shall include the following provisions:

- a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approved d Transportation Demand Management Program.
- b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet LEED Gold standards and maintain facilities consistent with LEED Gold standards ~~all tenant improvements to LEED Gold standards and maintain all project facilities consistent with LEED Gold standards~~. [COA] [PLANNING]

# **Attachment C**

Santa Clara County  
State of California

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



Number of Pages: 26  
Filed and Posted On: 8/31/2012  
Through: 9/21/2012  
CRO Order Number:  
Fee Total: 0.00

County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688

REGINA ALCOMENDRAS, County Clerk-Recorder  
by Laura Luna, Deputy Clerk-Recorder, W

**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: Legacy Partners PHONE: 408-730-7637
4. APPLICANT ADDRESS: 600 W. California Avenue, Sunnyvale, CA 94086
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

<input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 2,919.00	\$ 0.00
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,101.50	\$ 0.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 992.50	\$ 0.00
<input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 0.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ 0.00
<input type="checkbox"/> 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: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ 0.00

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

<input type="checkbox"/> NOTICE OF PREPARATION	<input checked="" type="checkbox"/> 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#: 578 8/31/2012

ATTACHMENT C  
 Page 2 of 26

**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 **Legacy Partners**.

**PROJECT DESCRIPTION AND LOCATION (APN):**

**FILE #:** 2012-7304  
**Location:** 600 W. California Ave. (APN: 165-26-010)  
**Proposed Project:** SPECIAL DEVELOPMENT PERMIT for a new 106,617 square foot office/R&D building within Sunnyvale Business Park resulting in a 47.8 % Floor Area ratio.  
 VESTING TENTATIVE MAP to create one new lot in an existing campus with nine lots and one common lot.  
**Applicant / Owner:** Legacy Partners / Sunnyvale Business Park Sub LLC  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us

**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 **Tuesday, October 30, 2012**. 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, September 24, 2012** at 8:00 p.m. and **Tuesday, October 30, 2012** 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 August 31, 2012

Signed:   
 Gerri Caruso, Principal Planner

Project Title	Use Permit/Vesting Tentative Map #2012-7304
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Noren Caliva, Associate Planner
Phone Number	408-730-7637
Project Location	600 W. California Ave. Sunnyvale, CA 94086 (APNs: 165-26-010)
Applicant's Name	Legacy Partners
Project Address	600 W. California Ave. Sunnyvale, CA 94086
Zoning	M-S/PD (Industrial and Service/Planned Development)
General Plan	Industrial
Other Public Agencies whose approval is required	None

**Brief description of the Project:** The proposed project involves the construction of a new 106,617 square foot three-story office/research and development building within Sunnyvale Business Park. The existing site is currently developed with nine two-story office/research and development buildings, on individual lots with landscaping and parking on a common lot. The project will result in approximately 47.8% floor area ratio (FAR) for the entire site. The Sunnyvale Municipal Code (SMC) requires projects within the M-S zoning district with FARs greater than 35% to be reviewed and approved by the Sunnyvale City Council through a Use Permit. The proposed project also includes a Vesting Tentative Map to create one additional lot for the new building.

**DETAILED PROJECT DESCRIPTION:**

**On-site Development:** Most of the existing 29.9 acre site will not be disturbed. Approximately 100,500 square feet of existing landscaping and parking areas along the back of the site is to be modified to accommodate the new building. On-site work includes removal of several small trees and groundcover, grading and site preparation followed by the construction of a new three-story core and shell building.

**Off-site Improvements:** The project involves several off-site improvements that will be completed by the applicant, which will help improve pedestrian and bicycle connections to the site. The first improvement is to construct a new sidewalk along the west side of Mathilda Avenue to close a gap between the existing southbound (Valley Transit Authority) VTA Route bus stop north of California Avenue and the existing sidewalk at the intersection of California Avenue and Mathilda Avenue. New or upgraded sidewalks are commonly required for projects with substandard sidewalks that serve the site. The second improvement is to restore an adjacent public parking lot underneath the Mathilda Avenue overpass, which will include resurfacing and striping of parking spaces. Access to this parking lot is from an existing public access easement that runs through the subject property. Third, the applicant will diligently pursue the construction of a new pedestrian/bicycle path along the north side of the Caltrain (right-of-way) tracks, from the project site/public parking lot the Caltrain station to the east. The feasibility of a new pedestrian/bicycle path has not yet been evaluated because the improvement would be at the discretion of outside agencies, such as SamTrans and/or the Peninsular Corridor Joint Powers Board.

Construction Activities and Schedule: Site preparation and construction will begin immediately upon approval of entitlements and building permits. The proposed construction schedule spans approximately 12 months. Construction of the project will not involve pile driving or other extremely high noise-generating activities.

Surrounding Uses and Setting: The subject property is located on the south side of California Avenue, between Mathilda Avenue and Mary Avenue. The site is bordered along the north by a mix of industrial and multi-family residential uses. Surrounding uses to the east and west also include multi-family residential, with a fire station adjacent to the site along the east property line. Railroad tracks owned by the Peninsula Corridor Joint Powers Board (Caltrain) run along the south.

#### **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: Noren Caliva

Date: August 30, 2012

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
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Planning					
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, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use Chapters of the Sunnyvale General Plan
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"/>	General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan
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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 Chapter of the Sunnyvale General Plan and General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a>
10. 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 Air Installations Compatible Use Zones (AICUZ), Sunnyvale Zoning Map, Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
11. 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. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Air Installations Compatible Use Zones (AICUZ) Study Map
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, SMC <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 19.42 Noise Ordinance <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a>
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-">www.scv-</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?					<a href="http://habitatplan.org">habitatplan.org</a> Project Description
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a> 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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a> 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a>
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"/>	Community Character Chapter of the Sunnyvale General Plan, Sunnyvale Inventory of 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project description. Project archeological study and cultural resource survey.

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
24. Public Services - Would the project result in substantial adverse physical 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?	<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: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. See discussion for information about school impacts.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 AB 32
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 AB 32
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 checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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based on other substantial evidence 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"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

**#4. Population and Housing (Less than Significant):** The site is currently developed with a 40% FAR and the proposed project will result in 47.8% FAR. Projects with FARs up to 35% are permitted by right in the M-S zoning district. Projects with FARs above 35% are discretionary and require access to the citywide industrial development reserve. The current industrial pool balance exceeds 2 million square feet. The proposed development intensity is consistent with the existing General Plan and zoning designations for the site. The new office square footage would create opportunities for new jobs and could cause a small increase in the City's jobs/housing balance. Sunnyvale Municipal Code section 19.22.035 requires payment of a Housing Mitigation Fee for any new floor area exceeding 35% FAR in industrial zoning districts. Housing Mitigation Fees are paid at building permit issuance and may be subject to change annually based on the adopted fee schedule. Housing Mitigation Fees are intended to mitigate the potential housing impacts of new jobs by providing funds for the creation of new housing units. This is a standard Code requirement for all projects exceeding 35% FAR in industrial zoning districts and is therefore not a project-specific mitigation. With payment of the required Housing Mitigation Fee, the project will mitigate any potential population growth and job growth impacts. As a result, the project will not be inconsistent the Sunnyvale General Plan.

**#12. Moffet Federal Airfield AICUZ (Less than Significant):** The project site is located within the airport influence area for the Moffett Federal Airfield. According to the Air Installation Compatible Use Zones (AICUZ) Map, the project site is located in a "C2" zone with respect to accident potential. This zone is identified as having minimal accident potential, with office/research and development uses being normally acceptable. While some accident potential exists associated with the airfield, it is minimal. The project also triggers notification with the Federal Aviation Administration (FAA) regarding height related to take-off, landing and operations, which the applicant submitted on August 23, 2012. Therefore, the impact is determined to be less than significant and requires no mitigation.

**#20. Biological Resources (Less than Significant):** Several small trees are proposed for removal as part of this project, none of which are considered to be protected trees. Protected trees are defined by the Sunnyvale Municipal Code as any tree greater than 38 inches in circumference measured at 4.5 feet from the adjacent grade. The preliminary landscaping plan identifies several new replacement trees. The impact is determined to be less than significant and requires no mitigation.

**#23. Historic and Cultural Remains (Less than Significant with Mitigation):** The proposed project includes grading, land disturbance, and excavation for the new building. Although there are no known recorded archeological sites in the immediate area of the proposed building locations, there still remains the possibility of discovery of Native American remains during grading since there are archeological sites in the greater vicinity. In the event of a discovery, project

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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grading could result in potential disturbance of subsurface cultural resources which would result in a significant impact unless mitigated. There are no surface historic resources currently known to be on the project sites. Although the discovery of cultural resources on these sites is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level:

**WHAT:**

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

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

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

3) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

**WHEN:**

These mitigation measures shall be converted into conditions of approval for the Miscellaneous Plan Permit prior to its final approval. The conditions will become valid when the Miscellaneous Plan Permit is approved. Conditions will be applicable during the construction of the project.

**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 project construction plans.

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
Planning					

**#26-28. Air Quality (Less than Significant):** The project will result in both short term (construction-related) and long term (operational-related) emissions. An Air Quality and Greenhouse Gas Technical Report was prepared for this project by LSA Associates in June 2012. The report found that the project construction would result in average daily criteria pollutant emissions that will be well below the thresholds established by the Bay Area Air Quality Management District (BAAQMD). The report also found that the total project construction greenhouse gas emissions will be approximately 697.7 metric tons of CO<sub>2</sub>e, which is less than BAAQMD's threshold of 1,100 metric tons of CO<sub>2</sub>e. In addition, the report found operational-related criteria pollutant emissions will be well below the thresholds established by BAAQMD. The total operational-related greenhouse gas emissions will be approximately 3.8 metric tons of CO<sub>2</sub>e per service population, which is less than BAAQMD's threshold of 4.6 metric tons of CO<sub>2</sub>e per service population. With implementation of BAAQMD's Basic Control Measures, staff finds that the impacts will be less than significant.

Responsible Division: Planning Division

Completed by: Noren Caliva

Date: August 30, 2012

Use Permit/Vestin:

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Transportation					
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 Congestion Management Program, Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition
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 checked="" type="checkbox"/>	<input type="checkbox"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds), Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition
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, Sunnyvale Zoning Map
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, VTA Short Range Transit Plan

Use Permit/Vestir

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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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
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:

**#35-36. Capacity and Congestion Management (No Impact):** A Transportation Impact Analysis (TIA) was prepared by TJKM on August 22, 2012, which was coordinated by the City of Sunnyvale. The report found that the project will result in approximately 1,323 new daily vehicle trips (includes 5% trip discount for the applicant's implementation of a transportation demand management program with financial incentives to employees), with 186 trips during the a.m. peak hour and 187 during the p.m. peak hour. Trip estimates also accounts for the trips expected from the restored public parking lot through the project site. The TIA further found all 10 intersections studied will continue to operate at acceptable service levels with respect to project traffic under Existing plus Project Conditions (LOS D or better), acceptable service levels for project traffic under Background plus Project Conditions (LOS E or better), and acceptable service levels for project traffic under Background plus Project Conditions (LOS E or better). Therefore, impacts on existing roadways are expected to be less than significant with no mitigation measures required.

The TIA also evaluated the project site access for vehicles, transit, bicycle, and pedestrians. TJKM found the four existing access driveways to the site to be sufficient. The study further found sufficient access to existing transit services (five bus routes and the Sunnyvale Caltrain Station) within the vicinity. Pedestrian and bicycle access was also evaluated and found to be sufficient. While not required as mitigations for the project, the TIA also acknowledges that access will be further enhanced with the off-site improvements planned. TJKM also provided a an on-site parking analysis, finding that there is adequate parking on-site (1,651 parking spaces provided and 1,246 parking spaces provided). A total of 18 bicycle parking spaces will be required for the new building (14 Class I secured spaces and 4 Class II racks), per the Valley Transit Authority (VTA) Bicycle Technical Guidelines. Under the Guidelines, the existing buildings would be required to provide a total of 86 bicycle spaces. The existing site is deficient and provides approximately one-third of the spaces. TJKM recommends additional bicycle spaces to be added to the existing buildings as an improvement to the site. Therefore, the study found vehicle, transit, bicycle and pedestrian access for the site to be less than significant with no mitigation measures required.

The TIA further evaluated potential traffic and parking impacts during construction. The study found that the addition of construction truck traffic is not expected to have a significant impact. TJKM recommends that construction truck traffic be limited to using Mathilda Avenue (City-designated truck route), the California segment between Mathilda Avenue and the project driveways, and Sobrante Way, which provides direct access to Central Expressway and would generally avoid

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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residential uses. The consultant also recommends that construction truck access to the site be limited during weekday commute periods (7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.) to limit potential impacts to traffic operations. In addition, TJKM found there to be no anticipated parking supply impacts during construction.

All recommendations contained in the TIA will be included in the conditions of approval for the project. The project is also subject to payment of a transportation impact fee (TIF), currently assessed at approximately \$216,645.74 (does not include potential credit given for off-site improvements, such as sidewalks). With implementation of the recommendations in the TIA and payment of the TIF, impacts are expected to be less than significant.

Responsible Division: Planning Division

Completed by: Noren Caliva

Date: August 30, 2012

Building	Potentially Significant Impact	Less than Sig. with Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Building					
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
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 <a href="http://www.abag.ca.gov">www.abag.ca.gov</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
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
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 Noise Chapter of the Sunnyvale General Plan, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 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):** Per the Santa Clara County Geologic Hazard Zones maps, the project site is located in a liquefaction hazard zone. The Uniform Building Code contains a series of requirements to address safety issues regarding soil types. These standards must be met for a building permit to be issued. Through the City's implementation of the Uniform Building Code requirements for areas with potential for seismic activity, potential impacts related to liquefaction hazards will be less than significant and require no additional mitigation.

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Engineering					
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"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit</li> </ul>

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a></li> </ul>
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Project description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>RWQCB, Region 2 Municipal Regional Permit,</li> <li>Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a></li> <li>City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects</li> </ul>
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"/>	Environmental Management Chapter of the Sunnyvale General Plan
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Use Permit/Vestin

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?					
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Further Discussion if "Less Than Significant" with or without mitigation: None required.

Responsible Division: Public Works Engineering Division    Completed by: Noren Caliva    Date: August 30, 2012

Use Permit/Vestin

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Public Safety					
	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	
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 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"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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: Department of Public Safety

Completed by: Noren Caliva

Date: August 30, 2012

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Public Safety – Hazardous Materials					
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"/>	Sunnyvale Zoning Map 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phase I Environmental Site Assessment
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"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

**#67. Hazards and Hazardous Materials (Less than Significant):** A Phase I Environmental Site Assessment was completed by SCS Engineers in October 2008. The site has been historically used for agricultural purposes and as a cannery (Libby McNeil & Libby Canning Facility) until the 1980s. The site was later redeveloped with office and research and development uses in the mid-1980s and 1990s. The study acknowledges previous remediation on the site that was completed in 2001. During the evaluation, the study found that small volumes of chemicals are used at various locations related to Applied Signal Technologies, which occupies most of the buildings. However, materials were found to be stored in secured flammable storage lockers and no signs of significant spills, stains, or chemical odors were noted. The study revealed no evidence of Recognized Environmental Conditions and recommends no further assessment of the property.

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Community Services					
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 type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

## ENVIRONMENTAL SOURCES

Use Permit/Vestin

ATTACHMENT C  
Page 24 of 26

### City of Sunnyvale General Plan:

Sunnyvale General Plan Consolidated in (2011)  
[generalplan.inSunnyvale.com](http://generalplan.inSunnyvale.com)

- Community Vision
- Land Use and Transportation
- Community Character
- Housing
- Safety and Noise
- Environmental Management
- Appendix A: Implementation Plans

### City of Sunnyvale Municipal Code:

- Title 8 Health and Sanitation
- Title 9 Public Peace, Safety or Welfare
- Title 10 Vehicles and Traffic
- Title 12 Water and Sewers
- Chapter 12.60 Storm Water Management
- Title 13 Streets and Sidewalks
- Title 16 Buildings and Construction
  - Chapter 16.52 Fire Code
  - Chapter 16.54 Building Standards for Buildings Exceeding Seventy-Five Feet in Height
- Title 18 Subdivisions
- Title 19 Zoning
  - Chapter 19.28 Downtown Specific Plan District
  - Chapter 19.29 Moffett Park Specific plan District
  - Chapter 19.39 Green Building Regulations
  - Chapter 19.42 Operating Standards
  - Chapter 19.54 Wireless Telecommunication Facilities
  - Chapter 19.81 Streamside Development Review
  - Chapter 19.96 Heritage Preservation
- Title 20 Hazardous Materials

### Specific Plans:

- Downtown Specific Plan
- El Camino Real Precise Plan
- Lockheed Site Master Use Permit
- Moffett Park Specific Plan
- 101 & Lawrence Site Specific Plan
- Southern Pacific Corridor Plan
- Lakeside Specific Plan
- Arques Campus Specific Plan

### Environmental Impact Reports:

- Futures Study Environmental Impact Report

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

### Maps:

- General Plan Map
- Zoning Map
- City of Sunnyvale Aerial Maps
- Flood Insurance Rate Maps (FEMA)
- Santa Clara County Assessor's Parcel
- Utility Maps
- Air Installations Compatible Use Zones (AICUZ) Study Map
- 2010 Noise Conditions Map

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

- Subdivision Map Act
- San Francisco Bay Region
- Municipal Regional Stormwater NPDES Permit
- Santa Clara County Valley Water District Groundwater Protection Ordinance
- Section 404 of Clean Water Act

### Lists / Inventories:

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory

## ENVIRONMENTAL SOURCES

Use Permit/Vesting

ATTACHMENT C  
Page 25 of 26

- Hazardous Waste & Substances Sites List (State of California)
- List of Known Contaminants in Sunnyvale
- USFWS / CA Dept. F&G Endangered and Threatened Animals of California  
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- The Leaking Underground Petroleum Storage Tank List  
[www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)
- The Federal EPA Superfund List  
[www.epa.gov/region9/cleanup/california.html](http://www.epa.gov/region9/cleanup/california.html)
- The Hazardous Waste and Substance Site List  
[www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)

### Guidelines and Best Management Practices

- Storm Water Quality Best Management Practices Guidelines Manual 2007
- Sunnyvale Citywide Design Guidelines
- Sunnyvale Industrial Guidelines
- Sunnyvale Single-Family Design Techniques
- Sunnyvale Eichler Guidelines
- Blueprint for a Clean Bay
- Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams
- The United States Secretary of the Interior's Guidelines for Rehabilitation
- Criteria of the National Register of Historic Places
- Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012)

### Transportation:

- California Department of Transportation Highway Design Manual
- California Department of Transportation Traffic Manual
- California Department of Transportation Standard Plans & Standard Specifications
- Highway Capacity Manual
- Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- Institute of Transportation Engineers - Traffic Engineering Handbook
- Institute of Transportation Engineers - Manual of Traffic Engineering Studies

- Institute of Transportation Engineers - Transportation Planning Handbook
- Institute of Transportation Engineers - Manual of Traffic Signal Design
- Institute of Transportation Engineers - Transportation and Land Development
- U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- California Vehicle Code
- Santa Clara County Congestion Management Program and Technical Guidelines
- Santa Clara County Transportation Agency Short Range Transit Plan
- Santa Clara County Transportation Plan
- Traffic Volume Studies, City of Sunnyvale Public Works Department of Traffic Engineering Division
- Statewide Integrated Traffic Records System
- Sunnyvale Zoning Ordinance -- including Titles 10 & 13
- City of Sunnyvale General Plan -- land Use and Transportation Element
- City of Sunnyvale Bicycle Plan
- City of Sunnyvale Neighborhood Traffic Calming Program
- Valley Transportation Authority Bicycle Technical Guidelines
- Valley Transportation Authority Community Design & Transportation -- Manual of Best Practices for Integrating Transportation and Land Use
- Santa Clara County Sub-Regional Deficiency Plan
- City of Sunnyvale Deficiency Plan
- AASHTO: A Policy on Geometric Design of Highways and Streets

### Public Works:

- Standard Specifications and Details of the Department of Public Works
- Storm Drain Master Plan
- Sanitary Sewer Master Plan
- Water Master Plan
- Solid Waste Management Plan of Santa Clara County
- Geotechnical Investigation Reports
- Engineering Division Project Files

## ENVIRONMENTAL SOURCES

Use Permit/Vesting

ATTACHMENT C  
Page 26 of 26

- Subdivision and Parcel Map Files

### Miscellaneous Agency Plans:

- ABAG Projections 2010
- Bay Area Clean Air Plan
- BAAQMD CEQA Guidelines

### Building Safety:

- California Building Code,
- California Energy Code
- California Plumbing Code,
- California Mechanical Code,
- California Electrical Code
- California Fire Code
- Title 16.52 Sunnyvale Municipal Code
- Title 16.53 Sunnyvale Municipal Code
- Title 16.54 Sunnyvale Municipal Code
- Title 19 California Code of Regulations
- National Fire Protection Association (NFPA) standards

### Additional Project References:

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 5/11/12
- Project Traffic Impact Analysis (TJKM, August 2012)
- Project Air Quality Analysis (LSA Associates, June 2012)
- Project Phase I Environmental Site Assessment (SCS Engineers, October 2008)
- Field Inspection
- Project Draft Storm Water Management Plan
- Project LEED Checklist

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Other

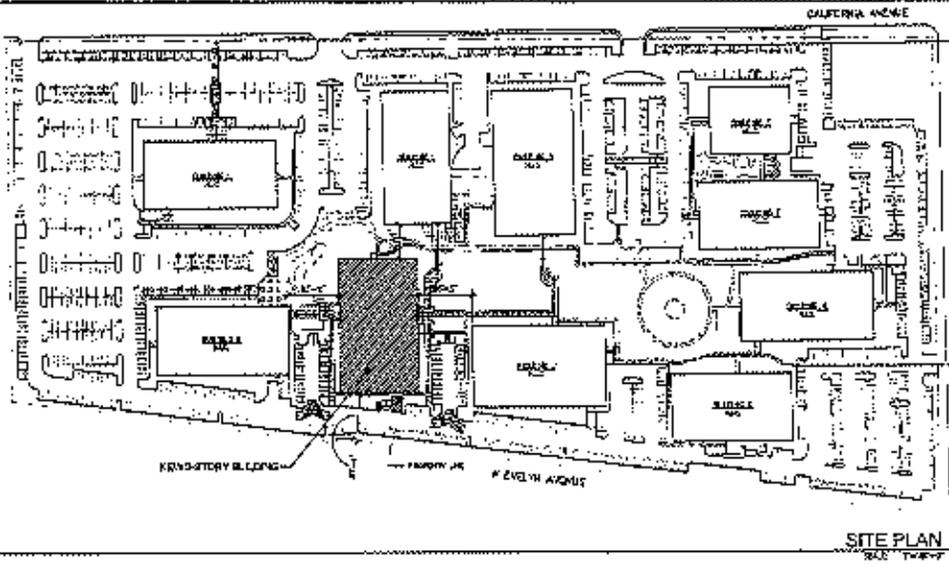
# **Attachment D**

# SUNNYVALE BUSINESS PARK

600 WEST CALIFORNIA AVENUE  
 SUNNYVALE, CALIFORNIA  
 PLANNING RE-SUBMITTAL  
 MAY 11, 2012

**WARE MALCOMB**  
 LEAD ARCHITECT FOR DETERMINED BUILDING

## CONTEXT MAP



SITE PLAN  
 SCALE: 1/8" = 1'-0"

## ARCHITECT

**WARE MALCOMB**

2800 CALIFORNIA AVENUE, SUITE 200  
 SUNNYVALE, CA 94088

## OWNER

**LEGACY PARTNERS**

2800 CALIFORNIA AVENUE, SUITE 100  
 SUNNYVALE, CA 94088

## GENERAL CONTRACTOR

**LUSARDI CONSTRUCTION**

2800 CALIFORNIA AVENUE, SUITE 100  
 SUNNYVALE, CA 94088

## ARCHITECT'S CONSULTANTS

### LANDSCAPE ARCHITECT

CALLA LANDSCAPE ARCHITECTS, INC.  
 2800 CALIFORNIA AVENUE, SUITE 100  
 SUNNYVALE, CA 94088

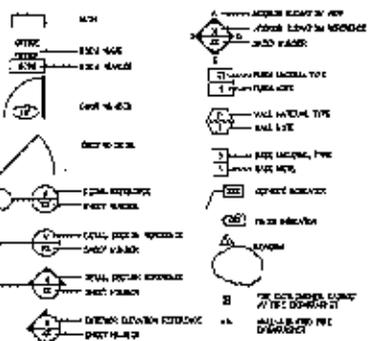
### CIVIL ENGINEER

WARE MALCOMB  
 2800 CALIFORNIA AVENUE, SUITE 200  
 SUNNYVALE, CA 94088

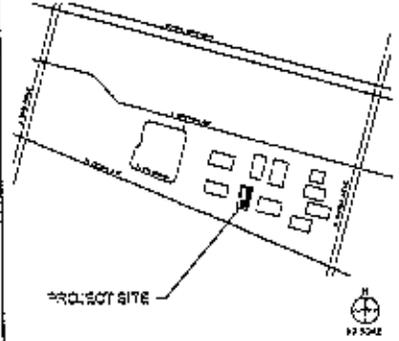
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 SUNNYVALE, CA 94088

**SUNNYVALE BUSINESS PARK**  
 600 WEST CALIFORNIA AVENUE  
 SUNNYVALE, CALIFORNIA

## SYMBOLS



## VICINITY MAP



## PROJECT DESCRIPTION

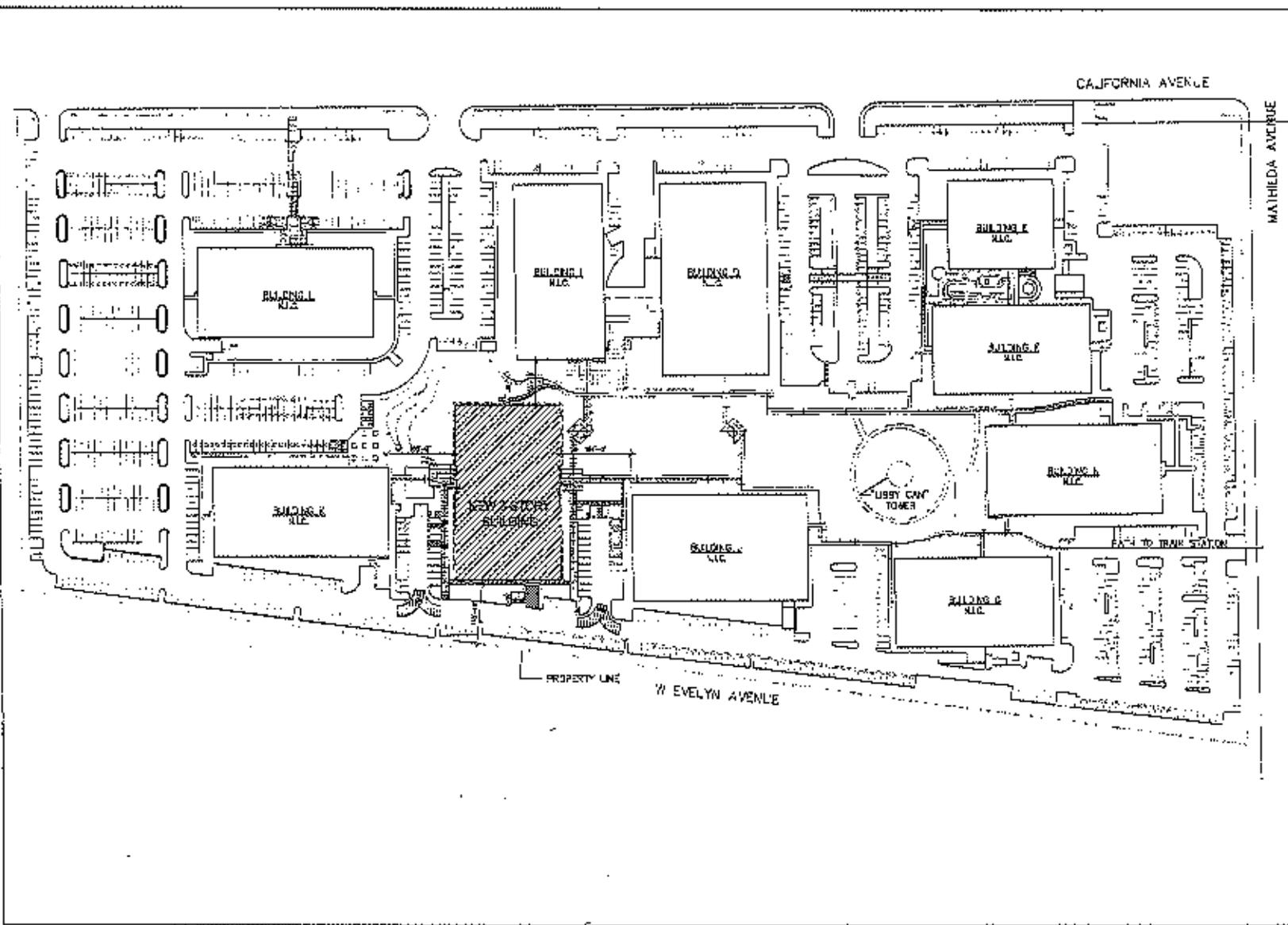
THIS PROJECT IS A RE-SUBMITTAL OF THE PLANNING APPLICATION FOR THE SUNNYVALE BUSINESS PARK, 600 WEST CALIFORNIA AVENUE, SUNNYVALE, CALIFORNIA. THE PROJECT CONSISTS OF THE REVISION OF THE PLANNING APPLICATION TO REFLECT THE REVISIONS TO THE ARCHITECTURAL AND LANDSCAPE ARCHITECTURE PLANS. THE PROJECT IS A RE-SUBMITTAL OF THE PLANNING APPLICATION FOR THE SUNNYVALE BUSINESS PARK, 600 WEST CALIFORNIA AVENUE, SUNNYVALE, CALIFORNIA. THE PROJECT CONSISTS OF THE REVISION OF THE PLANNING APPLICATION TO REFLECT THE REVISIONS TO THE ARCHITECTURAL AND LANDSCAPE ARCHITECTURE PLANS.

## SHEET INDEX

ARCHITECTURAL	
101	TRAIL PLAN
102	TRAIL PLAN
103	TRAIL PLAN
104	TRAIL PLAN
105	TRAIL PLAN
106	TRAIL PLAN
107	TRAIL PLAN
108	TRAIL PLAN
109	TRAIL PLAN
110	TRAIL PLAN
111	TRAIL PLAN
112	TRAIL PLAN
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114	TRAIL PLAN
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 Leading Design for Commercial Real Estate

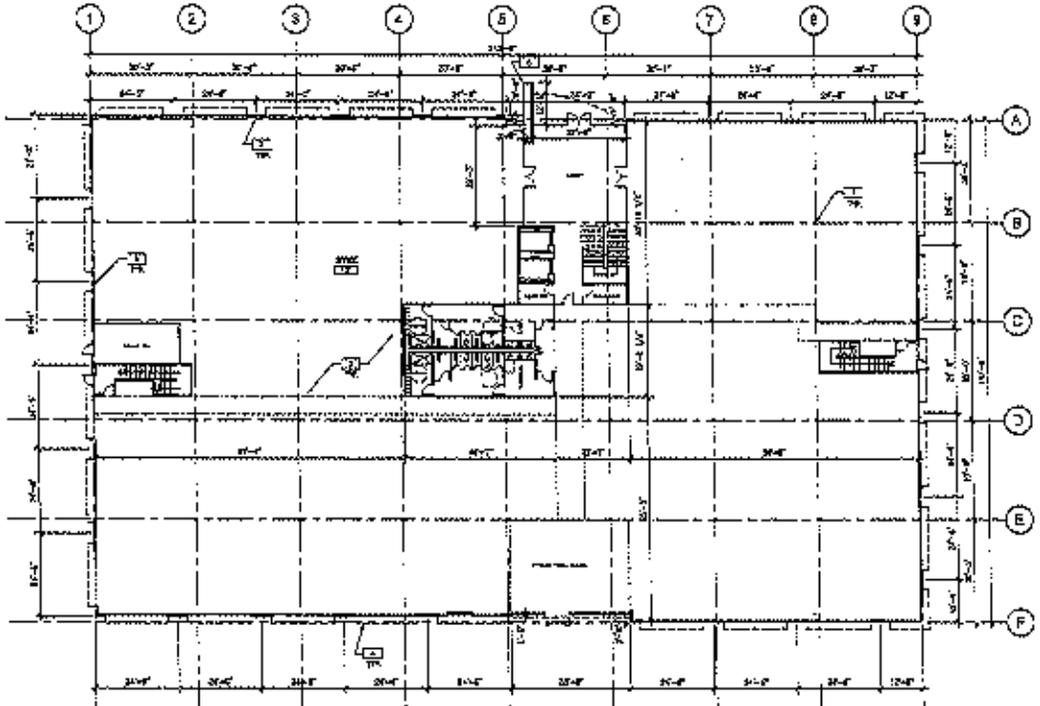
Architect  
 1000 West Evelyn Avenue  
 Sunnyvale, CA 94086  
 Phone: (408) 253-1000  
 Fax: (408) 253-1001  
 www.warrenmalcomb.com

**SUNNYVALE BUSINESS PARK**  
 600 WEST CALIFORNIA AVENUE  
 SUNNYVALE, CALIFORNIA

ATTACHMENT **D**  
 Page 3 of 10

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FIRST FLOOR PLAN

PLAN SPECIFIC NOTES

- 1. CONCRETE SLAB
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Landscape Architectural Firm

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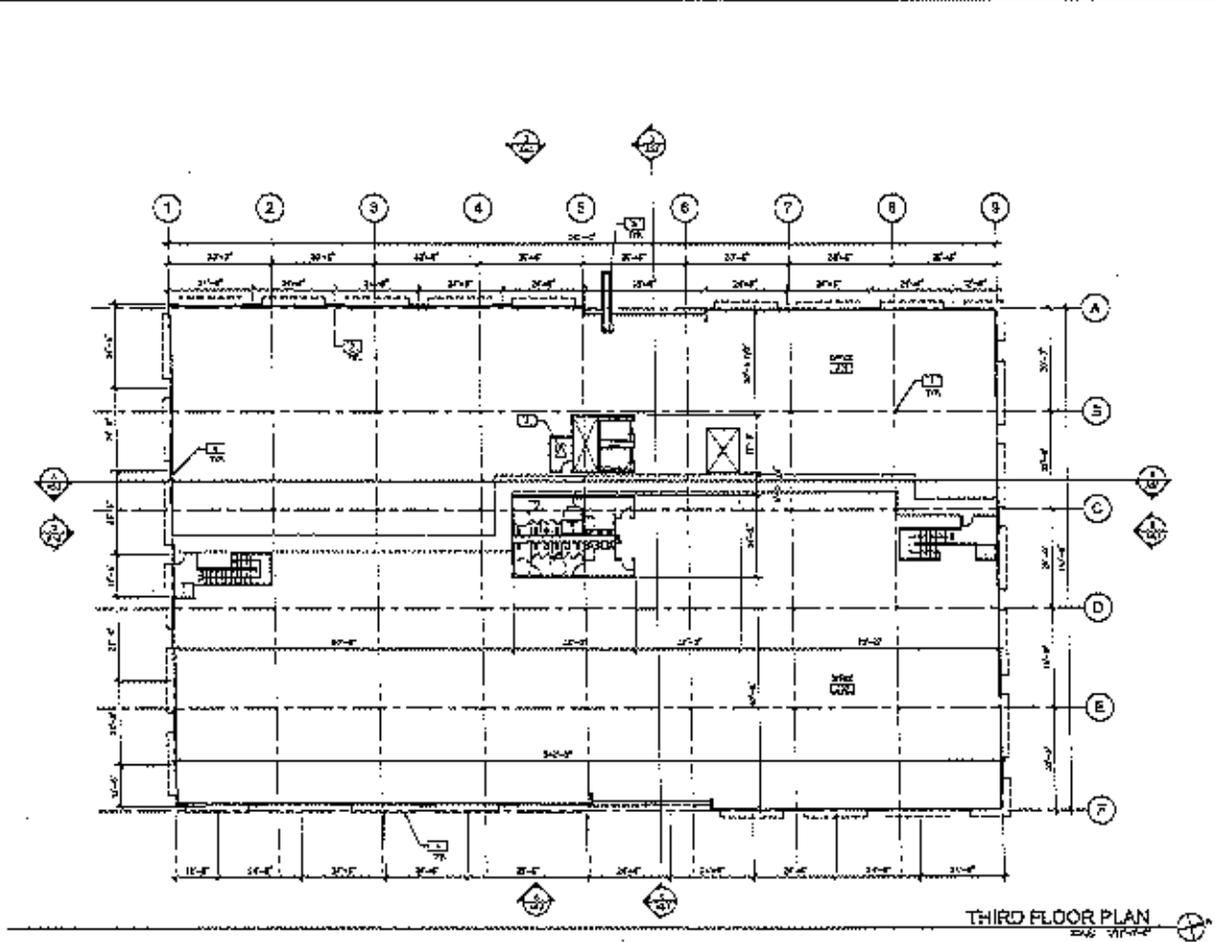
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THIRD FLOOR PLAN  
DATE: 10/10/00

- PLAN SPECIFIC NOTES**
- 1. ELECTRICAL SYMBOLS
  - 2. CONSTRUCTION SYMBOLS, PLEASE REFER TO THE SPECIFICATIONS FOR THE LATEST EDITION.
  - 3. ROOM ACCESS SYMBOLS
  - 4. ELEVATOR SYMBOLS
  - 5. STAIR SYMBOLS
  - 6. WINDOW SYMBOLS
  - 7. FLOOR FINISH SYMBOLS
  - 8. SEE THE ARCHITECT'S SPECIFICATIONS FOR THE LATEST EDITION.

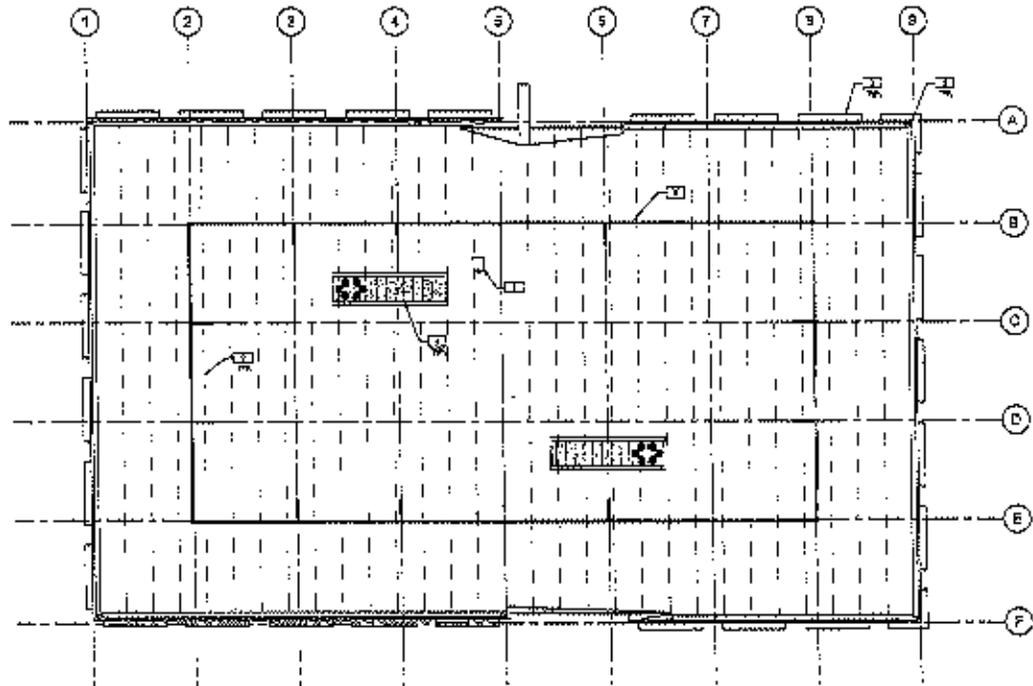
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  - 2. ROOMS TO BE ADDED
  - 3. ROOMS TO BE REFINISHED
  - 4. ROOMS TO BE REPAIRED
  - 5. ROOMS TO BE RENOVATED
  - 6. ROOMS TO BE RESTORED
  - 7. ROOMS TO BE RELOCATED
  - 8. ROOMS TO BE RECONFIGURED
  - 9. ROOMS TO BE REDESIGNED
  - 10. ROOMS TO BE RESTRUCTURED

**WARE MALCOMB**  
 LEADING DESIGNER FOR CONSTRUCTION PROJECTS

ARCHITECT  
 1000 WEST CALIFORNIA AVENUE  
 SUITE 100  
 CARSONVILLE, CALIFORNIA 95621  
 (916) 434-1111

**JUNYVALE BUSINESS PARK**  
 600 WEST CALIFORNIA AVENUE  
 CARSONVILLE, CALIFORNIA

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ROOF PLAN  
SCALE: 1/8" = 1'-0"

PLAN SPECIFIC NOTES

- MECH. ROOM
- MECH. ROOM FLOOR SLAB (SEE 24)
- MECH. ROOM FLOOR
- MECH. ROOM ROOF (SEE 24)

**WARE MALCOMB**  
ARCHITECTS  
1000 WEST 10TH AVENUE  
DENVER, CO 80202

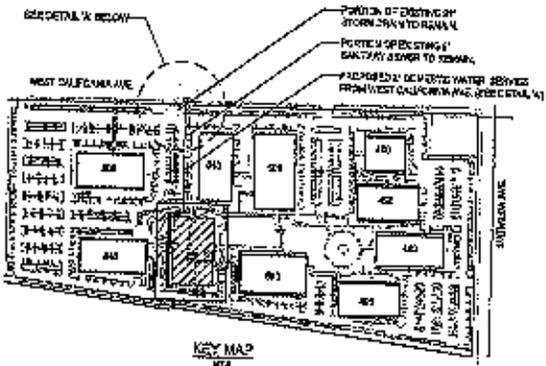
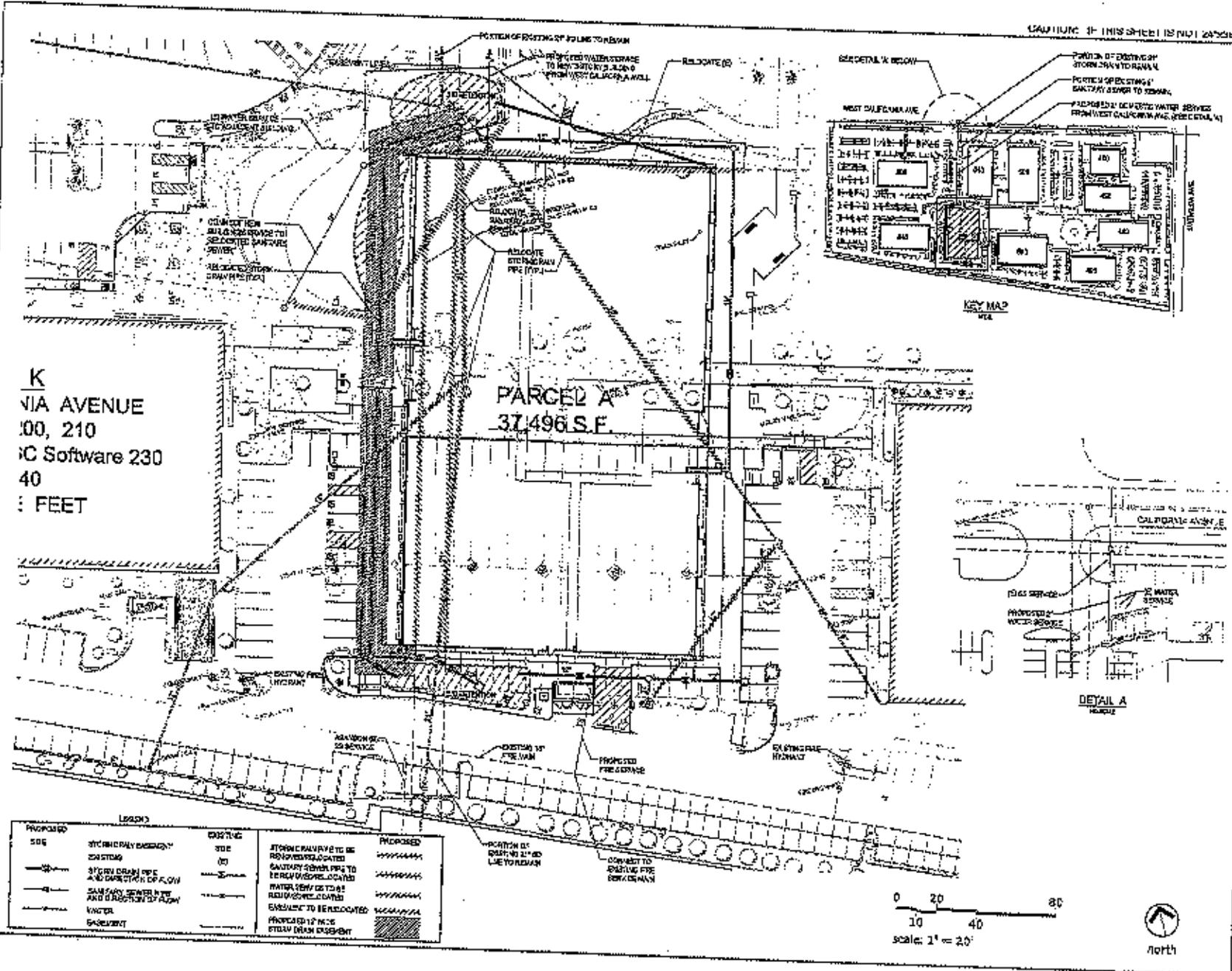
ARCHITECT  
ENGINEER  
PLUMBER  
MECHANICAL  
ELECTRICAL  
MECHANICAL  
MECHANICAL

**SUNNYVALE BUSINESS PARK**  
800 WEST 10TH AVENUE  
DENVER, CO 80202

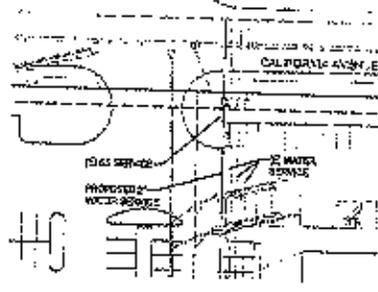
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KEY MAP

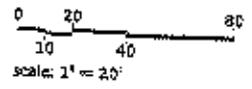


DETAIL A

K  
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FEET

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37,496 S.F.

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STORM DRAIN PIPE AND GROUND SIGN OF FLOW	STORM DRAIN PIPE AND GROUND SIGN OF FLOW	SANITARY SEWER PIPE AND GROUND SIGN OF FLOW
WATER	WATER	PROPOSED 12\"/>
BASEMENT	BASEMENT	PROPOSED 12\"/>



WALE MALCOMB  
Landscape Architecture



WYVALE BUSINESS PARK  
WEST CALIFORNIA AVENUE  
SUNNYVALE, CALIFORNIA

ATTACHMENT  
Page 9 of 10

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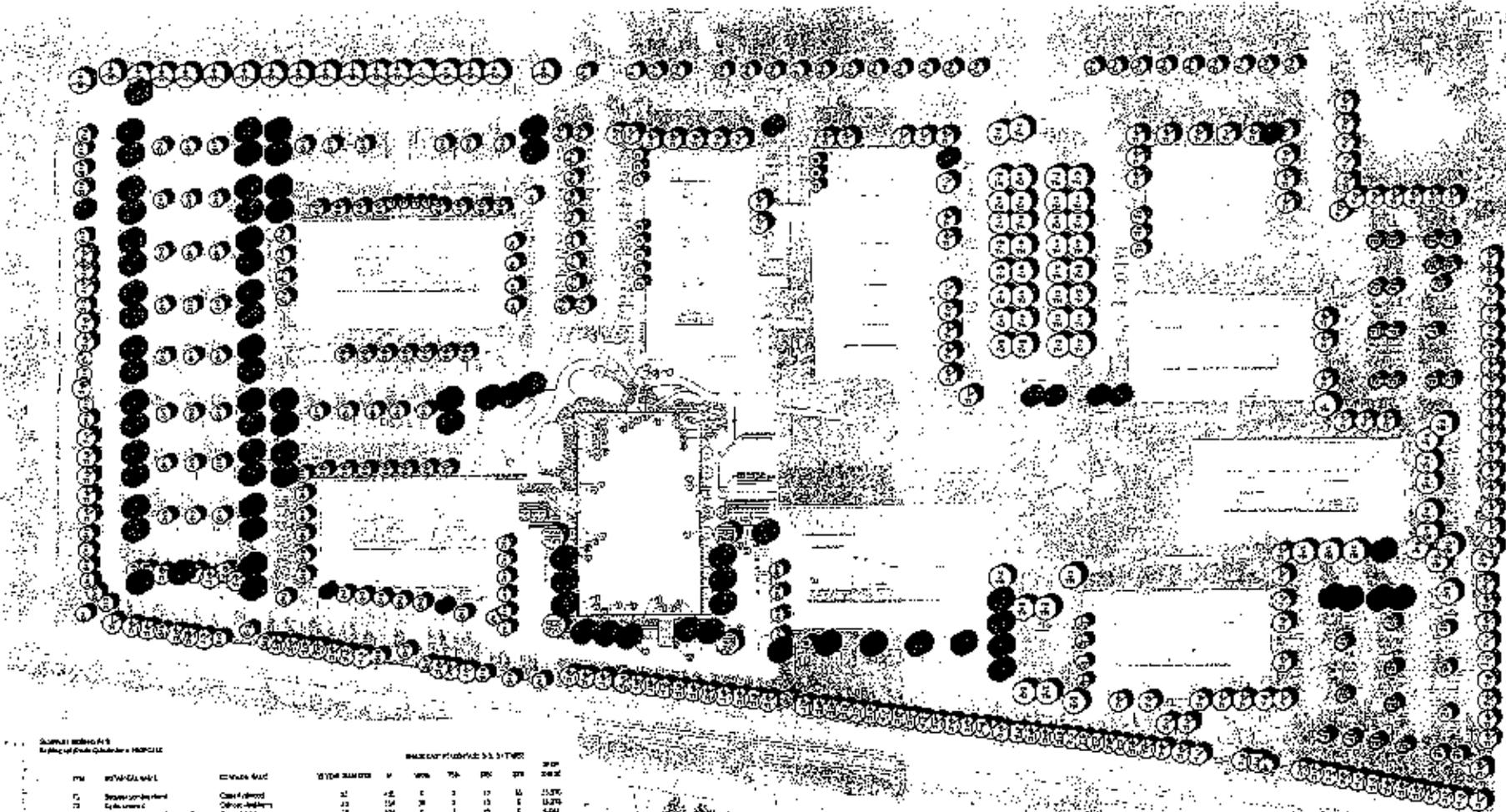


TABLE 1: TREE SCHEDULE  
 Schedule of Tree Quantities and Species

ITEM	SUNNYVALE OFFICE	SPECIES NAME	SCHEDULE QUANTITIES					TOTAL
			EXISTING	PROPOSED	REMOVED	NET	PERCENT	
01	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
02	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
03	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
04	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
05	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
06	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
07	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
08	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
09	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
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11	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
12	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
13	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
14	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
15	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
16	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
17	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
18	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
19	Redwood	Quercus agrifolia	12	12	0	12	12.0%	
20	Redwood	Quercus agrifolia	12	12	0	12	12.0%	

EXISTING TREES - 15 YEAR SPREAD  
 PROPOSED TREES - 15 YEAR SPREAD  
 SHADE CREDIT  
 (F) 100%  
 (TC) 75%  
 (H) 50%  
 (Q) 25%

**SUNNYVALE OFFICE**  
 PARKING

# **Attachment E**



## USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

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

OR

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 as ...

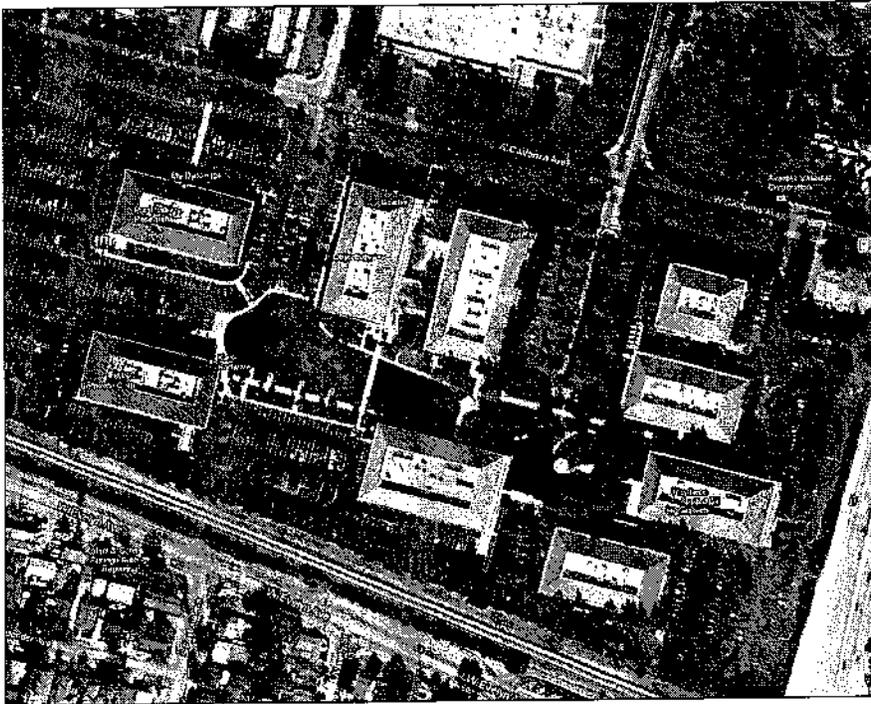
NEW BUILDING IS 3-STORY INFILL SITE TO EXISTING 9 BUILDING OFFICE CAMPUS. BUILDING DESIGN COMPLEMENTS EXISTING BUILDING ARCHITECTURE. LANDSCAPING IS CONSISTANT WITH EXISTING CAMPUS. PARKING TO MEET CITY STANDARDS HAS BEEN PROVIDED.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

# **Attachment F**

TJKM  
Transportation  
Consultants

Vision That Moves Your Community



*Image Source: Google Earth*

**Draft Transportation  
Demand Management  
Plan for 600 W.  
California Avenue  
Office Expansion**

In the City of Sunnyvale

August 20, 2012

Pleasanton  
Fresno  
Sacramento  
Santa Rosa



TJKM  
Transportation  
Consultants

Vision That Moves Your Community

**Draft Transportation Demand Management Plan for 600 W.  
California Avenue Office Expansion**

In the City of Sunnyvale

August 20, 2012



[www.tjkm.com](http://www.tjkm.com)

Prepared by:  
TJKM Transportation Consultants  
3875 Hopyard Road  
Suite 200  
Pleasanton, CA 94588-8526  
Tel: 925.463.0611  
Fax: 925.463.3690



## Table of Contents

<b>Introduction.....</b>	<b>1</b>
Project Location and Proposal.....	1
Project Trip Generation Estimate and Trip Reduction Goal .....	1
<b>Transportation Facilities and Services .....</b>	<b>5</b>
Bicycle Facilities .....	5
Pedestrian Facilities.....	5
Transit Service .....	6
Commuter Rail and Connecting Shuttles .....	6
Light Rail Transit.....	6
VTA Bus Routes .....	7
High-Occupancy Vehicle Lanes .....	8
<b>Proposed TDM Measures and Strategies .....</b>	<b>11</b>
Building-Related Measures .....	11
Building Entries.....	11
Building Setbacks.....	11
Building Wiring.....	11
Parking Design Measures.....	11
Parking Supply.....	11
Parking Configuration and Location.....	12
Preferential Parking.....	12
Pedestrian Design Elements.....	12
Bicycle Amenities / Design Measures .....	12
Bicycle Parking.....	12
Showers and Lockers .....	13
Bicycle Resources .....	13
External Multimodal Design Measures.....	13
Transit Measures .....	14
Carpool and Vanpool Programs .....	14
Ridematching Assistance .....	14
Subsidized Vanpool Expenses .....	14
Carpool / Vanpool Incentives .....	14
Transportation Resources .....	15
Transportation Coordinator .....	15
New Tenant Employee Information Packet.....	16
Kick-Off Event.....	16
Commuter Information Center .....	16
Trip Planning Resources .....	16
Try Transit Program .....	17
<b>Monitoring, Evaluation, and Reporting.....</b>	<b>18</b>
Annual Driveway Counts .....	18
Annual Commute Surveys .....	18
Annual Summary Report.....	18
<b>Study References .....</b>	<b>19</b>
TJKM Personnel.....	19
Persons Consulted.....	19
References .....	19

TJKM  
Transportation  
Consultants



**List of Figures**

Figure 1: Vicinity Map ..... 3  
Figure 2: Project Site Plan..... 4  
Figure 3: Existing Bicycle Facilities..... 9  
Figure 4: Existing Transit and Shuttle Service..... 10

**List of Tables**

Table I: Proposed Project Trip Generation ..... 2  
Table II: Existing Transit Service within Study Area..... 7

## Introduction

The overall objective of the Transportation Demand Management (TDM) Program at 600 W. California Avenue is to reduce expected onsite daily and peak hour trip generation by providing commute alternatives to driving alone and strategies that encourage use of these alternatives. Commute alternatives include carpooling and vanpooling, public and private transit, bicycling and walking, and other non-single-occupant vehicle options.

Transportation Demand Management (TDM, also known as *Mobility Management*) is a general term referring to various strategies aimed at increasing overall transportation system efficiency and achieving specific community planning objectives. TDM treats mobility as a means to an end, rather than an end in itself. When implemented, TDM measures help individuals and communities meet their transport needs in the most efficient way, which often reduces total vehicle traffic. TDM prioritizes travel based on the value and cost of each trip, giving higher value trips and lower cost modes priority over lower value, higher cost travel, when doing so increases overall system efficiency. For example, a higher value trip would be bicycling to work while a lower value trip would be driving alone to work. TDM measures emphasize the movement of people and goods, rather than motor vehicles, and so give priority to public transit, ridesharing and non-motorized travel, particularly under congested traffic conditions.

There are many different TDM strategies with a variety of transportation impacts. Some improve the transportation options available to commuters, while some induce changes in trip scheduling, route, destination, or travel mode. Other strategies reduce the need for physical travel through more efficient land use or transportation substitutes, such as telecommuting. TDM is an increasingly common response to transportation congestion issues. Although most individual TDM strategies only affect a small portion of total travel, the cumulative impacts of a comprehensive TDM program can be significant.

This report details the vehicle trip reduction goal for the overall 600 W. California Avenue site; available alternative transportation modes and services, including public transportation, bicycling, walking and high-occupancy vehicle lanes; proposed TDM measures and strategies for the overall site; and TDM program monitoring, evaluation, and reporting requirements.

### **Project Location and Proposal**

The proposed 600 W. California Avenue Office Expansion is to be located within an existing 9-building office complex on the south side of California Avenue between Pajaro Avenue and Mathilda Avenue in the City of Sunnyvale. The project site is bounded by a residential development to the west, the Caltrain rail right-of-way to the south, Mathilda Avenue to the east, and California Avenue to the north. The proposed project consists of constructing a new three-story office building with a total of 105,750 sq. ft. gross floor area and 23 additional vehicular parking stalls. The project footprint would displace 99 existing parking stalls onsite. Figure 1 illustrates the study area in the project site vicinity. Figure 2 shows the proposed project site plan.

### **Project Trip Generation Estimate and Trip Reduction Goal**

TJKM developed expected trip generation for the proposed project based on published data in the Institute of Transportation Engineers' (ITE) reference Trip Generation (8th Edition, 2008). TJKM used ITE Code 710, General Office Building, to develop trip generation for the proposed project.

City requirements are for the project sponsor to incorporate a minimum 20 percent reduction in total daily vehicle trips and minimum 25 percent reduction in peak hour vehicle trips. It should be noted that these reductions have been established based on the total daily and peak hour trips not only for the proposed new building but also for existing buildings on the remainder of the site.

Table I shows expected trip generation for the proposed project, including the 20 percent daily and 25 percent peak hour trip reduction requirements. Without trip reduction, the proposed 105,750-square foot office building is expected to generate 1,393 daily vehicle trips, including 196 during the a.m. peak hour and 197 during the p.m. peak hour. With trip reduction through employer implementation of TDM programs and measures, the proposed office building is expected to generate a net of 1,114 daily vehicle trips, including 147 during the a.m. peak hour and 148 during the p.m. peak hour. This means that TDM programs and measures to be implemented by the project sponsor will need to reduce daily vehicle trips for the proposed project by at least 279, a.m. peak hour trips by at least 49, and p.m. peak hour trips by at least 148. Proposed TDM programs and measures to help meet these trip reduction goals are identified later in this report.

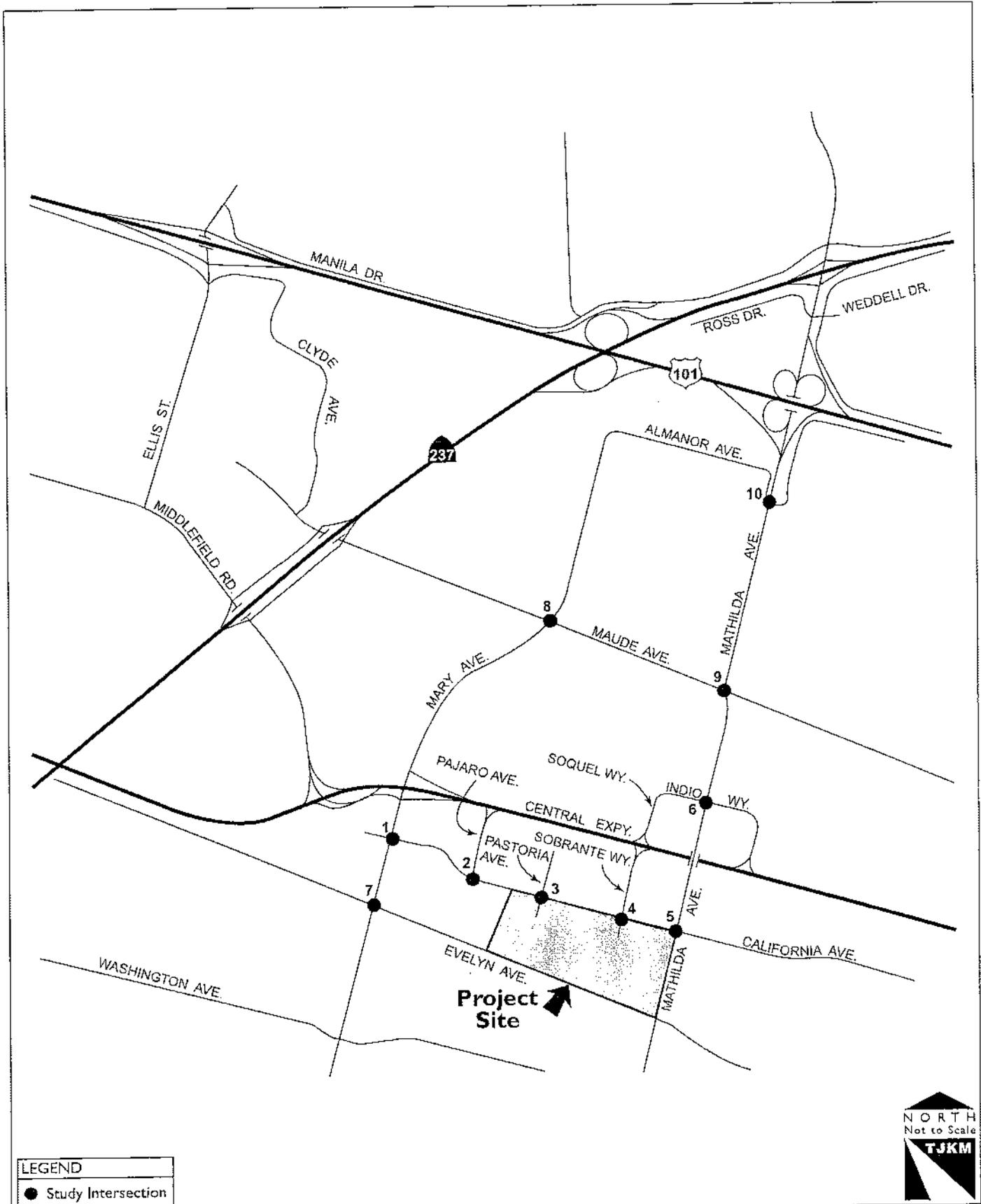
**Table I: Proposed Project Trip Generation**

Land Use (ITE Code)	Size	Daily		A.M. Peak Hour				P.M. Peak Hour			
		Rate	Trips	Rate	In Trips	Out Trips	Total Trips	In	Trips	Out Trips	Total Trips
General Office Building (710)	105,750 ksf GFA	Eq. A	1,393	Eq. B	172	24	196	Eq. C	33	164	197
TDM Reduction (20% of daily; 25% of peak hour)			-279		-43	-6	-49		-8	-41	-49
<b>Totals (With TDM Reduction)</b>			<b>1,114</b>		<b>129</b>	<b>18</b>	<b>147</b>		<b>25</b>	<b>123</b>	<b>148</b>

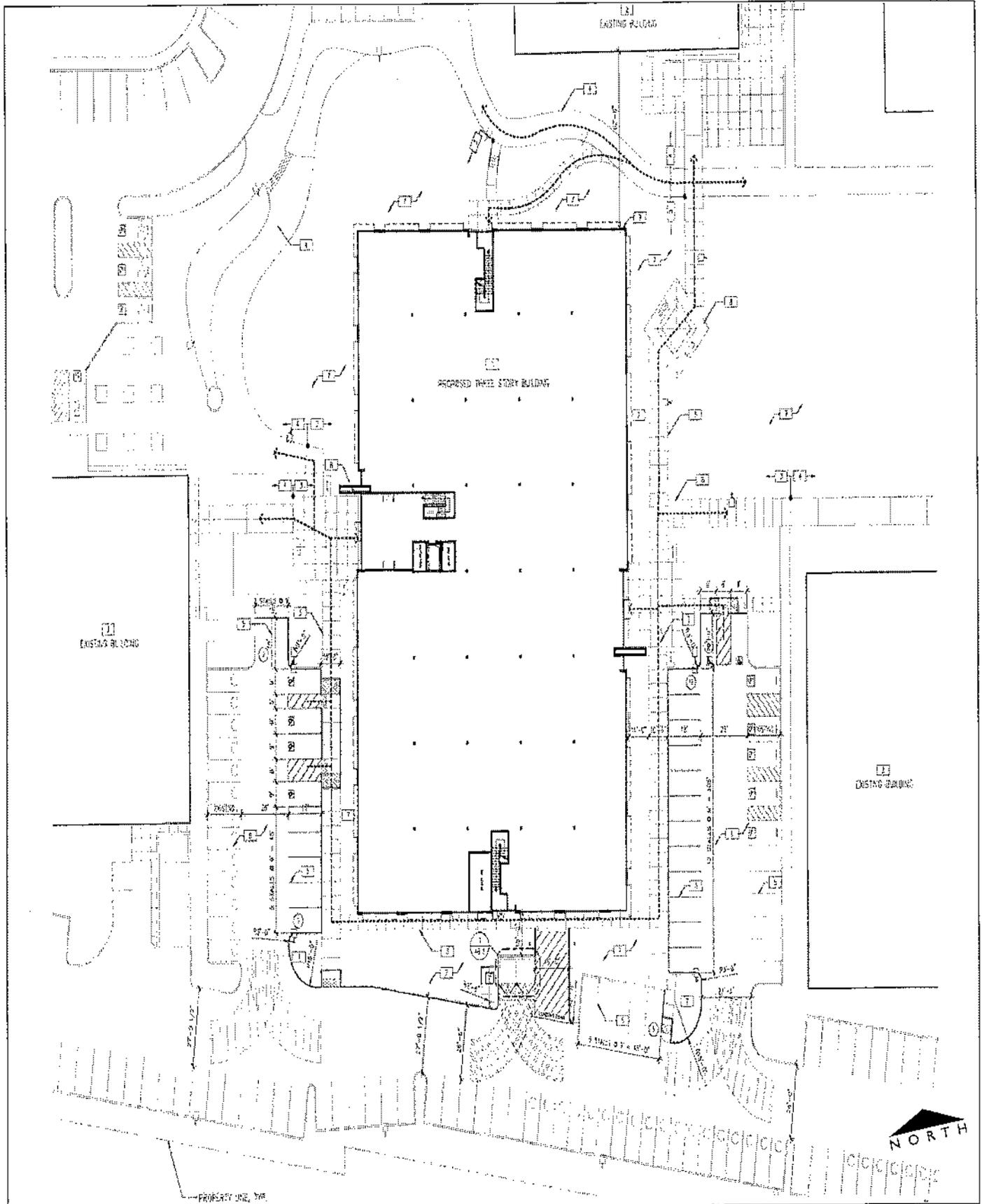
- Notes: 1) Equation A:  $\ln(T) = 0.77 \ln(X) + 3.65$   
 2) Equation B:  $\ln(T) = 0.80 \ln(X) + 1.55$   
 3) Equation C:  $T = 1.12(X) + 78.81$   
 4) T = Average Vehicle Trip Ends, X = 1000 Sq. Feet Gross Floor Area  
 5) Five percent transportation demand management (TDM) is maximum reduction from VTA Transportation Impact Analysis Guidelines allowed for employers providing financial incentives and shuttle provisions to reduce single-occupant driving to the site.

Sources: Trip Generation Manual (ITE, 8th Edition, 2008), VTA Transportation Impact Analysis Guidelines (2012)

City of Sunnyvale - Transportation Demand Management Plan for 600 West California Ave. Office Expansion Figure 1  
 Vicinity Map



City of Sunnyvale - Transportation Demand Management Plan for 600 West California Ave. Office Expansion Figure 2  
Project Site Plan 2



## Transportation Facilities and Services

The proposed project vicinity features transportation facilities and services that support sustainable transportation modes, including bicycle facilities, pedestrian facilities, commuter rail, light rail transit (LRT), buses and private shuttles, and high-occupancy vehicle lanes. This section describes existing and planned transportation facilities and services in the vicinity of the 600 W. California Avenue Office Expansion Project.

### Bicycle Facilities

Bicycle facilities are classified in three ways: off-street paths separated from auto traffic (Class I), on-street striped lanes (Class II), and on-street signed routes in which bicycles share the roadway with other vehicles (Class III). Currently near the project site, Class II bicycle lanes are provided along the following roadways:

- Evelyn Avenue from Downtown Mountain View to Reed Avenue
- Maude Avenue between SR 237 and Pastoria Avenue
- Central Expressway – though not explicitly signed or striped as a bicycle lane, County Roads permits bicycles to ride on the existing wide roadway shoulders

In addition, a Class III bicycle route is currently designated along Mary Avenue south of Maude Avenue. The City of Sunnyvale is currently analyzing how to accommodate Class II lanes along the roadway section between Maude Avenue and Fremont Avenue.

In terms of Class I off-street bicycle paths, the Stevens Creek Trail is the closest. It is located just east of downtown Mountain View and west of the project site. Figure 3 shows the location of all existing bicycle facilities within the study area.

It should also be noted that VTA has adopted the Santa Clara Countywide Bicycle Plan (CBP). The CBP guides the development of major bicycling facilities by designating Cross County Bicycle Corridors and identifying bicycle projects of countywide or intercity significance. Several of these routes travel through the study area, including routes along Mary Avenue, Maude Avenue, Middlefield Road, Ellis Street, and Manila Drive/Moffett Park Drive.

In terms of future bicycle facilities within the study area, funding was recently approved to construct Class II bicycle lanes along Mathilda Avenue between California and Maude Avenue. In the future, shared use markings are additionally planned along Mathilda Avenue through the U.S. 101 interchange area. Class II facilities are also planned along Maude Avenue east of Mathilda Avenue and along Mary Avenue between Maude Avenue and Fremont Avenue. Lastly, along California Avenue through the project area, shared use markings are planned.

Based on pedestrian and bicycle volumes collected in the project vicinity in March-April 2011 and May 2012, it is noted that there is moderate bicycle use along California Avenue during weekday peak hours. Most other study intersections currently experience low bicycle use. It is also noted that along Mathilda Avenue, pedestrian volumes are low. From the collected pedestrian volumes, it appears that pedestrians typically use the existing marked crossings at most intersections.

### Pedestrian Facilities

Pedestrian facilities typically consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. Adjacent to the project site and beginning west of Sobrante Way, sidewalks are provided on both sides of California Avenue. East of Sobrante Way to Mathilda Avenue, a sidewalk

is provided only on the south side of California Avenue. Most study intersections in the project vicinity include crosswalks and pedestrian signals on all approaches, including California Avenue at Mathilda Avenue near the project site. The City recently upgraded signals at this intersection for vehicles and pedestrians as part of the completed Downtown Mathilda Bridge Project.

At the California / Pastoria / site driveway intersection, no crosswalks are provided, although existing wheelchair ramps are located at all four corners. Ramps are similarly provided at the California / Sobrante / site driveway intersection, with a crosswalk across the south (driveway) leg of the intersection.

### **Transit Service**

#### ***Commuter Rail and Connecting Shuttles***

Caltrain provides commuter rail service between San Francisco and San Jose, with limited service to Gilroy during weekday commute hours. The closest station to the 600 W. California Avenue Office Expansion project site is Sunnyvale Station. During the weekday morning commute period between 6:00 a.m. and 9:00 a.m., the station is served by three baby bullet (express) trains and six limited-stop trains in the northbound direction with headways between five and 40 minutes. Southbound trains during the morning commute period consist of two limited-stop trains and two local trains with 30- to 60-minute headways. During the afternoon commute peak period between 4:00 p.m. and 7:00 p.m., southbound trains serving the station consist of two baby bullet (express) trains, five limited-stop trains, and one local train with headways ranging from four to 35 minutes. Northbound service at the station during the afternoon commute peak period consists of two-limited stop trains with 60-minute headways.

Sunnyvale Station is located approximately 3/5-mile walking distance from the 600 W. California Avenue Office Expansion project site. It should be noted that this walking distance is greater than the VTA CMP guideline of 2,000 feet reasonable walking distance to a transit stop. However, the distance is reasonable for bicycling. Sunnyvale Station includes 15 bicycle rack spaces and 75 bicycle lockers, with the lockers available for reservation through the organization BikeLink. There are no Caltrain shuttles directly serving Sunnyvale Station, although Santa Clara Valley Transportation Authority (VTA) Routes 32 and 54 serve the station and have bus stops located 1/10-mile east of the project site at the Mathilda Avenue / California Avenue intersection.

The closest Caltrain shuttle running near the project site is the Duane Avenue Caltrain Shuttle, which serves Advanced Micro Devices (AMD) and other Duane Area office buildings during commute hours. The free shuttle operates between the Mountain View and Lawrence Caltrain Stations. The service is funded jointly by the Bay Area Air Quality Management District Transportation Fund for Clean Air, Peninsula Corridor Joint Powers Board, and AMD. It should be noted that this shuttle passes through the project study area along Central Expressway but does not stop in the project vicinity.

#### ***Light Rail Transit***

VTA operates a 42.2-mile light rail transit (LRT) system that connects downtown San Jose with South and North San Jose, Santa Clara, Mountain View, Milpitas, Campbell, and Sunnyvale. Service operates 21 hours per day, with headways ranging from 15 to 60 minutes depending on time of day. The closest LRT station is Moffett Park Station, located approximately 2.1 miles north of the project site.

TJKM  
Transportation  
Consultants

**VTA Bus Routes**

VTA serves the project study area with five fixed-route bus lines. The project site is situated near existing VTA bus stops located just west and north of the California Avenue / Mathilda Avenue intersection, which is just 1/10-mile east of the project site. At this intersection, VTA Route 32 stops at the eastbound California Avenue approach and also on northbound Mathilda Avenue just north of California Avenue. VTA Route 54 stops in both directions of Mathilda Avenue north of California Avenue. Route 32 is classified by VTA as a Community Bus Route, while Route 54 is classified as Local Bus Route.

The above two routes plus Routes 53, 55, and 304 stop at the Sunnyvale Transit Center located 3/5-mile from the project site at the Sunnyvale Caltrain Station. Routes 53 and 55 are VTA Local Bus Routes, while Route 304 is a VTA Limited Stop Bus Route.

Table II in the following page summarizes the destinations, days and hours of operation, average weekday commute peak load factors, and service headways for the VTA bus routes and also LRT line serving the immediate project area. Each of the VTA bus routes' peak load factors are below 1.0, which represents a line operating with fully occupied seating, and therefore all area bus routes are currently operating below capacity during commute peak hours. Figure 4 depicts the locations of the public transportation routes and shuttles in relation to the project site.

**Table II: Existing Transit Service within Study Area**

Route	From	To	Weekdays			Weekends	
			Average Peak Load Factor	Operating Hours	Peak Headway (minutes)	Operating Hours	Headway (minutes)
32	San Antonio Shopping Center	Santa Clara Transit Center	0.33	6:04 a.m. – 7:58 pm	30	9:00 a.m. – 5:47 a.m.	60
53	West Valley College	Sunnyvale Transit Center	0.27	6:54 a.m. – 6:53 p.m.	60	N/A	N/A
54	De Anza College	Lockheed Martin Transit Center	0.26	6:03 a.m. – 9:26 p.m.	30	7:55 a.m. – 7:52 p.m.	45-60
55	De Anza College	Great America	0.29	5:43 a.m. – 11:04 p.m.	15-30	8:12 a.m. – 9:09 p.m.	30-60
304	South San Jose	Sunnyvale Transit Center via Arques	0.28	5:55 a.m. – 8:41 a.m.; 3:30 p.m. – 6:53 p.m.	25-40	N/A	N/A
Caltrain Shuttle (AMD / Duane Ave.)	Mountain View Station	Lawrence Station	N/A	7:15 a.m. – 10:06 a.m. ; 3:13 p.m. – 7:36 p.m.	24-43 (a.m.); 20-40 (p.m.)	N/A	N/A
Caltrain (Rail)	San Francisco	San Jose	N/A	4:44 a.m. – 1:44 a.m.	5-40 NB & 30-60 SB (a.m.); 60 NB & 4-35 SB (p.m.)	7:14 p.m. – 11:34 p.m.	18-60

Notes: 1. Headways are defined as the time interval between two transit vehicles traveling in the same direction over the same route.  
2. N/A = not available or no weekend service  
Sources: VTA, CalTrain; June 2012.

**High-Occupancy Vehicle Lanes**

High-occupancy vehicle (HOV) lanes, also known as carpool or diamond lanes, are freeway lanes restricted to vehicles carrying two or more persons (carpools, vanpools, and buses), motorcycles, and certain low-emission vehicles. In the project vicinity, the HOV lanes operate under these restrictions during weekday commute periods from 5:00-9:00 a.m. and 3:00-7:00 p.m. HOV lanes are present in both directions along the State Route (SR) 237 and US 101 freeways in the project vicinity.

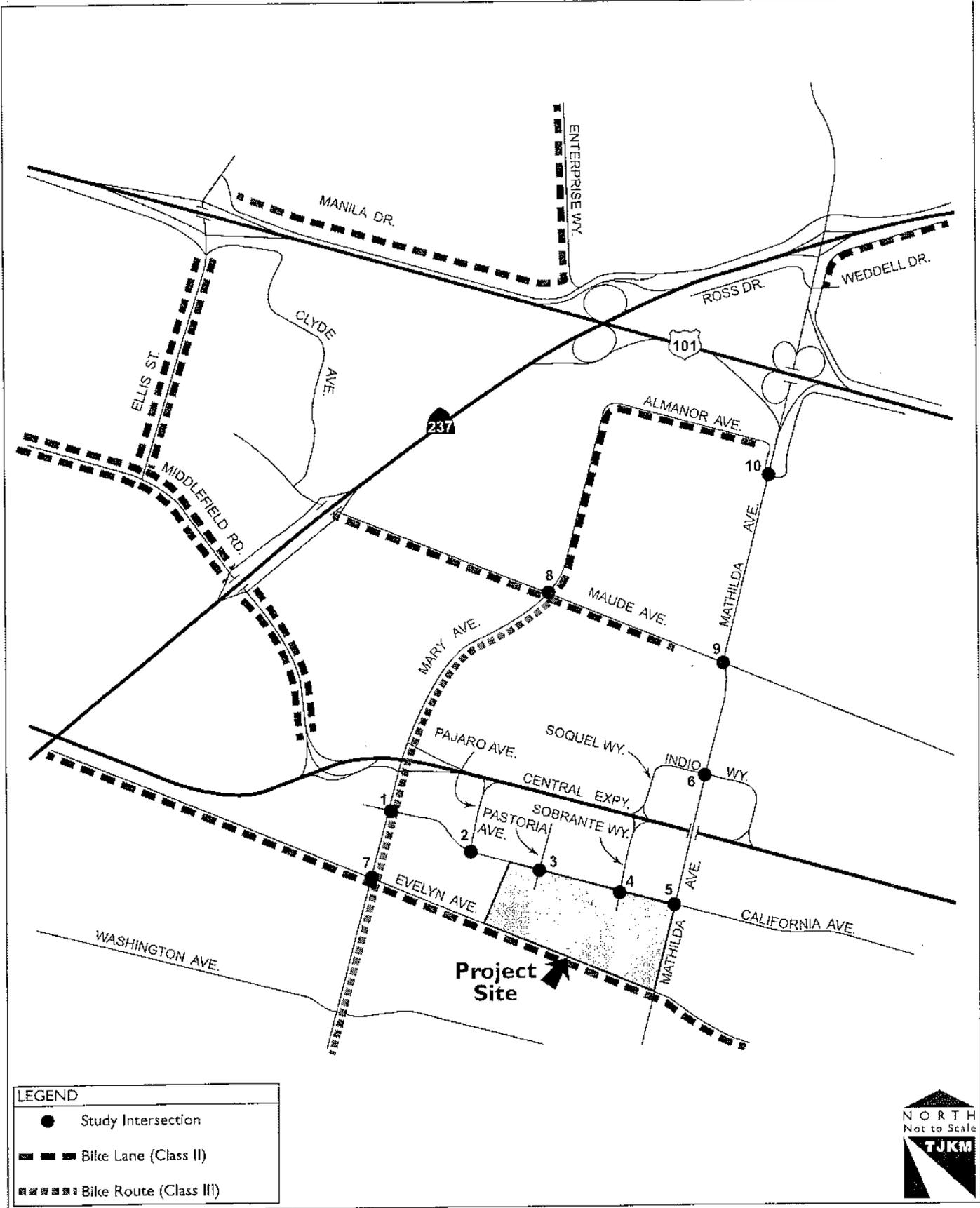
SR 237 is located northwest of the project site and provides regional freeway access between the Cities of Mountain View and Milpitas. It is an east-west freeway with two mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction. Access from SR 237 in the project vicinity is provided by interchanges with Mathilda Avenue, Maude Avenue, and Middlefield Road. Near the project site, SR 237 currently averages approximately 90,000 daily vehicles.

US 101 is located north of the project site and provides regional freeway access north through the City of San Francisco and south through the City of San Jose. Near the project site, US 101 is oriented in an approximately east-west direction with approximately 140,000 existing daily vehicles. The freeway consists of three mixed-flow lanes and one HOV lane in each direction. An interchange with Mathilda Avenue provides local access to the project site. HOV lanes are also located on other South Bay facilities, including I-280, I-880, SR 85, SR 87, and several expressways (Capital, Central, Lawrence, Montague, San Tomas).

VTA has initiated the Silicon Valley Express Lanes Program that will eventually convert 180 miles of existing HOV lanes in the South Bay to High Occupancy Toll (HOT) lanes, also known as express lanes. HOT lanes allow solo drivers to use the lanes for a fee that is variable based on time of day and facility congestion levels. All eligible carpool and other HOVs will be able to continue using the lanes for free. The express lanes are expected to increase roadway facility efficiency and also create a revenue stream that can be reinvested into facility maintenance and transit enhancement.

In Spring 2012, VTA opened the first phase of the SR 237 Express Lane project, which charges variable tolls to solo drivers along both directions of the SR 237 connector to I-880 during commute peak periods. Phase II of this project is expected to be implemented by 2015. In addition, express lanes on US 101 are expected to open to traffic in 2016.

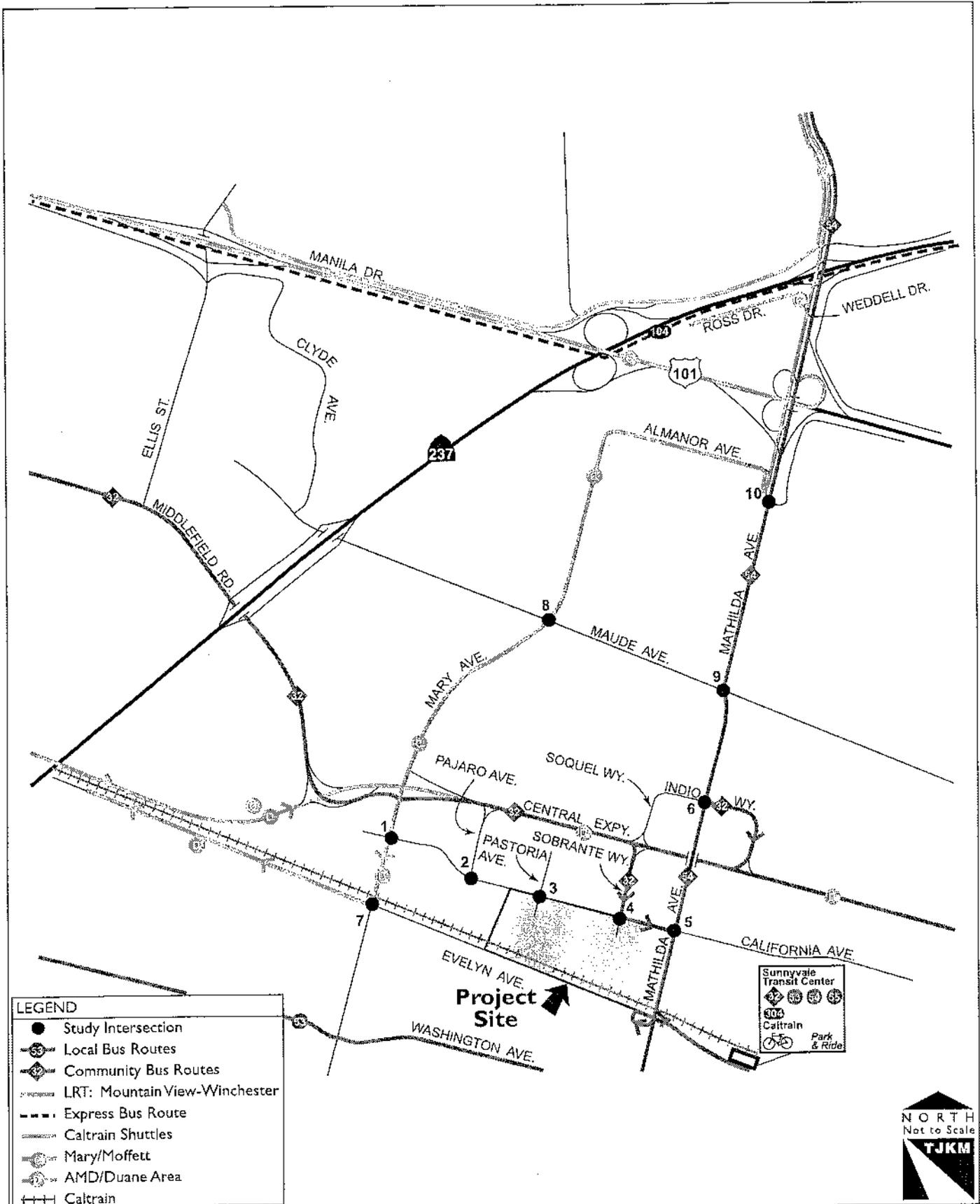
City of Sunnyvale - Transportation Demand Management Plan for 600 West California Ave. Office Expansion Figure 3  
 Existing Bicycle Facilities 3



LEGEND	
●	Study Intersection
---	Bike Lane (Class II)
	Bike Route (Class III)



City of Sunnyvale - Transportation Demand Management Plan for 600 West California Ave. Office Expansion Figure  
 Existing Transit and Shuttle Service 4



## **Proposed TDM Measures and Strategies**

This section describes TDM strategies and measures for the 600 W. California Avenue office complex. Some measures are based on the infrastructure and physical attributes of the site, the proposed new office building, and existing office buildings. Other measures include services and programs that promote sustainable modes of transportation, including public transportation, bicycling, and walking. A site coordinator would create and implement such measures. Since tenants for the proposed building are not yet established, specific TDM components will be included in tenant lease agreements or other mechanisms to ensure their implementation. Since the TDM reduction goal is to be applied to the entire site, similar mechanisms will also be applied to new tenants occupying offices in the existing buildings on site.

### **Building-Related Measures**

#### **Building Entries**

To encourage walking and transit use, entries to buildings should be oriented towards parks, plazas, and adjacent roadways with pedestrian facilities to minimize the walking distance to nearby transit stops. The proposed building at 600 W. California Avenue is well integrated in terms of pedestrian pathways, as the new building entries will connect to a centralized pedestrian pathway system that is separated from vehicles and circulates between all existing buildings on site. This internal pathway system in turn connects with existing sidewalks along California Avenue via well-defined pathways across parking aisles.

#### **Building Setbacks**

Building setbacks can affect the number of transit riders and pedestrians commuting to the site. Locating a building near sidewalks and transit stops encourages walking and transit use. Conversely, extensive parking areas between the building and adjacent roadways encourages driving. The north edge of the proposed building at 600 W. California Avenue is oriented approximately 350 feet south of the sidewalk along California Avenue. However, there are defined pathways to reach the street with minimal exposure to vehicles. The likeliest path to access California Avenue is to cross one internal access roadway (northwest of proposed building), walk around the Thomson Reuters building (west of proposed building), then cross two more parking aisles (via defined pathway) to reach the street.

#### **Building Wiring**

The proposed buildings are expected to include fiber optic wiring to facilitate telecommuting. Telecommuting is a TDM strategy that enables employees to work from home or other location that effectively reduces the number of commute trips to the project site. Details on implementation of a telework program for the project site will be determined by tenants of the proposed building and new tenants of existing buildings at 600 W. California Avenue.

### **Parking Design Measures**

#### **Parking Supply**

TJKM reviewed the project site plan and consulted the City of Sunnyvale Municipal Code regarding off-street vehicle parking requirements for the proposed project. Currently, the 9-building site is supplying 1,728 stalls of on-site vehicle parking serving 516,456 sq. ft. of total floor area, or an approximate rate of one stall per 300 sq. ft. The proposed project will permanently remove 99 stalls to accommodate the new office building footprint, but will add 17 regular stalls and six handicapped accessible stalls surrounding the new building's periphery. The resulting parking total will be 1,651 vehicular parking stalls for 622,206 sq. ft. in 11 buildings, or a parking ratio of one stall per 377 sq. ft.

The City Municipal Code Section 19.46.050 requires Research and Development, General Industrial, or Corporation Office uses to provide a minimum of one space per 500 sq. ft. of building, with a maximum of one space per 250 sq. ft. and maximum of 50 percent compact stalls. Completion of the proposed 600 W. California Avenue Office Expansion project will result in 76 fewer stalls for the entire site (99 removed plus 23 new), but the resulting overall site parking supply of one stall per 377 sq. ft. falls in the middle of the Municipal Code prescribed range. Therefore, the proposed project is within the allowed range of code parking. Also, the overall site will be parked at 838 fewer stalls than the maximum allowed by Code (2,489 stalls for 622,206 sq. ft. at 1 stall per 250 sq. ft.). When combined with related TDM measures, a reduced onsite vehicle parking supply discourages drive-alone commuting by limiting parking availability.

#### ***Parking Configuration and Location***

The project site plan shows new and existing parking stalls around the southern half of the proposed building. The new stalls will be adjacent to the new pedestrian pathways surrounding the proposed building. Those pathways are well integrated with the existing pedestrian pathways on site, which have well defined connections to existing pedestrian facilities on California Avenue. As a result, the parking layout of the new building is conducive to pedestrian access and circulation.

#### ***Preferential Parking***

The project site plan shows several parking stalls, including new stalls adjacent to entrances for the proposed building, that would be good candidates to designate as carpool and vanpool stalls. Similar designations could be made for existing buildings elsewhere on site. Preferential parking stalls for carpool and vanpool vehicles would be located in convenient, premium locations (often adjacent to building entrances) to encourage commuter carpooling. In cases where preferential stalls are underutilized, those stalls could be made available to single-occupant vehicles after peak commute periods.

#### ***Pedestrian Design Elements***

In terms of pedestrian elements, the project site plan shows direct connections to the internal site pathway network that links with other existing buildings onsite. As mentioned previously, these internal pathways connect to other defined pathways that traverse through the parking areas towards the existing sidewalk facilities on California Avenue. These defined pathways minimize pedestrian walking distances to the street and facilitate connections to existing nearby VTA bus stops on California and Mathilda Avenues.

#### ***Bicycle Amenities / Design Measures***

##### ***Bicycle Parking***

The City Municipal Code does not include specific bicycle parking supply requirements for general office uses. For such requirements, the City refers to VTA TIA guidelines, which recommend that office uses provide one bicycle parking space for every 6,000 sq. ft. of building. Of this requirement, 75 percent must be a Class I bicycle space and 25 percent must be a Class II bicycle space. Class I bicycle parking facilities such as bicycle lockers or enclosed rooms protect the entire bicycle from vandalism, theft, and weather, and are appropriate for long-term storage. Class II facilities include bicycle racks to which a bicycle's frame and at least one wheel can be secured with a user-provided bicycle lock. The bicycle lockers are more suitable for longer-term parking by daily office employees.

Based on VTA guidelines, the proposed project would be required to provide 18 total bicycle parking spaces, including 14 Class I spaces and 4 Class II spaces. According to the project site plan,

16 bicycle spaces would be provided, all in the form of bicycle racks located strategically near entrances to the new building. To conform to the VTA guidelines, TJKM has recommended that the applicant revise the site plan to include the 14 covered bicycle spaces. Since the guidelines require only four bicycle rack spaces, the applicant could accomplish this by substituting 12 of the bicycle rack spaces with 14 bicycle lockers in the same locations near building entrances. Another option is to include the 14 covered spaces in a secure, enclosed room within the new office building. Either of these solutions would meet the VTA bicycle parking requirements.

It should also be noted that based on the project site's existing building area of 516,456 sq. ft. and VTA guidelines, the existing buildings should provide a total of 86 bicycle spaces, including 65 Class I and 21 Class II. Currently, the project site is providing approximately one-third of the required spaces. TJKM recommends that the project sponsor, who operates the existing buildings in addition to the proposed building, work with City staff to determine suitable locations for covered bicycle parking and bicycle racks that would address this existing bicycle parking deficiency. Similar to the proposed project, enclosed rooms within existing buildings would be one solution to address the covered parking deficiency.

#### **Showers and Lockers**

The proposed building will include showers and locker facilities and/or changing rooms that are available to employees free of charge and would accommodate those employees that would bicycle or walk to work. These facilities will provide an incentive for commuters to bicycle or walk to the project site.

#### **Bicycle Resources**

There are several resources at [bicycling.511.org](http://bicycling.511.org) available to bicycle commuters, including the following:

- Bicycle maps
- Bicycle safety tips
- Bicycle partner matching
- Bicycle parking at transit stations
- Taking bicycles on public transit
- Annual Bike to Work Day information
- Tips on bicycle selection, clothing, and commute gear
- Links to local bicycle organizations

#### **External Multimodal Design Measures**

Based on the recommendations of City staff and TJKM's concurrent project traffic impact analysis, the project sponsor has agreed to work on providing additional amenities external to the project site that have the potential to significantly increase project transit, bicycle, and pedestrian usage. First, the project sponsor will work with SamTrans to establish a public pedestrian/bicycle path that would provide a more direct connection between the project site parking area and the Sunnyvale Caltrain Station. The path would follow the north side of the Caltrain right-of-way underneath the recently reconstructed Mathilda Avenue overpass and would be separated by a fence to ensure users' safety. It should be noted that the feasibility of constructing this path has not yet been evaluated.

Second, the project sponsor will work to provide a new sidewalk along the west side of Mathilda Avenue, connecting the project site with an existing bus stop for VTA Route 54 along southbound Mathilda Avenue located north of California Avenue. Currently, there is a gap in sidewalk between

this bus stop and the existing pedestrian amenities at the Mathilda Avenue / California Avenue intersection. The resulting continuous sidewalk is expected to increase transit use to the project site, as well as enhance existing project pedestrian and bicycle access. Based on TJKM field review, it is expected that the proposed sidewalk gap closure can be constructed within the existing Mathilda Avenue right-of-way.

### **Transit Measures**

Through lease agreements or other instruments, the project sponsor will require tenants to provide their employees with financial incentives to use public transportation when commuting to and from the project site. The transit subsidy will be consistent with VTA guidelines for TDM trip reductions and equal to the maximum subsidy allowable by Federal law (\$125 per employee per month as of March 2012).

One form of this transit subsidy is Commuter Check. The Commuter Check program is administered by the Metropolitan Transportation Commission (MTC). It allows employers to offer their employees a financial benefit for using commute alternatives such as public transportation. Commuter Checks are either purchased by the employer or purchased by the employee with a pre-tax salary deduction (or a combination of both funds). Employees receive a certain amount of annual tax-free income and employers avoid paying payroll taxes. The employer must establish the Commuter Check program for employees to receive this benefit.

Another method of transit subsidy is for the employer to purchase transit passes and provide to their employees either at no cost or discounted by the monthly maximum allowable transit subsidy. Collectively, these programs incentivize the use of public transportation and support City of Sunnyvale General Plan policies for transit.

### **Carpool and Vanpool Programs**

#### ***Ridematching Assistance***

The 511 RideMatch service enables commuters to find vanpools, carpools, or bicycle partners. The Transportation Coordinator, discussed later in more detail, will be responsible for promoting this online service to building employees. The free service helps commuters locate others with similar travel patterns and commute routes who wish to share a ride via carpool or vanpool. Users register with the site and receive a list of other commuters near their residential or employment zip code, along with contact information and hours during which they are available to commute. Participants then select and contact those persons with whom they wish to share a ride. 511 RideMatch also provides lists of carpools and vanpools in users' residential areas in which there are vacancies. Building tenants may also provide private assistance to match employees and co-workers with the same commute routes through the 511 service. There are also peer-to-peer ridematching services, such as Zimride, which use social networks to match commuters.

#### ***Subsidized Vanpool Expenses***

Through tenant lease agreements or other mechanisms, the project sponsor will require building tenants to subsidize costs of vanpools that commute to and from the project site. Section 132(F) of the Federal tax code permits employers to fund a pre-tax salary payroll deduction for qualified vanpool costs up to \$125 per employee per month. This commuter tax benefit would be provided through participation in the Commuter Check voucher program or similar program.

#### ***Carpool / Vanpool Incentives***

Carpool, Track, Win. 511 RideMatch offers various rewards for to encourage carpool and vanpooling. Currently, participants who sign up for the 511 RideMatch service are given a chance to

win \$100 in grocery gift cards, an iPod Shuffle, and an iTunes gift card. Participants must track commute trips in a trip diary and log a minimum of eight trips per month to be entered into a monthly drawing. A monthly grand prize drawing of a \$500 grocery gift card is offered to those commuters who track trips for three months with minimum of eight trips per month. Currently, these incentives are being offered through December 2012, and future participation depends on program funding.

You Pool, We Pay. The Peninsula Traffic Congestion Relief Alliance in San Mateo County offers a carpool incentive program called You Pool, We Pay. The incentive is available to 600 W. California Avenue employees who live in or commute through San Mateo County. The Alliance offers \$60 gas cards as an incentive to form carpools. Employees who form a new carpool with two or more persons over 18 years of age or add a new member to an existing carpool are eligible to receive this incentive. All carpool participants receive the gas cards.

Vanpool Formation Incentive. The 511 Regional Rideshare Program provides up to \$500 in gas cards to new vanpools meeting eligibility requirements and completing three to six consecutive months of operation. This incentive is offered on a first-come, first served basis, as long as funds are available.

Vanpool Seat Subsidy. 511 Regional Rideshare also offers a subsidy for vanpool seats using gas cards. The subsidy provides \$100 per month, limited to three months per van during the program year, to help cover fares for lost participants. This incentive is offered on a first-come, first served basis to eligible vans as long as funds are available.

Vanpool Participant Rebates. The Peninsula Traffic Congestion Relief Alliance offers rebates to entice workers living in or commuting through San Mateo County to try vanpooling. The rebate consists of half the cost of a new vanpool participant's seat, up to \$100 per month. A one-time rebate of \$500 is offered to drivers of vanpools operating for at least six months. If drivers rotate within a vanpool, the \$500 rebate may be shared amongst the drivers.

## **Transportation Resources**

### ***Transportation Coordinator***

The property owner at 600 W. California Avenue will appoint a Transportation Coordinator who will be responsible for implementing the TDM program on site. This role is likely to be fulfilled by the 600 W. California Avenue property manager and/or other administrative staff. The Transportation Coordinator will provide the following services:

- Conduct an initial baseline survey and prepare an annual status report that details employee commute methods for submittal to City of Sunnyvale Planning Department.
- Document all employee incentives offered to encourage use of alternative transportation programs and methods of marketing such programs to employees.
- Develop and maintain relationships with designated tenant contacts, local and regional ridesharing programs, and neighboring employment centers.
- Manage preferential parking programs such as those for designated onsite carpool parking stalls.
- Provide up to date public transportation schedules and maps.
- Provide resource materials and information on the full range of transportation options available to all employees at the 600 W. California Avenue site.

- During the move-in process for new tenants, provide informational packets that include information about available public transportation services, the Commuter Check program, carpool/vanpool programs, ride matching services, and bicycle maps.
- Provide the above materials on commute alternatives in a centralized campus location at an informational kiosk.
- Evaluate annual survey results to evaluate potential TDM program additions and/or modifications that would enhance employee use of alternative transportation modes.

#### ***New Tenant Employee Information Packet***

The Transportation Coordinator will provide informational packets on commute alternatives to tenants of the new building at 600 W. California Avenue, as well as new tenants in existing buildings onsite. The packet will include information on public transportation planning resources, VTA and Caltrain schedules and maps, preferential parking programs (carpool/vanpool), ride matching services, bicycle maps and resources, and information on commuter tax benefit programs (Commuter Check). The coordinator will also provide this packet to new employees that are hired or transferred to the site.

#### ***Kick-Off Event***

The most advantageous time to induce employees to change commuting habits from drive-alone to other forms is typically when they relocate to a new employment site. Newly relocated employees have yet to establish a commute routine and therefore are more receptive to trying an alternative transportation mode and more likely to commit to that mode. When the new building at 600 W. California Avenue reaches 50 percent occupancy, the Transportation Coordinator will be responsible for hosting a kick-off event that highlights commute trip alternatives. The event will be open to employees both in the new building and employees in the nine existing buildings onsite. The event will provide information on commute alternatives, including ride matching and transit / trip planning services. The coordinator will invite various organizations to set up booths, including transportation service providers (e.g. Caltrain and VTA), bicycle advocates (Silicon Valley Bicycle Coalition and City of Sunnyvale Bicycle and Pedestrian Advisory Commission), and ride matching services (Zimride, 511). At 80 percent occupancy of the new building at 600 W. California Avenue, a similar event will be held to reach out to new employees to inform them of alternative commute options.

#### ***Commuter Information Center***

The Transportation Coordinator will be responsible for providing commute options information on bulletin boards and/or kiosks in a central location. Information will include bicycle maps, public transportation schedules and maps, Clipper universal fare card details, and carpool/vanpool matching services. Other timely information can also be posted, including advertisements for the Bay Area's annual Bike to Work Day, vanpool seat vacancies, Spare the Air alerts, summer driving tips, and roadway construction updates.

#### ***Trip Planning Resources***

511 Transit Trip Planner. 511.org is an online resource available to commuters in the San Francisco Bay Area that enables them to plan their trips on public transportation. The trip planner allows users to input start and end point information, desired day and time of travel, and choose preferences in terms of fastest trip, minimized walking distance, and fewest transfers. Smartphone applications for 511.org are also available, as well as applications for individual Bay Area transit agencies and third-party applications that aggregate transit agency schedules and real-time arrival information.

TJKM  
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***Try Transit Program***

The Peninsula Traffic Congestion Relief Alliance offers a Try Transit Program that incentivizes new commuters to take public transportation to work. The Alliance provides free transit tickets on VTA, SamTrans, BART, and Dumbarton Express. The program is a one-time offer limited to commuters 18 years or older living or working in San Mateo County who have not taken public transportation to work before.

### **Monitoring, Evaluation, and Reporting**

The intent of the TDM plan is to reduce vehicle trips and to lessen traffic congestion, parking demand, and vehicle emissions associated with employees commuting to/from the 600 W. California Avenue campus. Regular monitoring is necessary to ensure the effectiveness of implemented TDM programs and measures in achieving the City goal of 20 percent daily trip reduction and 25 percent peak hour trip reduction for the overall site. The program will be evaluated annually to determine actual levels of trip reduction at the site and to identify any necessary adjustments to the program to ensure the success of TDM measures.

#### **Annual Driveway Counts**

The Transportation Coordinator will work with an independent consultant to conduct 24-hour vehicle counts by hour at each site driveway at 600 W. California Avenue. The traffic volumes for each driveway will be tabulated to determine the total daily and peak hour vehicle trips that the overall site generates. Driveway count results will then be compared to the trip targets established in Table I.

#### **Annual Commute Surveys**

To supplement the annual driveway vehicle counts, the Transportation Coordinator will administer annual surveys of employees onsite. The purpose of the survey is to determine the number of onsite employees that are commuting by alternative modes. Employees not responding to the survey will be assumed to be drive-alone commuters. In addition to providing essential quantitative data on the transportation mode split of employees commuting to/from the site, the survey will provide qualitative data on employee perceptions of the alternative transportation programs. The surveys will provide additional information on employee travel modes that cannot be ascertained from the driveway counts. Survey results will provide measures of effectiveness of individual TDM program elements relative to one another, as well as facilitate potential TDM program enhancements.

#### **Annual Summary Report**

Each year, the Transportation Coordinator will prepare and submit an annual TDM summary report to the City of Sunnyvale that documents driveway vehicle count data and employee commute survey results. This report will document the effectiveness of the 600 W. California Avenue TDM plan in achieving the overall site goals of 20 percent daily trip reduction and 25 percent peak hour trip reduction. Current year commute mode split and driveway counts will be compared to previous years' data and survey results to determine progress in vehicle trip reduction and effectiveness of current TDM programs and strategies.

If the TDM survey data and driveway counts indicate that site trip reduction goals are not being met, additional TDM measures may be implemented and ineffective measures may be discontinued. TDM program enhancements may include additional services or programs contained in the City of Sunnyvale TDM Tool Kit. Other enhancements may include TDM programs proposed by the onsite employer(s) that are based on site-specific conditions and/or newly emerging programs or technologies that discourage single-occupant auto commute trips to the site. The annual TDM summary report will detail any proposed modifications to the TDM program that are intended to ensure compliance with the trip reduction targets established for the overall 600 W. California Avenue site.

TJKM  
Transportation  
Consultants

### Study References

#### TJKM Personnel

Chris Kinzel, P.E.	Principal-In-Charge
Andrew Kluter, P.E.	Project Manager
Jeffrey Lacap	Assistant Transportation Engineer
Dan Harrison	Graphics
Kim Goodrich	Word Processing

#### Persons Consulted

Jack Witthaus	Traffic & Transportation Manager, City of Sunnyvale
Héba El-Guendy	Senior Transportation Planner, City of Sunnyvale
Noren Caliva	Associate Planner, Planning Division, City of Sunnyvale
Raymond Lee	Ware Malcomb Architects

#### References

- *511.org*. San Francisco Bay Area resource for carpooling, transit, and bicycling commuters. Accessed online August 2012.
- *City of Sunnyvale Municipal Code*, accessed online July 2012.
- *Peninsula Traffic Congestion Relief Alliance*.
- *Santa Clara Valley Transportation Authority Transportation Impact Analysis Guidelines*, February 2012.
- *Transportation Demand Management Toolkit for City of Sunnyvale*, Hoyt Company, 1999.
- *Trip Generation (8th Edition)*, Institute of Transportation Engineers, 2008.

# **Attachment G**

## Office Class Levels

The following is a brief summary of the typical characteristics of Class A, B, and C office buildings, as well as examples of each building type in Sunnyvale. The attributes of the various class levels are somewhat subjective in their application and any specific building may exhibit characteristics of multiple classes, but overall these attributes work collectively to classify buildings with a reasonable degree of accuracy. This information was generated by the City's Economic Development Division using professional commercial real estate broker samples.

### **Class A**

- Built after 1985 to qualify as Class A
- Setbacks from street are greater than other similar projects (typically include generous front landscaping and site features)
- At least two stories (one-story buildings do not qualify as Class A)
- Steel frame or higher-end concrete tilt-up with four sides of windows
- Aesthetically pleasing, "high image"
- Extensive window lines (made mostly of glass exterior)
- Buildings constructed with glass curtain-wall, granite, and/or glass fiber reinforced concrete (GFRC) are typically Class A

#### **Examples of Class A:**

- Most of the new buildings in Moffett Park including Moffett Towers, Yahoo!, Juniper Networks, Ariba, and Network Appliance
- HP/Palm campus
- AMD campus (on De Guigne Drive)
- Downtown – three Mozart buildings (Broadcom); Nokia

### **Class B**

- Typically built between 1980 and present
- Limited setbacks
- One- and two-story buildings
- Limited window line: 2.5 to 3 sides made of glass exterior
- Limited landscaping with no special character

#### **Examples of Class B:**

- Sun buildings off Mary (formally Boeing); likely B+
- 333 West El Camino Real (corner of W. El Camino Real and Mathilda); likely B+
- "Horizontal Skyscraper" Building (Oakmead Pkwy. and Lakeside)
- OKI Semiconductor (corner of Mary and Almanor)

**Class C**

- Typically built prior to 1980
- Limited setbacks
- Typically one-story but may be two-story
- Limited or no glass exterior
- Buildings generally of concrete tilt-up construction
- Dated architecture (e.g. rock wall panels)
- Any architectural styling which obviously dates a building

**Examples of Class C:**

- Most of Peery Park industrial area
- Most of the buildings located on Elko Avenue (the "Woods" industrial area)

# **Attachment H**

**LEED CHECKLIST SUMMARY**

Date: August 22, 2012 Project Name: Sunnyvale Business Park  
 To: City of Sunnyvale Project No.: SNR08-0045  
 From: Raymond Lee

The following are the proposed LEED checklist points and a brief summary of how the project proposes to achieve the credit points.

Credit	Description	Summary	Points
--------	-------------	---------	--------

Sustainable Sites:			
1	<b>Site Selection</b>	The project is not developed on prime farmland, flood plain, or near wetlands.	1
2	<b>Development Density &amp; Community Connectivity</b>	The project is located within a previously developed site, is within ½ mile of a residential area, is within ½ mile of at least 10 basic services and has pedestrian access between the building and services.	5
4.1	<b>Alternative Transportation, Public Transportation Access</b>	The project is located within a ½ mile of a train station.	6
4.2	<b>Alternative Transportation, Bicycle Storage &amp; Changing Rooms</b>	The project shall provide the required bicycles racks/storage and showers for the building users.	2
4.3	<b>Alternative Transportation, Low-Emitting and Fuel-Efficient Vehicles</b>	The project shall provide preferred parking for low-emitting and fuel-efficient Vehicles for 5% of the total parking capacity for the project.	3
5.2	<b>Site Development, Maximize Open Space</b>	The project provides vegetated open space equal to 20% of the project site area.	1

waremalcomb.com

2400 Camino Ramon  
 suite 390  
 san ramon, california  
 94583

p 925.244.9620

f 925.244.9621

6.2	<b>Stormwater Design, Quality Control</b>	The project shall filter stormwater with filters and bioswales.	1
7.1	<b>Heat Island Effect, Non-Roof</b>	The project shall provide shading of 50% of parking areas, or provide a reflective surface, concrete paving.	1
7.2	<b>Heat Island Effect, Roof</b>	The building roof shall use a roofing material that meets the solar index requirements.	1
8	<b>Light Pollution Reduction</b>	The project shall meet requirements by using cut-off site lighting and lighting control panels for the interior lighting.	1
9	<b>Tenant Design &amp; Construction Guidelines</b>	The tenants shall be provided with a descriptive plan to educate and help implement the project sustainability goals and objectives.	1

<b>Water Efficiency</b>			
1	<b>Water Efficient Landscaping, Reduce by 50%</b>	The project shall use efficient irrigation and low water plant species to meet reduction requirements.	2
3	<b>Water Use Reduction, 35% Reduction</b>	The project shall use low-flow or dual flush flushometers to meet reduction requirements.	3

<b>Energy &amp; Atmosphere</b>			
1	<b>Optimize Energy Performance</b>	The project shall meet requirements by increasing efficiency with a more efficient building envelope, lighting system and HVAC system.	6
3	<b>Enhanced Commissioning</b>	The project shall provide additional reviews, monitoring and quality control of HVAC system.	2
5.1	<b>Measurement &amp; Verification</b>	A measurement and verification plan shall be developed and implemented for the project.	3
5.2	<b>Measurement &amp; Verification-Tenant Submetering</b>	The project shall have a monitoring system capable of expanding to future sub-metering. A plan on how the tenant shall be accountable with specifics on how use is determined and how costs are incurred shall be implemented.	3
6	<b>Green Power</b>	The project shall engage in a 2 year contract for energy purchased from the utility company for 35% of the building's electricity from renewable sources.	2

Materials & Resources			
2	<b>Construction Waste Management</b>	During construction, 75% of the construction waste shall be diverted for recycling.	2
4	<b>Recycled Content</b>	The project shall use construction materials with the required recycled content (10% post-consumer + ½ pre-consumer).	1
5	<b>Regional Materials</b>	The project shall use 10% of its building materials that is extracted, processed and manufactured within 500 miles of the site.	1
6	<b>Certified Wood</b>	The project shall use 50% of its wood and wood based products from Certified forestation.	1

Indoor Environmental Quality			
1	<b>Outdoor Air Delivery Monitoring</b>	The project shall install a permanent monitoring system to continuously monitor outside air flow and carbon dioxide levels	1
2	<b>Increased Ventilation</b>	The project shall provide ventilation 30% above the minimum required.	1
3	<b>Construction IAQ Management Plan, During Construction</b>	Construction control measures including protecting absorptive materials from moisture shall be implemented during construction.	1
4.1	<b>Low-Emitting Materials, Adhesives &amp; Sealants</b>	The project shall use indoor adhesives and sealants with low VOC limits	1
4.2	<b>Low-Emitting Materials, Paints &amp; Coatings</b>	The project shall use indoor paint with low VOC limits	1
4.3	<b>Low-Emitting Materials, Carpet Systems</b>	The project shall use carpet and pad that meets the Carpet and Rug Institute Green Label plus standards.	1
4.4	<b>Low-Emitting Materials, Composite Wood &amp; Agrifiber Products</b>	The project shall use interior composite wood products that do not have urea-formaldehyde resins.	1

5	<b>Indoor Chemical &amp; Pollutant Source Control</b>	The project shall meet requirements by providing mats at entry doors, and provide negative pressure for enclosed spaces where hazardous gases or chemicals may be present.	1
7	<b>Thermal Comfort, Design</b>	The project shall meet ASRAE standards for minimum amount of thermal comfort.	1

<b>Innovation &amp; Design Process</b>			
1.1	<b>Innovation in Design:</b> Transportation Management Plan	The project shall institute a comprehensive transportation management plan that demonstrates quantifiable reduction in personal automobile use, if required.	1
1.2	<b>Innovation in Design:</b> Green Cleaning	The project shall develop a comprehensive plan for the procurement of environmentally preferable services and products for cleaners and chemicals.	1
1.3	<b>Innovation in Design:</b> Educational Signage	The project shall provide public education focusing on green building strategies and solutions.	1
2	<b>LEED® Accredited Professional</b>	Jim Terry and Anthony Cataldo are LEED AP accredited.	1

<b>Regional Priority Credits</b>			
1.2	<b>Regional Priority:</b>	SSc5.2 - Site Development, Maximize Open Space. Please see above.	1
1.3	<b>Regional Priority:</b>	WEc2 - Water Use Reduction, 30% Reduction Please see above.	1

<b>Total Points</b>	64
---------------------	----



# LEED 2009 for Core and Shell Development

## Project Checklist

Project Name \_\_\_\_\_

Date \_\_\_\_\_

### 23 | 5 Sustainable Sites Possible Points: 28

Y	?	N	Prereq	Description	Points
Y			Prereq 1	Construction Activity Pollution Prevention	
1			Credit 1	Site Selection	1
5			Credit 2	Development Density and Community Connectivity	5
		1	Credit 3	Brownfield Redevelopment	1
6			Credit 4.1	Alternative Transportation—Public Transportation Access	6
2			Credit 4.2	Alternative Transportation—Bicycle Storage and Changing Rooms	2
3			Credit 4.3	Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles	3
		2	Credit 4.4	Alternative Transportation—Parking Capacity	2
		1	Credit 5.1	Site Development—Protect or Restore Habitat	1
1			Credit 5.2	Site Development—Maximize Open Space	1
		1	Credit 6.1	Stormwater Design—Quantity Control	1
1			Credit 6.2	Stormwater Design—Quality Control	1
1			Credit 7.1	Heat Island Effect—Non-roof	1
1			Credit 7.2	Heat Island Effect—Roof	1
1			Credit 8	Light Pollution Reduction	1
1			Credit 9	Tenant Design and Construction Guidelines	1

### 5 | 2 Water Efficiency Possible Points: 10

Y	?	N	Prereq	Description	Points
Y			Prereq 1	Water Use Reduction—20% Reduction	
2			Credit 1	Water Efficient Landscaping	2 to 4
		2	Credit 2	Innovative Wastewater Technologies	2
3			Credit 3	Water Use Reduction	2 to 4

### 16 | 6 Energy and Atmosphere Possible Points: 37

Y	?	N	Prereq	Description	Points
Y			Prereq 1	Fundamental Commissioning of Building Energy Systems	
Y			Prereq 2	Minimum Energy Performance	
Y			Prereq 3	Fundamental Refrigerant Management	
6			Credit 1	Optimize Energy Performance	3 to 21
		4	Credit 2	On-Site Renewable Energy	4
2			Credit 3	Enhanced Commissioning	2
		2	Credit 4	Enhanced Refrigerant Management	2
3			Credit 5.1	Measurement and Verification—Base Building	3
3			Credit 5.2	Measurement and Verification—Tenant Submetering	3
2			Credit 6	Green Power	2

### 5 | 6 Materials and Resources Possible Points: 13

Y	?	N	Prereq	Description	Points
Y			Prereq 1	Storage and Collection of Recyclables	
		5	Credit 1	Building Reuse—Maintain Existing Walls, Floors, and Roof	1 to 5
2			Credit 2	Construction Waste Management	1 to 2
		1	Credit 3	Materials Reuse	1
1			Credit 4	Recycled Content	1 to 2
1			Credit 5	Regional Materials	1 to 2
1			Credit 6	Certified Wood	1

### 9 | 3 Indoor Environmental Quality Possible Points: 12

Y	?	N	Prereq	Description	Points
Y			Prereq 1	Minimum Indoor Air Quality Performance	
Y			Prereq 2	Environmental Tobacco Smoke (ETS) Control	
1			Credit 1	Outdoor Air Delivery Monitoring	1
1			Credit 2	Increased Ventilation	1
1			Credit 3	Construction IAQ Management Plan—During Construction	1
1			Credit 4.1	Low-Emitting Materials—Adhesives and Sealants	1
1			Credit 4.2	Low-Emitting Materials—Paints and Coatings	1
1			Credit 4.3	Low-Emitting Materials—Flooring Systems	1
1			Credit 4.4	Low-Emitting Materials—Composite Wood and Agrifiber Products	1
1			Credit 5	Indoor Chemical and Pollutant Source Control	1
		1	Credit 6	Controllability of Systems—Thermal Comfort	1
1			Credit 7	Thermal Comfort—Design	1
		1	Credit 8.1	Daylight and Views—Daylight	1
		1	Credit 8.2	Daylight and Views—Views	1

### 4 | 2 Innovation and Design Process Possible Points: 6

Y	?	N	Credit	Description	Points
1			Credit 1.1	Innovation in Design: Transportation Management Plan	1
1			Credit 1.2	Innovation in Design: Green Cleaning	1
1			Credit 1.3	Innovation in Design: Educational Signage	1
		1	Credit 1.4	Innovation in Design: Specific Title	1
		1	Credit 1.5	Innovation in Design: Specific Title	1
1			Credit 2	LEED Accredited Professional	1

### 2 | 2 Regional Priority Credits Possible Points: 4

Y	?	N	Credit	Description	Points
		1	Credit 1.1	Regional Priority: MRC1.1	1
1			Credit 1.2	Regional Priority: SSC5.2	1
1			Credit 1.3	Regional Priority: WEC2	1
		1	Credit 1.4	Regional Priority: WEC3	1

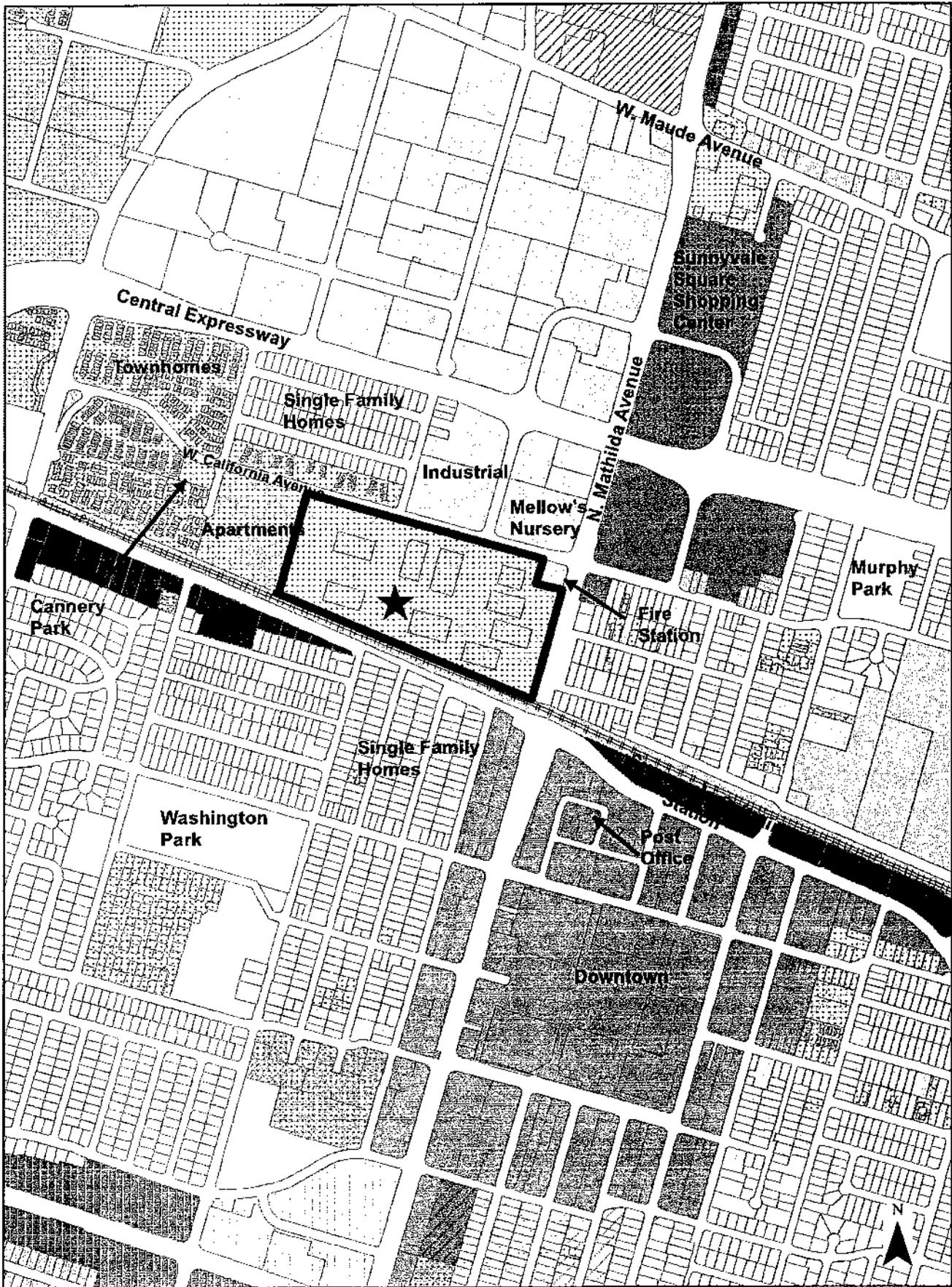
### 64 | 26 Total Possible Points: 110

Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110

ATTACHMENT #  
 Page 5 of 5

# **Attachment I**

# Map of Surrounding Uses



# **Attachment J**

ATTACHMENT J  
Page 1 of 2

From: Alan Brinker  
To: <ncaliva@ci.sunnyvale.ca.us>  
Date: 9/8/2012 5:58 PM  
Subject: 600 W. California

Hi Noreen,

I own the property at 853J W. California. I am unable to attend the meeting on the property at 600 W. California. I want to register my opposition to the proposed change. I think it would damage the neighborhood significantly because it would increase traffic throughout the neighborhood too much. It would probably necessitate changing the stop sign for the access to Central Expressway from a stop sign to a traffic light, thereby changing, in and of itself, that area from a mixed use area to a clearly commercial area. I am a general contractor myself and have done development myself and I am tired of the overbuilding here in the valley. The city decided once, not that long ago, what an appropriate use for the land would be and now they want to push it. Please push back.

--  
Alan L. Brinker

**Planning AP - Traffic impact analysis for file # 2012-7304 (Legacy Partners)**

**From:** <SoBernardo@aol.com>  
**To:** <planning@ci.sunnyvale.ca.us>  
**Date:** 9/22/2012 9:44 AM  
**Subject:** Traffic impact analysis for file # 2012-7304 (Legacy Partners)  
**CC:** <hhom@ci.sunnyvale.ca.us>, <TRyan@ci.sunnyvale.ca.us>, <council@ci.sunnyvale.ca.us>, <amcdonald@legacypartners.com>, <hdnataalk@yahoo.com>, <SunnyvaleWest@yahoo.com>, <whittum@gmail.com>, <horizon2035@ci.sunnyvale.ca.us>

ATTACHMENT	J
Page 2	of 2

Dear Neighbors:

You should have already noted that one resident has already complained about likely unmitigated traffic on California between Mary Avenue and Mathilda. Given the quickness and quietness of this project, that should be taken seriously.

I urge and argue that you should not approve this project without a review of the traffic impact analysis, and not a summary, the actual traffic impact analysis. What you want to check in particular is that there is a thorough analysis of "current and existing" without the project and "current and existing" with the project. I would think that this project should not increase the volume of traffic by more than 10% over current and existence -- at least after mitigation. I suspect that what is being done here, as was done in the traffic impact analysis for 301 Old San Francisco Road, is that the analysis is done using a hypothetical, and fallacious, baseline which may be called background or general plan 2010 or some such thing.

Yes, I said fallacious and for this reason. I know a few things really well (1) I am going to die -- don't know when but I am a widow and I know I am going to die. (2) I know the scientific method - control and test and how that applies to CEQA, and (3) I know that Internet shopping changes everything and the approved but not yet built retail in the new Town Center (the approximately 36 acres between Mathilda and Sunnyvale, Washington and Iowa) will largely never be built. What do the Miller Family (as in Miller-Summerhill) and Peter Pau and his associates have in common? They all know that building retail is a road to financial ruin. I argue that Peter Pau did not quit the downtown construction solely because the economy, but did it because between building retail and not building, it was less ruinous to not build. And I hope when we see our "in the process of being written" new general plan, for the 36 acres indicated above, it calls for businesses (like Apple and Nokia) and transit oriented residential (like MTC and ABAG want), with appropriate amenities such as restaurants for the latter, but no more retail than Peter Pau and his associates recommend. Thus, all that retail traffic shown in background that is not there now, is largely fallacious. It will not be built -- not now, and most probably not ever. So let's stop the mischief of overbuilt in-building using a fallacious baselines.

Let's get honest, let's get real.

Eleanor Hansen

# **Attachment K**

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2. File #:** 2012-7304
- Location:** 600 W. California Ave. (APN: 165-26-010)
- Proposed Project:**
- SPECIAL DEVELOPMENT PERMIT for a new 106,617 square foot office/R&D building within Sunnyvale Business Park resulting in a 47.8 % Floor Area ratio.
  - VESTING TENTATIVE MAP to create one new lot in an existing campus with nine lots and one common lot.
- Applicant/Owner:** Legacy Partners / Sunnyvale Business Park Sub LLC
- Environmental Review:** Mitigated Negative Declaration
- Staff Contact:** Noren Caliva, 408-730-7637,  
[ncaliva@ci.sunnyvale.ca.us](mailto:ncaliva@ci.sunnyvale.ca.us)
- Notes:** *This item is scheduled to be considered by City Council on October 30, 2012.*

**Noren Caliva**, Associate Planner, presented the staff report. She commented on supplemental information provided on the dais including revised Conditions of Approval (COAs), two revised exhibits and a letter of opposition from a resident.

**Comm. Melton** discussed with staff the revised parking lot shading plans. He referred to COA EP-3 regarding the "Pedestrian/Bicycle Path to Caltrain Station" asking if there are examples of this type of project being done with Caltrain. **Trudi Ryan**, Planning Officer, discussed examples of similar projects with Caltrain along the Peninsula.

**Comm. Hendricks** referred to page 5 of 18 of the report and discussed with staff the Green Building bonuses for Floor Area Ratio (FAR). Staff said that this site has already exceeded the qualifying FAR and would not be eligible for any FAR bonus.

**Vice Chair Dohadwala opened the public hearing.**

**Steve Dunn** with Legacy Partners representing the owners, discussed the project. He said they are excited to build this building to the LEED (Leadership in Energy and Environmental Design) Gold level. He said they are in support of staff's recommendations and Conditions of Approval (COAs), commenting there are some details to the agreements that need to be finalized. He said they have incorporated recommendations from the recent Study Session with the Planning Commission and added to the existing parking lot shading. He discussed their outreach. He said they are supportive of the off-site recommended improvements. He introduced Jim Terry with Ware Malcomb, architects. Mr. Terry said this is an infill site within an existing development. He said they paid particular attention to improving on the design while keeping with the characteristics of what is currently in place. He said they have tried to address all of the concerns related to the project and said they have other members of their team present to answer questions.

**Comm. Hendricks** discussed with Mr. Dunn a letter of concern from a resident about the area currently being mixed-use and this project being commercial. Mr. Dunn said this is a business park and connectivity to downtown is important. Comm. Hendricks referred to letter on the dais regarding concern about a traffic study. Mr. Dunn discussed traffic and said that this project would bring no significant negative impact to the area. He said the traffic engineer is present this evening and commented about parking. Comm. Hendricks asked to speak with the Traffic Engineer. Ms. Ryan clarified that the Traffic Engineer is hired by the City although paid for by the applicant. **Andrew Kluter** with TJKM Transportation Consultants said he is the Traffic Consultant for the project. Mr. Kluter provided a summary of how the traffic study was done and said that they found no significant impact to the intersections that were selected by staff for study. Comm. Hendricks referred to a letter

from a resident in Attachment J who is concerned about traffic with Mr. Kluter saying they looked at the area of concern and found no need for a traffic signal.

**Comm. Chang** discussed with staff the TDM (Traffic Demand Management) Program, including how the TDM Program would be quantified, penalties if the goals are not met, and options for adjusting goals to improve a program. Ms. Ryan said the penalty is more severe than the cost of a program. Comm. Chang discussed the TDM Program with Mr. Dunn with Comm. Chang expressing the importance of the TDM Program being effective.

**Vice Chair Dohadwala closed the public hearing.**

**Comm. Melton** discussed with staff the Libby's Can Water Tower on the site. Ms. Ryan said the Tower is a Sunnyvale Heritage Landmark and that the owner is obligated to maintain it.

**Comm. Hendricks moved for Alternative 1, to recommend the City Council adopt the Mitigated Negative Declaration and approve the Special Development Permit with attached conditions. Comm. Melton seconded the motion.**

**Comm. Hendricks** said this is a good infill project and that the architecture was discussed in a Study Session. He said, aside from the parking lot shading, nothing is out of the ordinary and the applicant is working on increasing the shading and providing many other upgrades to the property. He commented about green building LEED upgrades to the other buildings in the area as leases expire. He said he could make the findings for the Special Development Permit.

**Comm. Melton** said he is happy to second the motion and that he could make the findings. He said he really likes the project, including the pedestrian improvements and complimented the owner for taking good care of the Libby's Can Water Tower.

**Ms. Ryan confirmed with the maker and seconder of the motion that the recommended conditions are the modified version provided by staff on the dais this evening.**

**Comm. Kolchak** said he could make the findings and that he was happy to see very few deviations. He said the applicant has increased the parking lot shading and the parking is above the minimum requirement. He said he looks forward to seeing a nice clean development.

**Comm. Chang** said he would be supporting the motion and that he could make the findings. He said he likes the effort from the applicant to improve the parking lot shading, the pedestrian access and the public parking improvements.

**Vice Chair Dohadwala** said she would be supporting the motion. She said there are many improvements including the pedestrian access from the site to Caltrain. She said she found the traffic seems to smoothly open out on both sides of the project, commenting that she would like staff to make sure the traffic on the Mary Avenue side is well-managed as it opens out into a residential area.

**ACTION: Comm. Hendricks made a motion on 2012-7304 to recommend that City Council adopt the Mitigated Negative Declaration and approve the Special Development Permit with the amended conditions provided by staff on the dais. Comm. Melton seconded. Motion carried 5-0, with Chair Larsson absent.**

**APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on October 30, 2012.**

# **Attachment L**



# **Attachment M**



# **Attachment N**

After recording, return to:

City of Sunnyvale  
c/o City Attorney's Office  
456 West Olive Avenue  
Sunnyvale, CA 94086  
Attention: City Attorney

## IRREVOCABLE LICENSE AGREEMENT

Subject to Termination

THIS IRREVOCABLE LICENSE AGREEMENT ("Agreement") subject to termination as set forth hereinbelow ("Agreement") is entered into as of the \_\_\_\_\_ day of October, 2012 by and between owners SUNNYVALE BUSINESS PARK I, LLC, a Delaware limited liability company, and SUNNYVALE BUSINESS PARK SUB, LLC, a Delaware limited liability company (collectively the "Owner"), and the CITY OF SUNNYVALE, a California municipal corporation, (the "City"). Owner and City may hereinafter be referred to as a "Party" or collectively, as the "Parties".

### Recitals

A. Owner is the owner of a 29.9-acre site located at 600 W. California Avenue in Sunnyvale, California, which is more particularly described on **Exhibit A** attached hereto (the "Property").

B. Owner has made application for Special Development Permit to construct a new 106,617 square foot office/R&D building within the Property, for which Conditions of Approval ("COA") were included as part of the permit.

C. The City owns an existing surface public parking lot located adjacent to the Property and underneath the Mathilda Avenue overcrossing bridge which, in consideration of Owner's request to exceed a maximum 35% floor area ratio, Owner is willing to restore and improve at its expense a surface public parking lot ("Mathilda lot") and attendant access thereto through its property (pursuant to COA #P-2) under the conditions set forth hereinbelow.

D. To provide Owner non-exclusive use of the public parking lot and to increase public usage of the public parking lot ("Irrevocable License Purposes"), the City is willing to grant to Owner an irrevocable license for a renewable period of years over the public parking lot described on **Exhibit A** and depicted on **Exhibit B** attached hereto (the "License Area"), in accordance with certain restrictions and reservations hereof. The parties acknowledge that while the license is irrevocable and cannot be unilaterally revoked by the City, the license is not perpetual but is for a renewable period of years.

E. The parties intend that the uses by each Party be compatible, and acknowledge that the public parking lot is an important public facility open to the public, subject to the terms of this Agreement.

**Agreement**

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the foregoing premises, the parties hereby agree as follows:

1. **Parking lot use.** The City hereby grants to Owner for the benefit of the Property a non-exclusive irrevocable license to utilize the Mathilda lot for surface overflow vehicle and bicycle parking.

2. **Parking Lot and Improvements:** In consideration of the uses granted by the City for use by Owner and its occupants, Owner shall resurface and stripe the current parking lot pursuant to City standards; install new lighting pursuant to City downtown streetscape standards, install bicycle parking in number and location in cooperation with the City, install landscaping in the landscape islands at the entrance to the Mathilda lot. Owner shall also provide unrestricted public access to the parking lot with clearly marked signage to enable the public to locate and utilize the Mathilda lot. Owner shall submit a conceptual improvement plan for review and approval by the City Department of Community Development and Department of Public Works prior to the city's issuance of building permits for the Owner project. Owner shall post on-site and public street signage directing the public to the parking lot per City and State standards. Any improvements to the Property shall be subject to submission of plans and approval by the City which must comply with the Americans with Disabilities Act concerning access from the Property to the Mathilda lot. Owner shall maintain the Mathilda lot in a manner consistent with City maintenance.

3. **Reserved City Rights.** The City reserves the right of ownership, use and occupancy of the public parking lot for public parking uses. The rights of Owner shall be non-exclusive, and secondary to the rights of the City. The City shall have full right and authority (a) to maintain and provide health, safety and fire protection, and (b) to grant other licenses, easements or rights to use the Mathilda lot.

4. **Limitations on Use.** The parties agree that:

(a) No uses other than vehicle parking and bicycle parking shall be allowed within the parking lot. Other uses require a mutually agreed upon written amendment to this agreement.

(b) The granting of this non-exclusive irrevocable license is not a grant of land use authority, and any proposed use or structures, shall be subject to this Irrevocable License Agreement and the City's approval process to the extent required by the City zoning code.

5. **Maintenance.** Owner shall regularly maintain, repair and replace, at its own expense, any improvements within the License Area and access areas as expressly set forth on

Exhibit     attached hereto. To the extent not described in Exhibit    , such obligation and expense shall remain with the City.

**6. Indemnification and Release.**

(a) Indemnification. Owner covenants that it shall indemnify, defend and hold harmless the City, together with its managers, directors, officers, and agents from and against all claims, costs, expenses and liability (including reasonable attorneys' fees and cost of suit incurred in connection with all claims) of, by, from or to third parties arising from or as a result of death, injury, property damage or mechanic's liens from the negligence or willful misconduct of Owner, its agents, or its Permittees which shall occur on or arise from the License Area except to the extent caused by the negligence or willful act or omission of City or its agents.

(b) Release. Each party (the "Releasor") hereby releases and waives, for itself and on behalf of its insurer, the other party, together with its managers, members, shareholders, directors, officers, partners, affiliates and agents (collectively, "Releasees") from any liability for any loss or damage occurring on the License Area, which loss or damage is of the type generally covered by fire and casualty insurance with all available extended coverage endorsements, regardless of any negligence on the part of the Releasees which may have contributed to or caused such loss, or of the amount of such insurance required or actually needed, appropriate endorsements to its policies of insurance with respect to the foregoing release; it being understood, however, that failure to obtain such endorsements shall not affect the release hereinabove given. The Releasees and Indemnitees are intended third party beneficiaries to this Section.

**7. Estoppel Certificate.** Any party may, at any time and from time to time deliver written notice to the other party requesting such latter party to certify in writing (a) that this Agreement is in full force and effect, (b) that, to the knowledge of the certifying party, the requesting party is not in default in the performance of its obligations under this Agreement, or, if in default, to describe therein the nature and amount of any and all defaults, and/or (c) with respect to such other reasonable business matters directly related to this Agreement. Each party receiving such request shall use its best efforts to execute and return such certificate within twenty (20) days following the receipt thereof.

**8. Insurance.** Owner shall, at its sole cost and expense, keep in full force and effect the following policies of general liability insurance with limits of liability of not less than \$1,000,000.00 per person and \$2,000,000.00 per occurrence, which name the City as an additional insured: a policy insuring against bodily injury, including death, and property damage, occurring on or about the License Area. Such insurance may be provided by rider to an existing

policy or by blanket coverage. City shall, from time to time, be permitted to require that the limits of liability set forth herein be increased to such amounts as normally prevail for such insurances in the area where the License Area is located.

9. **Nature of Licenses, Restrictions and Rights Granted.**

(a) Licenses Appurtenant. Except as provided elsewhere herein to the contrary, the License, and each of the covenants, restrictions and rights granted or created herein and subject to Section 10, are appurtenances to the affected parcel, and may not be sold, transferred, assigned or encumbered, but shall run with the Property as an appurtenance to such parcel. The parcel that is benefited by such License, covenants, restrictions and rights shall constitute the dominant estate, and the parcel that is burdened by such License, covenants, restrictions and rights shall constitute the servient estate.

(b) Nature and Effect of Licenses and Restrictions. Except as provided elsewhere herein to the contrary, and subject to Section 10 below, each and all of the Licenses, covenants, restrictions and rights contained in this Agreement:

(i) are made for the benefit of the owners of the respective parcels or a portion thereof or interest therein (each an "Owner");

(ii) constitute covenants running with the land; and

(iii) shall bind every person or entity having any fee, leasehold, financing or other interest in any portion of the parcels at any time or from time to time during the term hereof to the extent that such portion is affected or bound by the License, covenant, restriction or provision in question or to the extent that such License, covenant, restriction or provision is to be performed on such portion.

(c) Effect of Sale/Redevelopment. In the event of a transfer or assignment by any Owner of its interest in its parcel by an instrument recorded in the Official Records (as defined in Section 12(c)), the transferring Owner, without the necessity of any further document signed or actions taken by any party, shall be released from any and all obligations hereunder arising on or after the date of transfer, and each party benefited hereby thereafter agrees to look solely to such successor-in-interest of such Owner for performance of such obligations.

10. **Termination.** The breach of this Agreement by Owner, its successor or assigns shall entitle the City to cancel, rescind or otherwise terminate this Agreement, or any conditions, covenants, easements or restrictions hereunder, but the City shall provide Owner with written notice of Owner's alleged breach, after which Owner shall be entitled to an opportunity to cure

for a period of thirty (30) days. When the License Area is no longer needed for the Irrevocable License Purposes, the Parties will cooperate to execute and record such instruments as are necessary to extinguish this License.

11. **Definitions.** As used herein, the term "Permittees" shall mean Owner and its heirs, successors, assigns, grantees, and mortgagees, and their tenants, ground tenants, subtenants and all persons who now or hereafter own or hold any possessory interest within the Property, and the concessionaires, agents, employees, customers, contractors, licensees and invitees of any them.

12. **Miscellaneous.**

(a) Entire Agreement. No change or modification of this Agreement shall be valid unless the same is in writing and signed by the parties hereto. No waiver of any of the provisions of this Agreement shall be valid unless in writing and signed by the party against whom it is sought to be enforced. This Agreement contains the entire agreement between the parties relating to the subject matter hereof and supersedes all prior understandings and agreements between the parties. There are no promises, agreements, conditions, undertakings, warranties or representations, oral or written, express or implied, between the parties other than as herein set forth.

(b) Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

(c) Notices. All notices, demands or other communications required or permitted to be given hereunder shall be in writing and any and all such items shall be deemed to have been duly delivered upon personal delivery; or as of the immediately following business day after deposit for overnight delivery with Federal Express or a similar overnight courier service, addressed as follows; or at the time delivery, as indicated by an electronically-generated delivery confirmation, after transmitting by telecopier to the telecopy number set forth below:

If to City:

City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94086  
Attention: Director of Community Development  
Telephone No.: (408) 730-7444  
Telecopier No.: (408) 730-7715

with a copy to:

Office of the City Attorney  
456 W. Olive Avenue  
Sunnyvale, CA 94086  
Attention: City Attorney  
Telephone No.: (408) 730-7460  
Telecopier No.: (408) 730-7468

If to Owner Partners:

\_\_\_\_\_, LLC  
c/o Principal Real Estate Investors, LLC  
711 High Street  
Des Moines, Iowa 50392-0490  
Attn: Jeff Uittenbogaard  
Fax: 866-850-4022

with a copy to:

Principal Life Insurance Company  
c/o Principal Real Estate Investors, LLC  
801 Grand Avenue  
Des Moines, Iowa 50392-0301  
Attn: Thomas R. Pospisil  
Fax: 515-248-0483

A copy of each notice shall also be sent to the address in the records of the City tax assessor for the applicable Owner. In the event that an Owner transfers all of a parcel, its address for notice hereunder shall automatically be changed to the address of the successor Owner as set forth in the instrument of transfer recorded in the Santa Clara County, California official real estate records ("Official Records"), and if the Property is transferred, the owner of the Property shall use commercially reasonable efforts to provide written notice thereof to the City at the address listed above. Any address fixed pursuant to the foregoing may be changed by the addressee by notice given pursuant to this Section.

(d) Headings; Recitals. The section headings which appear in some of the sections of this Agreement are for purposes of convenience and reference and are not in any sense to be construed as modifying the sections in which they appear. The recitals set forth above are incorporated into and made a part of this Agreement.

(e) Construction. The parties acknowledge that they have reviewed and revised this Agreement, and their counsel has done or has had the opportunity to do the same, and agree that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the

interpretation of this Agreement or any exhibits or amendments hereto.

(f) Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

(g) Counterparts. This Agreement may be executed in counterparts, all of which together shall constitute one and the same instrument.

*[remainder left blank; signatures follow]*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

**OWNER**

SUNNYVALE BUSINESS PARK I, LLC, a  
Delaware limited liability company

By: PRINCIPAL REAL ESTATE  
INVESTORS, LLC, a Delaware limited  
liability company, its authorized signatory

By \_\_\_\_\_

By \_\_\_\_\_

SUNNYVALE BUSINESS PARK SUB, LLC, a  
Delaware limited liability company

By: PRINCIPAL REAL ESTATE  
INVESTORS, LLC, a Delaware limited  
liability company, its authorized signatory

By \_\_\_\_\_

By \_\_\_\_\_

**CITY**

CITY OF SUNNYVALE, CALIFORNIA, a  
California municipal corporation

By: \_\_\_\_\_  
Anthony Spitaleri  
Chair of the Board of the Sunnyvale Successor  
Agency

REVIEWED AS TO FORM\_\_

CityAttorney

STATE OF IOWA            )  
COUNTY OF POLK        )

On \_\_\_\_\_, 2012, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Iowa that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

\_\_\_\_\_  
(Seal)

STATE OF CALIFORNIA    )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2012, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

\_\_\_\_\_  
(Seal)

**Exhibit A-1**

**Property – Public Access Area**

(Legal Description)

**Exhibit A-2**

**License Area**

[See attached]

**Exhibit B**

**Plat Map of Access Area and Mathilda Lot**

[See attached]

Exhibit C

Owner Maintenance, Replacement and Repair Responsibilities

Sweep every other week

Stripe every 3 years

Slurry every 8 - 10 years

Street light bulbs probably last about 12-18 months

Graffiti inspection weekly (in conjunction with pedestrian crossing), walls, pillars. clean as needed

Pavement repair, as needed

Light pole knock downs, as needed

Debris clean-up, as needed