



Council Date: March 19, 2013

SUBJECT: 2012-7990 Discussion and Possible Action on: General Plan and Downtown Specific Plan (DSP) Amendments for property along the north side of Evelyn Avenue from Mathilda Avenue to just east of Marshall Avenue; and, introducing ordinances for related zoning code amendments and related property rezoning:

- Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5;
- Expand the DSP boundaries to include up to nine parcels and establish new DSP Blocks;
- Amend General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP and General Plan land uses including Transit Center, Mixed Use, and Residential Medium Density up to Residential Very High Density Residential (up to 65 dwelling units per acre);
- Establish land use, density and development standards for properties annexed into the DSP, including Transit Center, Mixed Use and Residential;
- Establish streetscape standards for Evelyn Avenue; and,
- Rezone properties in accordance with Downtown Specific Plan or General Plan designation.

REPORT IN BRIEF

The purpose of the study is to examine a General Plan and Downtown Specific Plan (DSP) Amendment for 9 parcels along the north side of Evelyn Avenue between Mathilda Avenue and Marshall Avenue, including 470 Marshall Avenue (see Attachments A and B).

This staff report evaluates the appropriate General Plan land use designations and zoning for properties along the north side of Evelyn Avenue. Three of the subject properties are currently part of the Southern Pacific Corridor Specific Plan (SPCSP). The SPCSP includes recommended uses and architectural design guidelines for several properties along the railroad corridor. The study examines repealing the SPCSP designation and annexing those and other sites into the Downtown Specific Plan.

The DSP contains goals and policies unique to its City-wide context and provides specific design guidelines that address architectural scale and quality

of design. Additional development standards have been created for each block to control development intensity, setbacks, lot coverage, maximum height, number of stories, and minimum development size. The proposal would amend the DSP to create three blocks that contain the subject properties along Evelyn Avenue. Streetscape standards have also been prepared to ensure certain public improvements are required as part of any redevelopment. These standards for the newly created blocks would be similar to nearby blocks.

Staff recommends that the City Council adopt the Mitigated Negative Declaration (Attachment J) and amend the General Plan and Downtown Specific Plan, amend the zoning code and rezone properties with the following actions:

- A) Adopt a Resolution to Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5 (Attachment K).
- B) Adopt a Resolution to amend the General Plan and Downtown Specific Plan (Attachment L) to:
 - a. Expand the DSP boundaries to include eight additional parcels and change the General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP and General Plan land uses including Transit Center, Mixed Use, and Residential up to 48 dwelling units per acre;
 - b. Change the General Plan land use designation of 470 Marshall from Commercial General Business to Medium Density Residential;
 - c. Establish new DSP Blocks 21, 22 and 23 with requirements specifying land use, density and development standards; and,
 - d. Establish streetscape standards for Evelyn Avenue.
- C) Adopt a Resolution to amend the General Plan for 470 Marshall Avenue from Commercial General Business to Residential Medium Density (Attachment M).
- D) Introduce an ordinance to amend Title 19 (Zoning) of the Sunnyvale Municipal Code to establish new zoning districts for the Downtown Specific Plan (DSP) and include related development standards consistent with amendments to the Downtown Specific Plan (Attachment N).
- E) Introduce an ordinance to rezone eight properties on the north side of Evelyn in accordance with Downtown Specific Plan designations (Attachment O).
- F) Introduce an ordinance to rezone 470 Marshall from Commercial Service (C-4) to Medium Density Residential/Planning Development (R-3/PD) (Attachment P).
- G) Authorize staff to revise the DSP document maps and text administratively to reflect the amendments.

BACKGROUND

The proposed study was initiated by the project applicant of two residential redevelopment proposals (see Attachments A and B). These two projects (2012-7460 & 2012-7462) are being considered concurrently with this proposed action. The project (2012-7462) located at 457-475 E. Evelyn Avenue lies within the proposed expanded Downtown Specific Plan boundaries.

The Council approved a General Plan Initiation on April 24th, 2012 that allowed applications to be filed to study the following:

- a. Amending the General Plan land use designation for 457-475 E. Evelyn Avenue from Commercial General Business to Residential (up to Very High Density);
- b. Amending a portion of the Downtown Specific Plan Block-4 land use designation to allow higher density (up to 65 dwelling units per acre) for the four parcels within DSP Block-4 at the corner of Bayview Avenue and E. Evelyn Avenue; and,
- c. Amending the boundaries of the Downtown Specific Plan to include properties currently zoned C-3 and C-4 on the north side of Evelyn Avenue, including determining appropriate land use and densities for those properties.

Since the approval of the General Plan Amendment Initiation, the applicant has modified the development proposal from the original request. Based on feedback provided by staff and comments from the Planning Commission at a study session, a base density of 48 units per acre is requested for both sites. However, the developer proposes to achieve a higher density project through the use of two incentives: 1) up to 35% density bonus by providing 11% of the units for “very low income households” as allowed by State law; and, 2) up to 5% density bonus by achieving extra Build-It-Green points as allowed by the City’s Green Building Program. With this modification, a study to amend Block 4 of the DSP for increased residential density is no longer necessary, since the increased density is already allowed under the State and City laws. Further discussion of the requested incentives is provided in the staff reports for the two projects.

The Downtown Specific Plan was adopted in 1993 and received a comprehensive update in 2003. The latest update was intended to examine increases to the number of residential units, emphasize reconnection of the street grid in the Town Center area, and create a sense of arrival along Mathilda Avenue with wider sidewalks and taller buildings. The proposed expansion of the DSP would examine a minor increase to residential units as well as continue adopted standards to improve streetscape appearance.

EXISTING POLICY

The key General Plan goals, policies, and action statements relating to this General Plan and Downtown Specific Plan Amendment request are included in Attachment C.

DISCUSSION

This study addresses the appropriate General Plan land use designation and zoning districts for nine properties along Evelyn Avenue, comprising approximately 9.4 acres. The request was initiated by the potential developer for two sites: 457 E. Evelyn Avenue and 388 E. Evelyn at Bayview Ave. The City Council authorized a study of up to 65 dwelling units per acre. Only the Downtown Specific Plan has zoning designations that would allow this density; therefore, the Council also authorized a study of the Downtown Specific Plan boundaries for the 457 E. Evelyn Avenue site, and all the other sites north of Evelyn between Mathilda Avenue and the property at 470 Marshall Avenue.

The discussion below is organized by first a discussion of the boundary of the Downtown Specific Plan, then a review of appropriate land use designations for the subject properties, and then the appropriate land development and streetscape standards for the sites. Lastly a discussion of park impacts and options is included.

Downtown Specific Plan (DSP)

The Downtown Specific Plan (DSP) area comprises roughly 125 acres, generally bounded by Evelyn Avenue to the north, Bayview Avenue to the east (extends almost to Washington along Evelyn Ave), Olive Avenue to the south and Charles Street to the west. Preparation of the Downtown Specific Plan (DSP) was initiated in the mid-1980s; the first plan was adopted in 1993. The DSP was updated in 2003.

The intent of the DSP is to strengthen the mix of uses through a series of districts. The DSP states that “promoting mixed uses in the districts is a key feature of the future downtown as it creates a lively street scene, increases walkability, reduces dependence on the automobile, and provides for higher-density housing in proximity to mass transit.”

The proposed expansion would modify the northern boundary of the Downtown Specific Plan from properties along the southern side of Evelyn Avenue to include both sides of the street between Mathilda Avenue and Marshall Avenue. The railroad would become the northern boundary of the plan. Three of the subject properties are currently located in the Southern Pacific Corridor Specific Plan (see Site Map in Attachment D).

Current DSP Boundary: The Downtown Specific Plan boundaries were selected in the mid-1980s. In order to understand why the boundary for the DSP should

be changed it is useful to understand why these properties were not originally included in the DSP planning area. Essentially, the boundary ended at the southern edge Evelyn Avenue as the properties on the north side were: controlled by other agencies (train station), recently developed or within another specific plan (SPCSP). These properties are described in geographic order from west to east as follows:

In the area between Mathilda and Sunnyvale Avenue, properties are under three ownerships (see map in Attachment E). The Caltrain station is owned by the Peninsula Corridor Joint Powers Board. The City has minimal land use control over how train related station uses occur on that property. Murphy Square, which previously included the land that is now the parking garage, is under private ownership and was constructed in 1984. The third property was Site 3 of the SPCSP, adopted in 1984. Site 3 is the northwest corner of Sunnyvale and Evelyn and previously was owned by the City and contained the Del Monte Building (relocated to Murphy Avenue in 1992). In 2000 the City exchanged this property with Murphy Square and acquired the site between the Murphy Square building and the train station to build a parking garage.

The SPCSP was adopted in 1984. Sites 4 and 5—approximately 3 acres at the northeast corner of Sunnyvale Avenue and Evelyn Avenue—emphasized regional business development. Sites 4 and 5 were amended in 1994 to also allow the development of residential units at 36 units per acre. The final density for Villa del Sol, built on the site and completed in 2001, was 41 units per acre (includes a 15% density bonus for providing 10% affordable units).

The two parcels at 457-491 Evelyn Avenue (2.31 acres) were general planned and zoned for regional retail, but were otherwise removed from the downtown due to the adjacent site's location within the boundaries of the SPCSP. Note that these sites are the subject of companion Special Development Permit Application 2012-7462.

The 5,600 s.f. property (size as described by the County Assessor) at 470 Marshall is the last parcel being evaluated for possible inclusion in the DSP. This site contains a small triplex built in 1925. Building permit records suggest no significant improvements have been made since it was constructed. The property is zoned C-4 (Service Commercial). It is located east of the current DSP and is adjacent to the Heritage Park apartments built in 1986 which are in Site 6A of the SPCSP. Based on its boundary with the apartments and its small size and distance from other retail, staff finds that 470 Marshall makes a better residential site than retail site.

Amended Boundary: Almost 30 years have passed since the selection of the DSP boundaries. Although not formally within the DSP, the design of the City's parking garage and its streetscape were guided by the nearby historic and office developments and utilized the Downtown sidewalk standards. The

architecture of Villa del Sol reflects most of the design elements of the DSP for higher density housing.

Amending the boundary of the DSP to include the properties on the north side of Evelyn all the way to Marshall Avenue allows the City to better coordinate the streetscape, land use and architecture for both sides of Evelyn Avenue. Future redevelopment of any of the sites would be guided by the requirements for land use, frontage improvements, and architectural standards to complement the downtown efforts. Staff does not recommend including the site on Marshall in the DSP due to its small size and separation from the rest of the proposed areas.

Staff recommendation: Amend the boundary of the DSP to include all the studied sites (except 470 Marshall).

Alternative: Staff recommendation plus include the Marshall site.

General Plan/Downtown Specific Plan Land Use and Zoning Designations

Attachment B shows the current land use, General Plan designations and Zoning for the subject properties and the surrounding area. If the DSP boundaries are to be amended the next question is: what are appropriate land uses and intensity of use for the annexed properties?

Amending the General Plan and zoning provides an opportunity to update the plans for desired land use in the area. The General Plan Amendment would expand the Downtown Specific Plan and create new blocks with newly defined land uses, as well as establish site specific development standards. Eight of the properties are less than 1/3 of a mile from the train station and bus stops on Frances Street. The ninth property (470 Marshall Avenue) is 0.4 miles from the train station.

Property Descriptions and Potential Land Use Designations

295 W. Evelyn Avenue (Train Station and Parking Garage):

This site is composed of three parcels and is occupied by the Sunnyvale Caltrain station and a City parking garage. The properties have a General Plan Designation of Regional Business and are currently zoned Regional Commercial/Planning Development (C-3/PD). It is unlikely that the use of these sites would change anytime during the planning horizon given the investment and ridership at this regional transit facility. The nearby bus stops on Frances Street, also to the south and adjacent to Plaza del Sol, make the area into a multi-modal transit center. A DSP designation of Transit Center clearly states the intended long-term use of the three parcels.

Staff recommendation: a Transit Center designation for the 3 parcels, to reflect this core feature of the Downtown.

Alternative: If the City Council would like to contemplate future redevelopment of the site, should the train station cease operation or be relocated, both higher density residential and retail/office uses would be compatible with existing and planned uses in the vicinity.

111 W. Evelyn Avenue (Murphy Square):

The 1.46 acre site is occupied by Murphy Square which is composed of approximately 52,000 square feet of professional and medical office space and a 2,000 square foot restaurant. Under the current C-3/PD zoning, a wide range of commercial uses may be permitted by right or through a use permit process. The site is adjacent to the train station, across the street from historic Murphy Avenue. Staff finds the current use compatible with the surroundings. Many communities are also finding that higher density residential use is compatible with a train station. The DSP could: 1) reflect the current office/retail use of the site; 2) designate it for a future residential use; or, 3) designate it for future mixed use of retail/office/residential.

Staff recommendation: a mixed use designation be applied to the site, to maximize the potential for reinvestment and a blend of uses compatible with the train station. Staff recommends that the density be capped at 48 units/acre (similar to the recommended residential density of the sites to the east), and that up to 54,000 s.f. of office/retail be allowed.

Alternative: An office/retail designation only to reflect the existing use.

295-395 E. Evelyn Avenue (Villa Del Sol):

The 124-unit Villa Del Sol apartments (on 3.02 acres) were built in 2001 at 41 dwelling units per acre on this site. The property is zoned C-4/PD and is currently located within the Southern Pacific Corridor Specific Plan. The C-4 zoning district no longer allows residential development, except for caretaker units ancillary to a permitted use. The proposed General Plan Amendment and rezoning would allow for the current residential use be in conformance with the zoning of the site. Although redevelopment of the site is not being proposed at this time, the DSP amendment would enable a slight increase in development. Block 4 of the DSP, across Evelyn, allows up to 48 units per acre. Staff finds that the existing density fits well into the context and also finds that a designation of up to 48 dwelling units per acre is appropriate for a residential use close to transit.

Staff recommendation: Residential land use up to 48 dwelling units per acre. This density is the same as the base density recommended for the adjacent 457-491 E Evelyn.

Alternatives:

A) If the City Council finds that this designation would create too much residential development in the downtown, or the potential for too much bulk on the site, then the current base density of 36 units per acre would be appropriate.

B) Residential land use up to 65 units per acres, the maximum that is allowed by the Very High Density General Plan category (note that the State Affordable Housing density bonus can be applied to this density).

457-491 E. Evelyn Avenue (Companion application: SDP 2012-7462):

The site is located within 1/3 mile of the train station and is adjacent to residential uses. Two buildings, approximately 12,500 and 18,000 square foot, with multi-tenant commercial office uses are currently located on the two parcels. Across Evelyn, Block 5 of the DSP is allowed 40 units per acre. The existing buildings are outdated for most general business uses and would need to significant redevelop to attract more upscale tenants.

The current land use designations are for Commercial General Business (General Plan) and C-4 Service Commercial (zoning). General Business would support either the C-2 (Highway Commercial) or C-4 zoning districts. The current uses do not fit the Commercial Service zoning which is intended more for repair shops, crafts, custom fabricators, etc. These uses are generally fine adjacent to rail, or higher volume roads such as Evelyn, but are not the best neighbor to residential uses. Residential uses have been successfully provided to the east and the west of the site at 41 and 25 units per acre.

Residential uses adjacent to rail may raise questions of a suitable noise environment. As evidenced with the Villa del Sol development, a site can be designed to meet desirable interior noise levels and create protected areas for comfortable outdoor use. Office and retail uses can also be constructed to achieve a comfortable interior noise level when adjacent to noisy uses.

If the base density allowed 65 units per acre building heights could be four stories with structured below grade parking. State density bonus law would require the City to allow up to 88 units per acre which would mean at least one, probably two additional floors of development. Staff finds that five and six stories are more appropriate in the core areas of the downtown (Blocks 1 and 18), typically associated with office or mixed use retail/residential. Staff finds that density around 65 units per acre is the highest density the area should support given the densities allowed across the street (40 du/ac and 48 du/ac) and the resulting scale of the buildings at that density.

Staff recommendation: Residential land use up to 48 dwelling units per acre as this density is desirable in proximity to transit (train and bus stops on Evelyn) and is compatible with the surrounding existing and planned residential developments. This density is the same as the base

density recommended for the adjacent Villa del Sol site. Higher densities can be achieved by applying the State Affordable Housing density bonus and City Green Building incentive bonus.

Alternatives:

A) If the City Council finds that this designation would create too much residential development in the downtown, or the potential for too much bulk on the site, then designate a base density of 36-40 units per acre, similar to the adjacent residential sites.

B) If the City Council finds that the site can support higher density due to its proximity to the train station designate up to 65 units per acre as the maximum allowed by the General Plan.

470 Marshall Avenue:

As previously mentioned, the site is developed with a triplex (3 apartments). Residential uses are located south of the site across E. Evelyn Ave. The property is in an area that formerly contained industrial and commercial uses and has already transitioned to residential uses. A Zoning and General Plan designation that matches the current land use and is compatible to surrounding uses would be appropriate.

Staff recommendation: Although not recommended for inclusion in the DSP, staff recommends changing the General Plan designation to Residential Medium Density and zoning of R-3/PD. This is the same designation as the adjacent Heritage Park apartments.

Alternative: If the City Council finds that this site should be part of the DSP, a medium density residential designation is still appropriate.

388 E. Evelyn Avenue (Companion application: SDP 2012-7460):

This site is located at the southwest corner of Evelyn Avenue and Bayview. The City Council authorized a General Plan/DSP Amendment study for up to 65 units per acre. As previously mentioned, the application for a General Plan amendment for this property has been withdrawn. Staff further finds that the existing base zoning of 48 units per acre is appropriate.

Development Standards

Within the DSP, zoning standards vary from block to block in terms of setbacks, lot coverage, maximum height, number of stories, density and minimum development size. Standards such as landscaping, usable open space and number of parking spaces are determined by the use. The proposed expansion of the DSP does not introduce modifications to these use standards.

With the exception of the train station/garage, staff suggests that the new downtown blocks utilize standards similar to the ones in place for similar

blocks within the DSP based on the recommended use, density and location. The Caltrain station/garage, potential DSP Block 21, recommended standards are based on current conditions. Potential DSP Block 22, currently occupied by Murphy Square, is considered commercial, although residential uses may seem appropriate based on its proximity to transit uses. Standards for this block are based on the potential redevelopment with a similar amount of commercial uses and a residential density of up to 48 dwelling units per acre similar to the standards for Block 1A. New DSP Block 23 (Villa del Sol and 457 E Evelyn) could be similar to DSP Block 4 which allows densities up to 48 units per acre. Proposed development standards are provided in Attachment L.

Architectural and Site Standards:

The DSP includes adopted design guidelines to ensure that site design and architectural improvements reflect a balance of the City's suburban character and downtown development intensity. These guidelines are intended to create a more lively and pedestrian friendly place in the City's core area. As part of the expanded Downtown Specific Plan area, proposed redevelopment would be reviewed to ensure certain site and architectural design guidelines are met. The existing design architectural design standards provide sufficient guidance for future development. The companion applications were reviewed in accordance to the adopted DSP design guidelines. Attachment F includes a sample of these guidelines.

Streetscape Standards:

With the proposed expansion of the Downtown Specific Plan, the desired streetscape for both sides of Evelyn Avenue should be defined. These standards, as stated in the DSP, include streetscape specifications and details that have been adopted by the Public Works Department for specific blocks in the downtown area. These design standards address such topics as:

- Sidewalk paving materials
- Street trees
- Street furniture
- Street lights
- Crosswalks
- Traffic signal styles
- Bike racks
- Landscape planters

The Specific Plan also proposes specific right-of-way configurations for several of the important streets within the commercial core. These configurations balance the demands of roadway capacity with the need for a comfortable pedestrian environment. Roadways are identified as regional boulevards, avenues or neighborhood streets. Attachment G includes specifications that are currently in place and adopted for Evelyn Avenue, between Mathilda Avenue

and Sunnyvale. Proposed updates to these specifications are located in Attachment L. Complete streets standards will apply to final street configuration.

PARKLAND DEDICATION

As part of the discussion of the City Council review of the General Plan Initiation for the subject sites, the issue of Park Dedication was discussed. An opinion was expressed by Councilmembers that limited open space and recreation amenities are provided by multifamily residential housing projects and are insufficient to meet the needs of the residents for open space and recreational facilities. With the number of new residential units expected in the downtown area, staff was asked to evaluate potential park projects that could serve future residents by applying the City's Park Dedication Ordinance to acquire a new park site or improve existing parks.

Park Policies

The General Plan (see Figures 3-5 and 3-7) indicates that the downtown area is an underserved residential "gap" area based on projected residential growth. Further, General Plan, Policy LT-8.14 states:

In applying the park dedication requirements for new development, place a priority on acquiring land over in-lieu payment, particularly when the development is in areas identified as underserved and/or when the land is of sufficient size or can be combined with other land dedication to form larger mini-parks or neighborhood parks.

Per Sunnyvale Municipal Code Chapters 18.10 and 19.74, new residential projects are required to either dedicate park land or pay an in-lieu fee. The intent of the fee or dedication is to help off-set the effect of increased use and availability of parks and recreation space and facilities. On-site parkland dedication is required when the following applies:

Where a park or recreational facility has been designated in the open space and recreation subelement of the general plan, and the park or facility is to be located in whole or in part within a proposed multifamily residential housing project, to serve the immediate and future needs of the residents of the rental housing project, the owner and/or developer shall be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the project. The park land to be so dedicated shall conform to locations and standards set forth in the general plan.

If land dedication is not required, in-lieu fees are collected from the project and Section 19.74.020(d) states the following with respect to use of the in-lieu fees:

The money collected pursuant to this chapter is to be used only for the purpose of providing park or recreational facilities to serve the multifamily residential housing project from which the fees are collected. Fees so collected shall be used to purchase land, buy equipment or construct improvements in neighborhood and district parks and recreational facilities serving the housing project. The fee so required shall be based on the fair market value of the land that otherwise would have been required for dedication.

The City Council will engage in priority setting for all park projects as part of the upcoming budget process. This information is provided to assist the Council in considering some of the priorities in the context of downtown development only.

The table in Attachment H indicates park land dedication requirements based on date of a complete application.

Downtown Park Setting

Amending the General Plan designation on the Evelyn Avenue site to allow residential development increases the demand on parks and also provides an opportunity to increase park area or upgrade facilities at existing parks. The site is within the Washington Neighborhood Planning area and the West Murphy Neighborhood Planning Area is to the north of the railroad. Park facilities within the Planning Area and Murphy Park (which is also near the site) and their approximate walking distance from the 457 E Evelyn site are:

- Plaza del Sol (0.3 mile)
- Ellis Elementary School (0.6 mile)
- Washington Park (0.75 mile)
- Vargas Elementary School (1.4 miles)
- Murphy Park (0.5 miles)

Only Plaza del Sol and Ellis school do not require crossing of a major arterial or railroad for access.

The Downtown Specific Plan (DSP), adopted by the City Council in 2003, contains seven key strategies. One of the strategies is “*providing plazas and other gathering areas throughout the downtown for community events and recreation.*” Plaza del Sol is identified as one of three proposed plazas and open spaces in the DSP. The other two (Murphy Avenue Plaza and Redwood Square are located in the Town Center project area.) Plaza del Sol is envisioned as a “formal gathering space” for programmed events. It is also seen as an informal open space for active and passive recreational activities for downtown employees and residents, such as picnicking, reading and lunchtime relaxation. The Plaza is envisioned to be constructed in stages. Phase 1 was

constructed at the same time as the adjacent J.P. Morgan office buildings with the underground garage.

In 2008 the City hired a consultant to design phase II of the Plaza del Sol improvements. The plaza, as currently improved, is not considered optimal for public use due to lack of shade and amenities. There was interest in completing improvements to the plaza before residential units in the Town Center redevelopment project were completed. Due to the slow-down in the Town Center redevelopment and a need to reprioritize park dedication funding, the Phase II project was put on hold. Since that time the Town and Country area has been approved for redevelopment and construction has commenced. The Solstice and Carmel Lofts projects have paid about \$4.2 million in park dedication in-lieu fees, with almost \$1.4 M pending (if paid under the current land valuation schedule). In addition, the Town Center redevelopment site has paid about \$1.6M in park dedication fees, and would pay an additional \$0.6 M (under current land values) for the remaining residential units.

The City has three basic options with regard to the park dedication requirement for the Evelyn sites.

1. Land dedication
2. In-lieu fee
3. Combination land dedication and in-lieu fee

Land Dedication

On-site Dedication: Unless a site is particularly large, or adjacent to an existing park it is not usually practical in Sunnyvale to require on-site dedication. As shown in Attachment H, the Prometheus application for 457 E Evelyn would require 0.91 acres of land under the current standard of 3.5 acres/1,000 population for their proposed 158 dwelling units. If land were dedicated from the property proposed for development, it would be about 40% of the site. If the application by the same developer for 388 E Evelyn were included, then 1.29 acres would be required (for both sites) which is about 56% of the northern site at 457 E Evelyn Ave. The site is adjacent to the railroad; it is near an at-grade railroad crossing and near the Downtown Sunnyvale downtown station. Safety adjacent to a train track can be a concern if there are active uses such as ball fields. These potential safety impacts can be mitigated with walls and fences. Rail operations require trains to blow their horns as they approach a road crossing and approach a station, contributing to the outdoor noise environment. Office, retail and residential development can be constructed in a manner to use walls to shield employees, patrons and residents from noise in both indoor and outdoor settings. Sound attenuation is typically not a practical option for a park as the heights of walls would need to be well above the height of the train horn, typically mounted on the top of the engine.

Off-site Dedication/Acquisition: In order to assess off-site dedication opportunities, staff examined potential sites in a half mile radius. The following sites were excluded from the search: those developed in the past 20 years, Blocks 1, 1A (former Town and Country), 2 (Historic Murphy) and 18 (former Town Center), single-family homes, heritage landmarks and resources, and sites north of Central Expressway, west of Mathilda, east of Fair Oaks. There were about 100 sites remaining. These varied from 2,500 s.f. to 10 acres in size. Based on a general assessment of these remaining sites, many would be unsuitable for a park due to location, difficulty with access or possible problems with soil. Sites with successful development may not be affordable.

As discussed earlier in the report the triplex site at 470 Marshall (5,200 s.f. site) could serve as a gateway or pocket park in the Downtown. On the south side of Evelyn is a City-owned site that could potentially serve as a companion gateway/pocket park. Alone 470 Marshall would not meet the total requirement for land dedication. The applicant for 457 E Evelyn advised staff that they approached the owners about possibly acquiring the site; the owners were not interested in selling their property.

In-lieu Fee

Amending the General Plan to allow residential development at 457 E Evelyn may accelerate the need for new park land or upgraded facilities at other city parks. Two basic options are available with park dedication in-lieu fees: A) park improvements, and B) land acquisition. An in-lieu fee for the two companion Prometheus projects would pay about \$3.5 M (more if land values are found to have increased in future years). Total paid and anticipated fees for recent major downtown projects plus fees associated with the Prometheus applications would be about \$11.3 M. If higher land values for park land are adopted this amount would be higher.

Capital projects using park dedication in-lieu fees are currently programmed to improve all parks in the open space system including Washington and Murphy Parks. Murphy Recreation Building renovation and enhancement is currently in design and Washington playground and sport courts are scheduled for replacement in future years. An expansion of Washington Pool is also being developed as a project for inclusion in the 20-year parks capital improvement plan now under development. Earlier this year the Public Works Department discussed a recommended methodology for setting priorities for use of park dedication in-lieu fees. The City Council requested additional information before setting priorities. The Public Works Department will be returning to City Council this spring with a list of possible parks projects with a recommendation on priorities for the use of park dedication in-lieu fees. Projects which are eligible for park in-lieu fee funding will be so indicated. Staff will be presenting a 20 year plan for prioritization and funding of Parks projects and will be seeking approval of the capital plan.

Park fees could be used to upgrade existing parks or City-owned sites (making them in to parks). For example, Phase II of Plaza del Sol, which has been on hold, could be funded with park in-lieu fees. Currently, this project is not included for funding in the 20-year plan. According to the adopted FY 12-13 budget, Park Dedication Fund Long Term Financial Plan, the project fund balance at the end of FY 2012-13 is \$4,090,000. This is projected based on expected PDF revenues of \$4,524,000 in FY 2012-13. This projected revenue does not include \$3,500,000 from the two Prometheus projects, which would be expected in FY 2013-14.

Combination Land Dedication and In-lieu Fee

There is also the option of requiring on-site dedication for a portion of the requirement and an in-lieu fee for the remainder. As discussed above, due to the size and location of the parcels staff is not recommending on-site dedication. In-lieu fees, though, could be used to acquire a site in the downtown as well as fund improvements to other eligible parks.

Staff recommendation: A recommendation on how to use park in-lieu fees from downtown residential projects should be made with full consideration of city-wide park priority needs. Park in-lieu fees collected from downtown residential developments can be used for community-wide park projects or area projects that will reasonably serve downtown residents. A possible candidate for in-lieu fees is the unfunded Plaza del Sol Phase II improvements which were previously deferred by the Council. The Plaza is an important community and downtown open space, but has not been completed for optimum public use (e.g. passive recreation). Another option is creating a park entry feature at the east end of the DSP area by improving the triangular City-owned land at Evelyn and Washington and acquiring and improving the small parcel at Evelyn and Marshall Avenue. As previously noted, however, the property owner is not presently interested in selling the property.

BALANCED GROWTH PROFILE (BGP)

The City has a Balance Growth Profile (BGP) that tracks the changes to seven indicators; it is updated at least annually. Attachment I shows a tabulation of the change in residential housing units and commercial square footage associated with the General Plan Amendment. It also shows the BGP for 2012 and the 2012 BGP with the recommended changes to the Downtown Specific Plan and General Plan.

FISCAL IMPACT

The General Plan Amendment and Rezoning to expand the DSP would result in a fiscal impact due to the loss of potential commercial uses currently allowed under the C-3 and C-4 zoning. These sites allow relatively low intensity development under current zoning limiting their fiscal contributions to the City. The sale and redevelopment of property will increase property taxes from

the site. New residents would require services, which are typically covered by fees and taxes. New residents also patronize Sunnyvale businesses indirectly contributing to sales tax revenues.

PUBLIC CONTACT

Public Notices were sent to 1,332 residents and property owners within 300 feet of the subject properties. Notices were also posted on-site and in the Sun newspaper. Contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk.

Planning Commission Study Session

A Planning Commission study session was held on August 13, 2012 related to the projects. Comments from the Commissioners included concerns related to the proposed density of each of the projects as well as specific site and architectural design improvements. The Planning Commission was generally supportive of the State density bonus allowance. The companion staff reports on the development applications include information on the outreach meetings.

Planning Commission Public Hearing

The Planning Commission reviewed the proposed project on March 11, 2013 (See Minutes in Attachment K). The project was reviewed concurrently with the proposed residential projects at 388-394 E. Evelyn Avenue (2012-7460) and 457-475 E. Evelyn Avenue (2012-7462).

A total of eight members of the public spoke at the public hearing for the combined proposals. Comments included concerns related to the proposed density and potential traffic impacts resulting from the development. Community members also voiced support for the redevelopment of each site.

The Planning Commission voted unanimously (7-0) to recommend approval of the proposal as recommended. Commissioners supported the proposed amendments to the General Plan and Downtown Specific Plan, noting that the residential use and increased density is appropriate given its location near the train station and an established residential neighborhood. Commissioners further stated that the proposal allows for the current use of certain properties to be consistent with their Zoning and General Plan designations. Certain Planning Commissioners further noted a desire to explore examining an expanded area north of the railroad in the future. Subsequent discussion of the two development projects is provided in the associated staff reports (2012-7460 & 2012-7462).

ENVIRONMENTAL REVIEW

A draft and final Program Environmental Impact Report ("Program EIR") was prepared in 2003 when the Downtown Specific Plan was considered by the City Council for full build-out of the plan. Specific components of the Program EIR included:

1. Adoption of amendment to the City of Sunnyvale General Plan Land Use and Transportation Element (including the Downtown Specific Plan section) and the General Plan Map for 20 blocks of development proposed to be in the plan;
2. Adoption of amendments to the City's Zoning Code, including the Precise Zoning Plan/Zoning District Map and Chapter 19.28 Downtown Specific Plan District and 19.80 Design Review;
3. Adoption of amendments to the 1993 Sunnyvale Downtown Specific Plan to incorporate various land use designations, development standard revisions, design guideline revisions, circulation and parking recommendations and streetscape standard revisions proposed for the Downtown Design Plan area comprised of 20 blocks and three adjacent areas; and
4. Adoption of related amendments to the Sunnyvale Downtown Redevelopment Plan.

The City Council adopted Mitigation measures with the Program EIR and also identified two significant, unavoidable environmental impacts for regional air quality and freeway traffic for which the Council adopted a Statement of Overriding Considerations. The Program EIR identified as mitigation for traffic the adoption of a County-wide Deficiency Plan to be adopted by Santa Clara Valley Transit Authority. The Deficiency Plan has been adopted. The Program EIR also directed that future site-specific development proposals will be subject to further environmental review on a project-by-project basis. Amendments to the DSP were made in 2004 and 2007, together with project specific environmental review.

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any further significant environmental impacts with implementation of the recommended mitigation measures.

Mitigation measures related to noise attenuation, air quality, and tree protection are noted for each of the individual projects (2012-7460 and 2012-7462). Staff further notes that cumulative impacts for the two projects and potential increases to residential development of newly zoned properties do not necessitate a Traffic Impact Analysis (TIA) since less than 100 net new peak hour trips would be generated over current uses occupying the site. Staff further noted that potential modification to the zoning and allowable density of

neighboring sites as considered up to 65 dwelling units per acre would still not necessitate the need for a traffic study based on the net increase of traffic over current levels. In response to community concerns, the applicant voluntarily hired a transportation consultant, AECOM, to conduct a traffic analysis for the projects. A copy of this study is included in the staff reports for the projects. Staff was not involved with the selection of the consultant, since a TIA was not required for the proposed projects.

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration (Attachment J) and amend the General Plan and Downtown Specific Plan, amend the zoning code and rezone properties with the following actions:
 - A) Adopt a Resolution to Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5 (Attachment K).
 - B) Adopt a Resolution to amend the General Plan and Downtown Specific Plan (Attachment L) to:
 - a. Expand the DSP boundaries to include eight additional parcels and change the General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP land uses including Transit Center, Mixed Use, and Residential up to 48 dwelling units per acre;
 - b. Change the General Plan land use designation of 470 Marshall from Commercial General Business to Medium Density Residential;
 - c. Establish new DSP Blocks 21, 22 and 23 with requirements specifying land use, density and development standards; and,
 - d. Establish streetscape standards for Evelyn Avenue between Sunnyvale Avenue and Marshall Avenue.
 - C) Adopt a Resolution to amend the General Plan for 470 Marshall Avenue from Commercial General Business to Residential Medium Density (Attachment M).
 - D) Introduce an ordinance to amend Title 19 (Zoning) of the Sunnyvale Municipal Code to establish new zoning districts for the Downtown Specific Plan (DSP) and include related development standards consistent with amendments to the Downtown Specific Plan (Attachment N).
 - E) Introduce an ordinance to rezone eight properties on the north side of Evelyn in accordance with Downtown Specific Plan designations (Attachment O).
 - F) Introduce an ordinance to rezone 470 Marshall from Commercial Service (C-4) to Medium Density Residential/Planning Development (R-3/PD) (Attachment P).
 - G) Authorize staff to revise the DSP document maps and text administratively to reflect the amendments.
2. Alternative 1, with modifications.

3. Adopt the Mitigated Negative Declaration and deny the request to modify the General Plan Amendment for the subject 9 properties along the north side of Evelyn Avenue between Mathilda Avenue and Marshall Avenue, including 470 Marshal Avenue.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

RECOMMENDATION

Staff recommends Alternative 1. The proposed amendments allow for uses of certain properties to no longer be considered legal non-conforming with respect to their General Plan and Zoning designations. The geographical area of the downtown is better defined with the inclusion of properties along both sides of Evelyn Avenue south of the railroad. The proposed modifications allow for added flexibility and increased residential density that promote transit oriented development.

Since the adoption of the Southern Specific Corridor Specific Plan, Sites 4 & 5 have been redeveloped with residential uses (Villa Del Sol Apartments). The current plan promotes the current commercial use of the property, known as Site 3 (Murphy Square); however, nearby development has since transitioned to residential uses. Due to its close proximity to the Caltrain station, staff is recommending that the zoning of this property maintain the commercial use while enabling a mixed use redevelopment that allows commercial and residential uses. A prescribed density of 48 units per acre would be compatible with adjacent properties.

Staff finds that a base density of up to 48 units per acre for those properties within the newly created Downtown Specific Plan is considered appropriate based on its location along a major transit corridor. Through provisions of state law and local green building ordinances, a higher density can be supported.

The recommendation also includes the adoption of zoning and development standards, as described in the report. These development standards allow for street improvement continuity and a healthier pedestrian environment through wider sidewalks, increased street trees and comfortable pedestrian furniture.

Reviewed by:

Hanson Hom
Director, Community Development
Prepared by: Ryan M. Kuchenig, Project Planner
Reviewed by: Trudi Ryan, Planning Officer

Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Proposed Project Letter/Addendum From Prometheus for 394 E. Evelyn Avenue and 457-475 E. Evelyn Avenue
- B. Maps of current General Plan, Zoning and Land Uses
- C. General Plan and Downtown Specific Plan Goals & Policies
- D. Map of Southern Pacific Corridor Specific Plan
- E. Map of Downtown Specific Plan Current Boundary and Ownership of Properties North of Evelyn Avenue in 1984
- F. DSP Architectural Site Guidelines
- G. DSP Streetscape Improvements
- H. Park Land Dedication Requirements Table
- I. Balanced Growth Profile 2012 and with GPA
- J. Mitigated Negative Declaration
- K. Resolution Repealing the Southern Specific Corridor Site Specific Plan (with map)
- L. Resolution Amending the General Plan and Downtown Specific Plan (with map)
- M. Resolution Amending the General Plan for 470 Marshall Avenue from Commercial General Business to Residential Medium Density (with map)
- N. Draft Ordinance amending Title 19 (Zoning) Chapter 19.28 Downtown Specific Plan
- O. Draft Ordinance rezoning 295 W. Evelyn Avenue from C-3/PD to DSP-21; 111 W. Murphy Avenue from C-3/PD to DSP-22 and 295 – 491 E. Evelyn Avenue from C-4/PD to DSP-23 (with map)
- P. Draft Ordinance rezoning 470 Marshall Avenue from C-4 to R-3/PD (with map)
- Q. Planning Commission Minutes, March 11, 2013



March 4, 2013

Hanson Hom
Community Development Director
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94088

RE: 2nd Addendum to Application Materials: State Density Bonus Law Incentives and Concessions for 388-394 East Evelyn Avenue and 151-153 Bayview Ave. (Application Number 2012-7460), and 475 & 475 East Evelyn Avenue (Application Number 2012-7462).

Dear Mr. Hom,

This letter serves as an addendum to the February 19, 2013 Incentives and Concessions Letter requesting Expedited Permit Review Processing as the first of the two Incentives and Concessions for the above mentioned projects. As stated in the California State Density Bonus Law, the developer must receive two Incentives and Concessions for projects that include at least 10% for very low income households, as here. (§ 65915(d)(2)(B).)

The purpose of this letter is to identify the second Incentive or Concession being requested for these projects. This request is to reduce the storage requirement for the above mentioned projects to 150 cubic feet, or half of the 300 cubic feet required by Section 19.38.040. of the Sunnyvale Municipal Code.

The reduction in storage space to 150 cubic feet per unit is requested for several reasons. The reduction provides more natural light and larger windows as well as more variation among of the exterior portions of the building. 150 cubic feet is also reflective of what is standard usable storage space.

We again appreciate your consideration and review of the information provided. Please contact myself should you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jon Moss', written in a cursive style.

Jon Moss
Executive Vice President & Partner
Prometheus Real Estate Group, Inc.

cc: Trudi Ryan
Ryan Kuchenig
Pat Castillo



February 19, 2013

Hanson Hom
Community Development Director
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94088

RE: Addendum to Application Materials: State Density Bonus Law Incentives and Concessions for 388-394 East Evelyn Avenue and 151-153 Bayview Ave. (Application Number 2012-7460), and 475 & 475 East Evelyn Avenue (Application Number 2012-7462).

Dear Mr. Hom,

This letter serves as a Letter of Modification to the Incentives and Concessions being requested for the project applications identified above.

These project applications no longer request a transfer of the, to be provided Affordable units, to another property within Sunnyvale as had been previously proposed. That request is now withdrawn. In its place, a request for Expedited Permit Review Processing is being determined. As stated throughout the State Density Bonus Law, Density Bonus project applications shall be placed ahead of Non-Density Bonus project applications. Standard review times for City of Sunnyvale Permit Review Staff are three (3) weeks for the initial submittal and two (2) weeks for each following resubmittal. However, due to current workloads and staffing levels an additional two (2) weeks is being added to each of these durations.

To that end, we propose the following schedule:

The City of Sunnyvale shall accept, process, review and act upon all applications for Subsequent Approvals in an expedited fashion. The City shall inform the Developer/Applicant, upon request, of the necessary submission requirements for a complete drawing set for each such Subsequent Approval. Specifically, each Construction Document related drawing submittal (Final Map, Demolition, Grading, Foundation, Superstructure, Building, and any other related permits), be placed ahead of Non-Density Bonus project applications and have an associated review time of half the City Standard review times. This would translate to review times of one and a half (1.5) weeks for the initial submittal and one (1) week for each following resubmittal.

We again appreciate your consideration and review of the information provided. Please contact myself should you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon Moss", written in a cursive style.

Jon Moss
Executive Vice President & Partner

Prometheus Real Estate Group, Inc.

cc: Trudi Ryan
Ryan Kuchenig
Pat Castillo



December 14, 2012

Hanson Hom
Community Development Director
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94088

RE: Addendum to Application Materials: 457 & 475 East Evelyn Avenue and 394 East Evelyn Avenue (2011-7906) – State Density Bonus Law Requests

Dear Mr. Hom,

This letter serves as a second addendum to the above-referenced project applications. In particular, this letter provides further information and clarification regarding the details of the Development Standard Waivers, and the Incentives and Concessions to be associated with the application of City and State Density Bonuses for the pending Special Development Permit Applications. As previously stated, this Density Bonus request is based on City of Sunnyvale Staff's stated support of a base density of 48 units per acre for both the Sunnyvale Hotel project, located at 394 East Evelyn Avenue, which is included within the Sunnyvale Downtown Specific Plan, as well as the property located at 457 & 475 East Evelyn Avenue, which is proposed to be included within the Sunnyvale Downtown Specific Plan. The Sunnyvale Hotel site currently sits within Block 4 of the Downtown Specific Plan and has an underlying zoning of 48 units per acre. Staff has stated their support of extending this same level of density to the North side of East Evelyn Avenue.

I. SUNNYVALE HOTEL

A. Density Bonus

Prometheus Real Estate Group proposes to implement the City's Green Building Density Bonus which provides a 5% Density Bonus. This directly translates to a total of 49 units. Prometheus is also requesting a Density Bonus pursuant to the State Density Bonus Law (Gov. Code § 65915 *et seq.*). Pursuant to Section 65915(f)(2), providing 11% Very Low BMR units equates to a 35% Density Bonus, which in turn directly translates to a total of 67 units for the project site. Pursuant to Section 65915(f)(5), calculations resulting in fractional units are rounded up. The details of the calculation are shown below:

Base Units/Acre	48
Acres	0.98
Total Base	47
Green Bonus	5%
Base With Green Bonus	49
BMR	11%
BMR Units Provided	6

BMR Density Bonus 35%
Total Units 67

B Incentives/Concessions

Based on the project's provisions of 11% very low income units, the project is entitled to two incentives or concessions pursuant to Section 65915(d)(2)(B). At this point, Prometheus seeks to exercise only one of its available incentives for the project, and will reserve its other available incentive in order to respond to potential modifications to the project during the City's processing of the development applications. The incentive requested by Prometheus is as follows:

- The 6 BMR units shall be located in the Shadowbrook apartments, located at 235 South Bernardo Avenue in Sunnyvale. The Shadowbrook apartments are owned and managed by Prometheus Real Estate Group Inc., and are currently going through a total property renovation valued at \$14,000,000.

C. State Density Bonus Law Parking Standards

Pursuant to State Density Bonus Law Section 65915(p), and separate from the incentives allowed under Section 65915(d), upon the request of the developer, no city, shall require a vehicular parking ratio that exceeds one onsite parking space per one bedroom unit or two onsite parking spaces per two bedroom unit. Prometheus hereby makes such a request to the City, which translates to a total of 89 parking spaces for the project (45 1BR units – 45 Spaces, 22 2BR Units – 44 Spaces).

D. Development Standard Waivers

Pursuant to Section 65915(e)(1), the City may not apply any development standard that will have the effect of physically precluding the construction of the project at the densities or with the incentives allowed under the Density Bonus Law. The development standard waivers identified and requested at this time (however, this list is not representative of all that may be necessary) are as follows:

- Lot Coverage: 49.2% Proposed 45% City Standard
- Height
 (Average): 48' Proposed 40' DSP City Standard
 (Max/Corner Element): 60' Proposed 40' DSP City Standard

II. 457 & 475 EAST EVELYN AVENUE

A. Density Bonus

For this project, Prometheus also proposes to implement the City's Green Building Density Bonus of 5%, which directly translates to a total of 116 units. Prometheus also requests a Density Bonus pursuant to the State Density Bonus Law. As discussed above, providing 11% Very Low BMR units equates to a 35% Density Bonus, which directly translates to a total of 158 units for the project site. The details of the calculation can be found below:

Base Units/Acre	48
Acres	2.31
Total Base	111
Green Bonus	5%
Base With Green Bonus	116
BMR	11%
BMR Units Provided	13
BMR Density Bonus	35%
Total Units	158

B. Incentives/Concessions

Based on the project's provisions of 11% very low income units, the project is entitled to two incentives or concessions pursuant to Section 65915(d)(2)(B). At this point, Prometheus seeks to exercise only one of its available incentives for the project, and will reserve its other available incentive in order to respond to potential modifications to the project during the City's processing of the development applications. The incentive requested by Prometheus is as follows:

- The 13 BMR units shall be located in the Shadowbrook apartments, located at 235 South Bernardo Avenue in Sunnyvale. The Shadowbrook apartments are owned and managed by Prometheus Real Estate Group Inc., and are currently going through a total property renovation valued at \$14,000,000.

C. State Density Bonus Law Parking Standards

Pursuant to State Density Bonus Law Section 65915(p), and separate from the incentives allowed under Section 65915(d), upon the request of the developer, no city, shall require a vehicular parking ratio that exceeds one onsite parking space per one bedroom unit or two onsite parking spaces per two bedroom unit. Prometheus hereby makes such a request to the City, which translates to a total of 222 parking spaces for the project (94 1BR units – 94 Spaces, 64 2BR Units – 128 Spaces).

D. Development Standard Waivers

Pursuant to Section 65915(e)(1), the City may not apply any development standard that will have the effect of physically precluding the construction of the project at the densities or with the incentives allowed under the Density Bonus Law. The development standard waivers identified and requested at this time (however, this list is not representative of all that may be necessary) are as follows:

- Lot Coverage: 50.7% Proposed 45% City Standard
- Height
 - (Average): 48' Proposed 40' DSP City Standard
 - (Max/Corner Element) 60' Proposed 40' DSP City Standard

We appreciate your consideration and review of the information provided. Please contact myself should you have any questions.

Respectfully submitted,



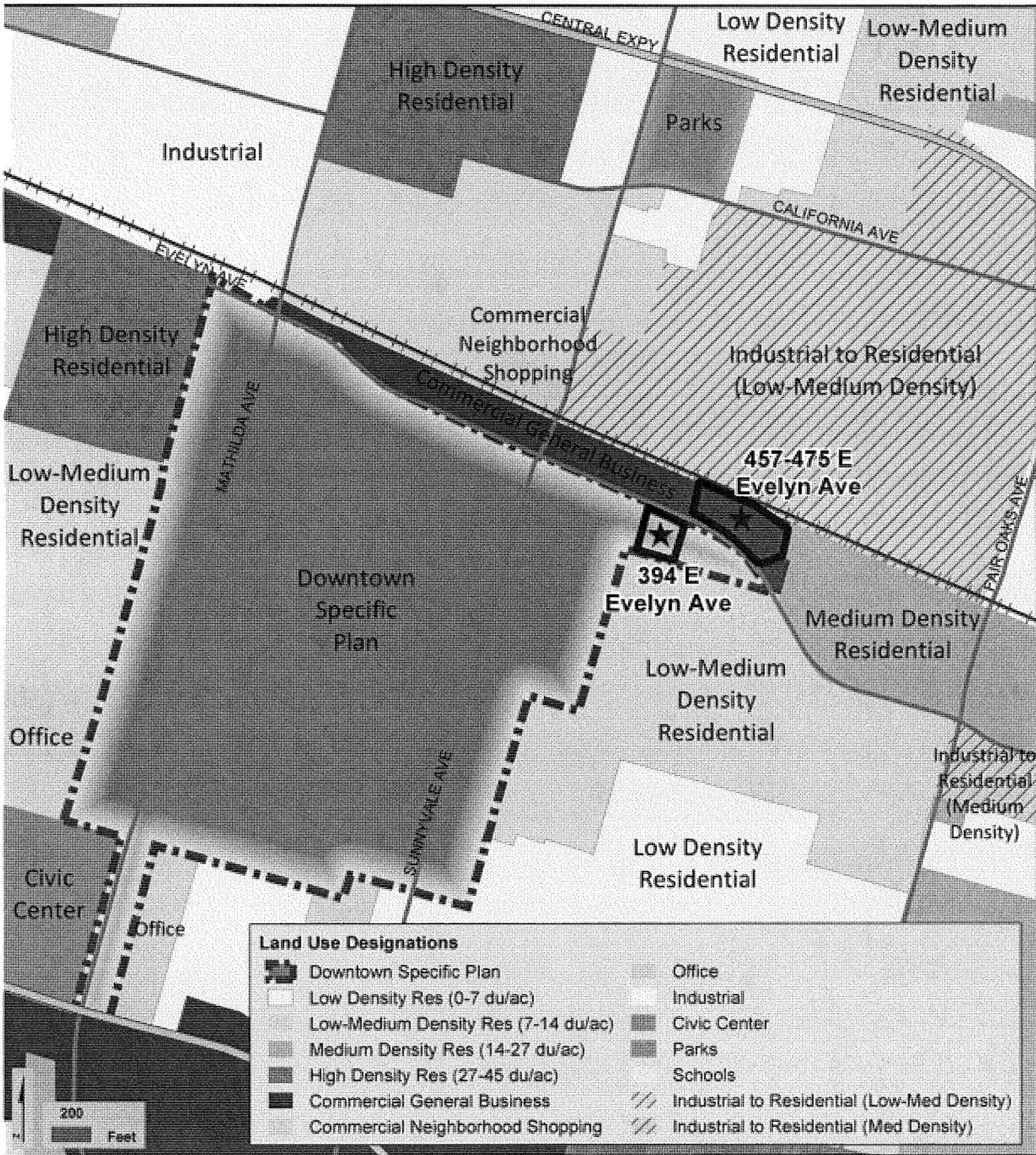
Jon Moss
Executive Vice President & Partner
Prometheus Real Estate Group, Inc.

cc: Trudi Ryan
Ryan Kuchenig
Pat Castillo



City of Sunnyvale General Plan Land Use Designations

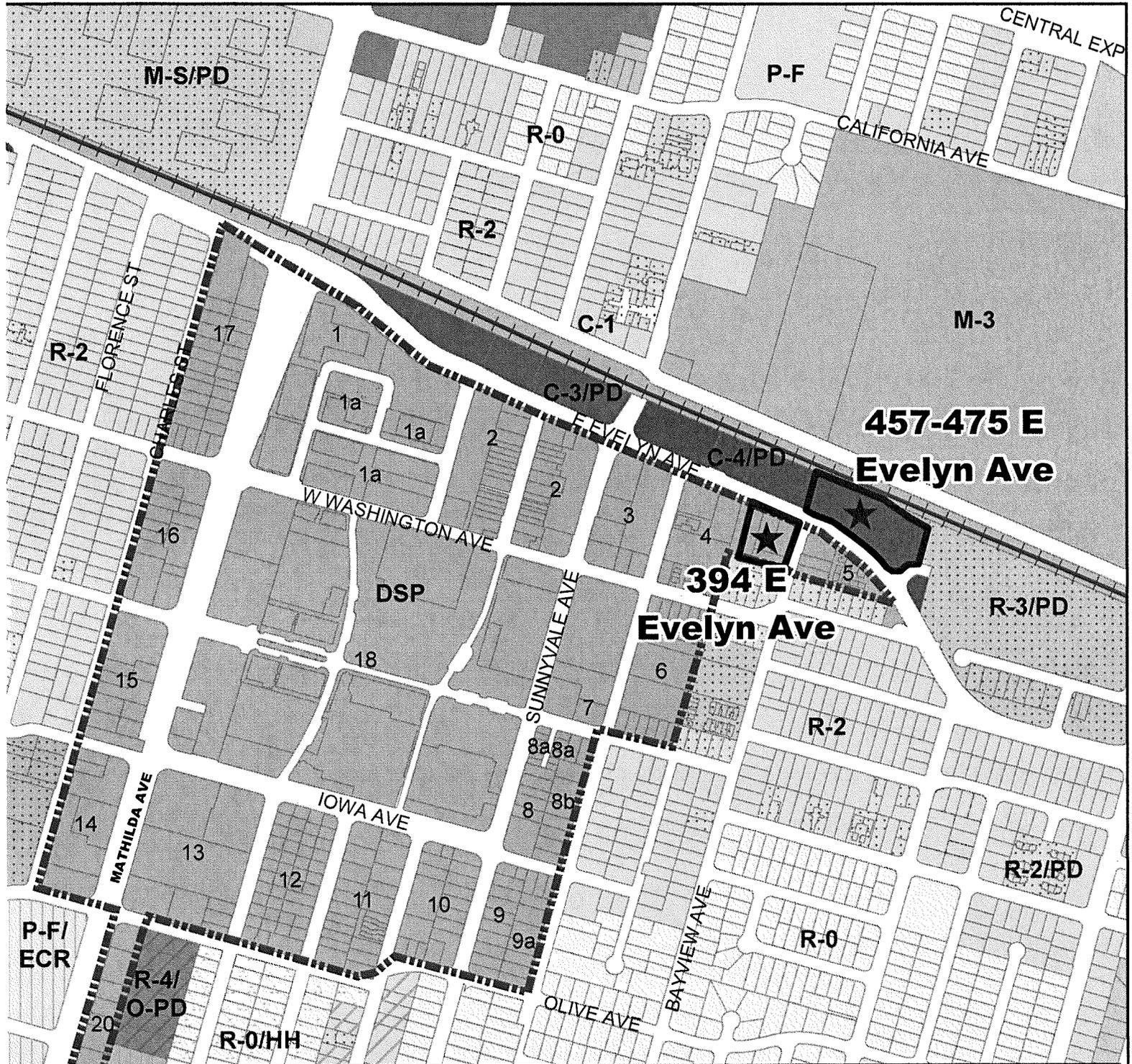
457-475 E Evelyn Ave & 394 E Evelyn Ave



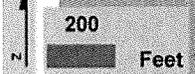


City of Sunnyvale Zoning Designations

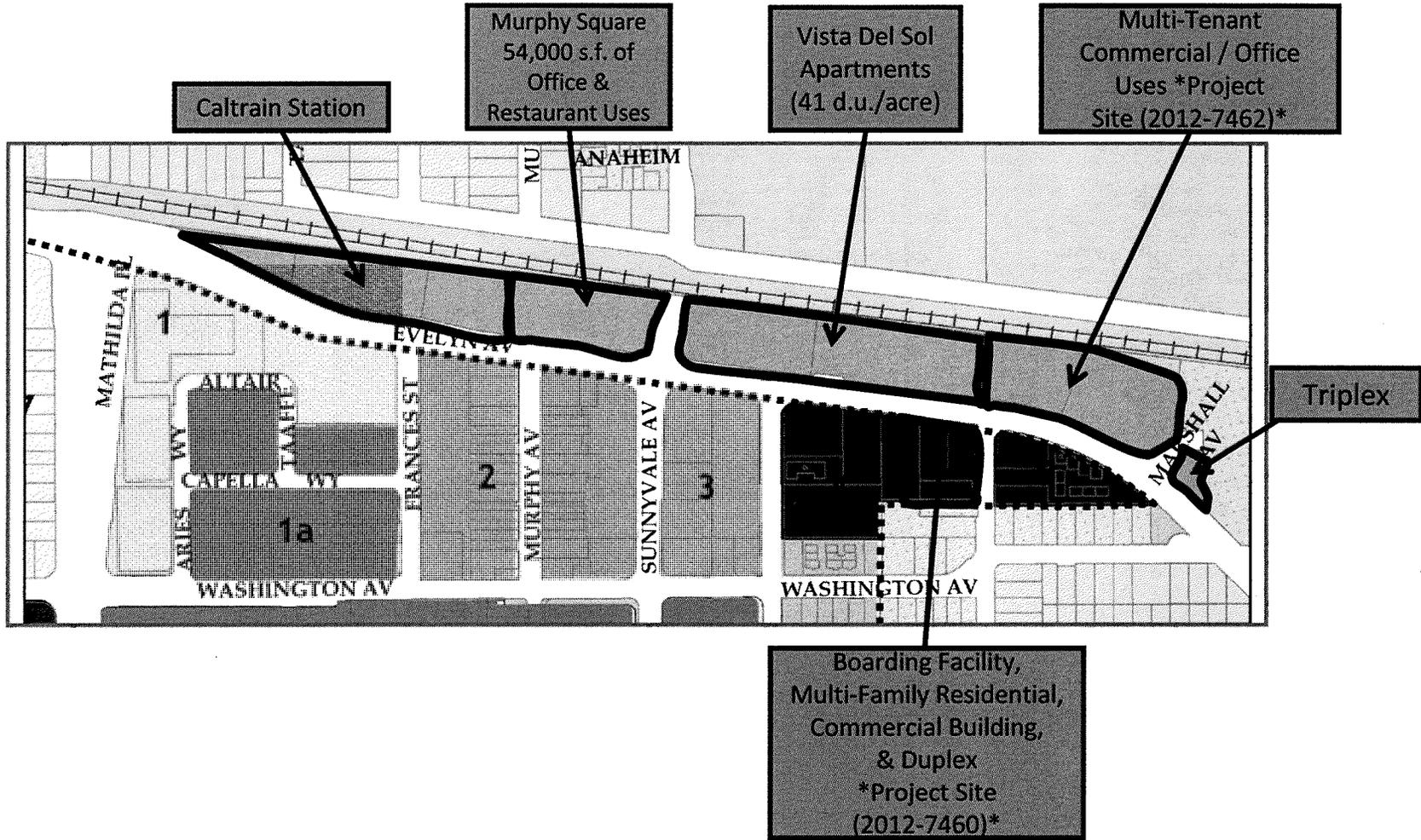
457-475 E Evelyn Ave & 394 E Evelyn Ave



Zoning Districts		Combining Districts	
	R0 - Low Density Residential		C1 - Neighborhood Business
	R2 - Low Medium Density Residential		C2 - Highway Business
	R3 - Medium Density Residential		C3 - Regional Business
	R4 - High Density Residential		C4 - Service Commercial
	MS - Industrial and Service		PF - Public Facilities
	M3 - General Industrial		DSP - Downtown Specific Plan
			DSP Boundary
			PD - Planned Development
			O - Office
			O-PD - Office/Planned Development
			HH - Heritage Housing District
			ECR - Precise Plan for El Camino Real
			ITRR3 - Industrial to Residential (Med. Density)



Current Land Uses



General Plan & Downtown Specific Plan Goals & Policies

Land Use and Transportation Chapter

GOAL LT-3: Ensure ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.

- **LT-1.7a:** Locate higher intensity land uses and developments so that they have easy access to transit services.

Policy LT-3.4 Determine appropriate density for housing based on site planning opportunities and proximity to services.

- **LT-3.4a:** Locate higher-density housing with easy access to transportation corridors, rail transit stations, bus transit corridor stops, commercial services and jobs.

Housing and Community Revitalization Element

GOAL HE-1: Adequate Housing - Foster the expansion of the housing supply to provide greater opportunities for current and future residents within limits imposed by environmental, social, fiscal and land use constraints.

- **Policy HE-1.1:** Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.

GOAL HE-2: Enhanced Housing Conditions and Affordability – Maintain and enhance the conditions and affordability of existing housing in Sunnyvale.

Safety and Noise Element

- **Policy SN-8.1** Enforce and supplement state laws regarding interior noise levels of residential units.
- **Policy SN-10.4** Mitigate and avoid the noise impacts from trains and light rail facilities.

Downtown Specific Plan

- **B.1.** Encourage mixed uses throughout the downtown when consistent with the district character.

- **B.2.** Encourage below-market-rate housing in all residential neighborhoods.
- **B.4.** Continue to encourage landscape, streetscape and façade improvements for all streets throughout the downtown.
- **C.3.** Promote the use of public transit by intensifying land use and activities near transit cores.
- **D.3.** Encourage intensification of specified high-density residential and commercial districts while maintaining the character and density of single family neighborhoods surrounding the downtown.

Downtown Specific Plan

The Goals and Policies of the Specific plan create the basic priorities for implementing the downtown vision. Goals are intended as “high level outcomes” desired for the community and policies are definite courses of actions to guide present and future decisions. The primary goals for the Downtown Specific Plan are:

1. *Develop land uses in the General Plan adopted by the City Council in June 2003 in an attractive and cohesive physical form that clearly identifies Sunnyvale’s downtown.*
2. *Establish the downtown as the cultural, retail, financial and entertainment center of the community, complemented by employment, housing and transit opportunities.*
3. *Promote a balanced street system that serves all users well regardless of their mode of travel.*
4. *Protect and enhance existing neighborhoods.*
5. *Improve the street character.*

The **vision** for the Downtown is:

“An enhanced, traditional downtown serving the community with a variety of destinations in a pedestrian-friendly environment”

The Downtown Specific Plan is currently split into four districts which are described as follows:

1. **Commercial Core District** – The most significant development will occur in this area. This contains a mix of high-intensity uses with ground-level activity, plazas and open space, and connections to mass transit.

2. **Sunnyvale/Carroll District** – This district contains primarily higher density residential uses to transition from the intense commercial core to the lower density residential neighborhoods. These residential uses will be supplemented with a small amount of service retail.

3. **South of Iowa District** – This is a lower-density residential district which buffers the single family neighborhood to the south from the development in the commercial core. Lower scale development is envisioned here with architectural styles that refer to historic Sunnyvale homes.

4. **West of Mathilda Avenue District** – These high-density residential uses are intended to complement the commercial development occurring on the East side of Mathilda Avenue with higher buildings, corner retail spaces and stoop-style entries to residential units. The building height steps down from four stories on Mathilda to two stories along Charles.

Southern Pacific Corridor Specific Plan

Site 3

“The Del Monte Building enjoys a notable place in the history of Sunnyvale. Preservation of its historical significance and integrity will be encouraged. The adaptive re-use of the building to a restaurant or restaurant/office use if felt to best achieve this goal”

Sites 4 and 5

“Purpose: The Specific Plan is based on recognition of the development difficulties resulting from the physical limitations of the site. Therefore the emphasis of the Plan is on providing a broad and flexible range of land uses (commercial, residential or combination of both) that are feasible in the market place, buildable on the site and that are compatible with the Downtown Specific Plan.”

If the City Council amends the Downtown Specific Plan to include properties on the north side of Evelyn, there should also be an action to repeal the Specific Plan for Sites 3 and Sites 4 and 5.

Green Building Program

Resolution 530-12 (April 24, 2012)

“Achieve 110 points, with Green Point Rater verification, and the project can increase lot coverage by 5%. Multi-family projects have the option to increase building height by 5 feet, lot coverage by 5%, or receive a 5% density bonus.”

State Affordable Housing Density Bonus

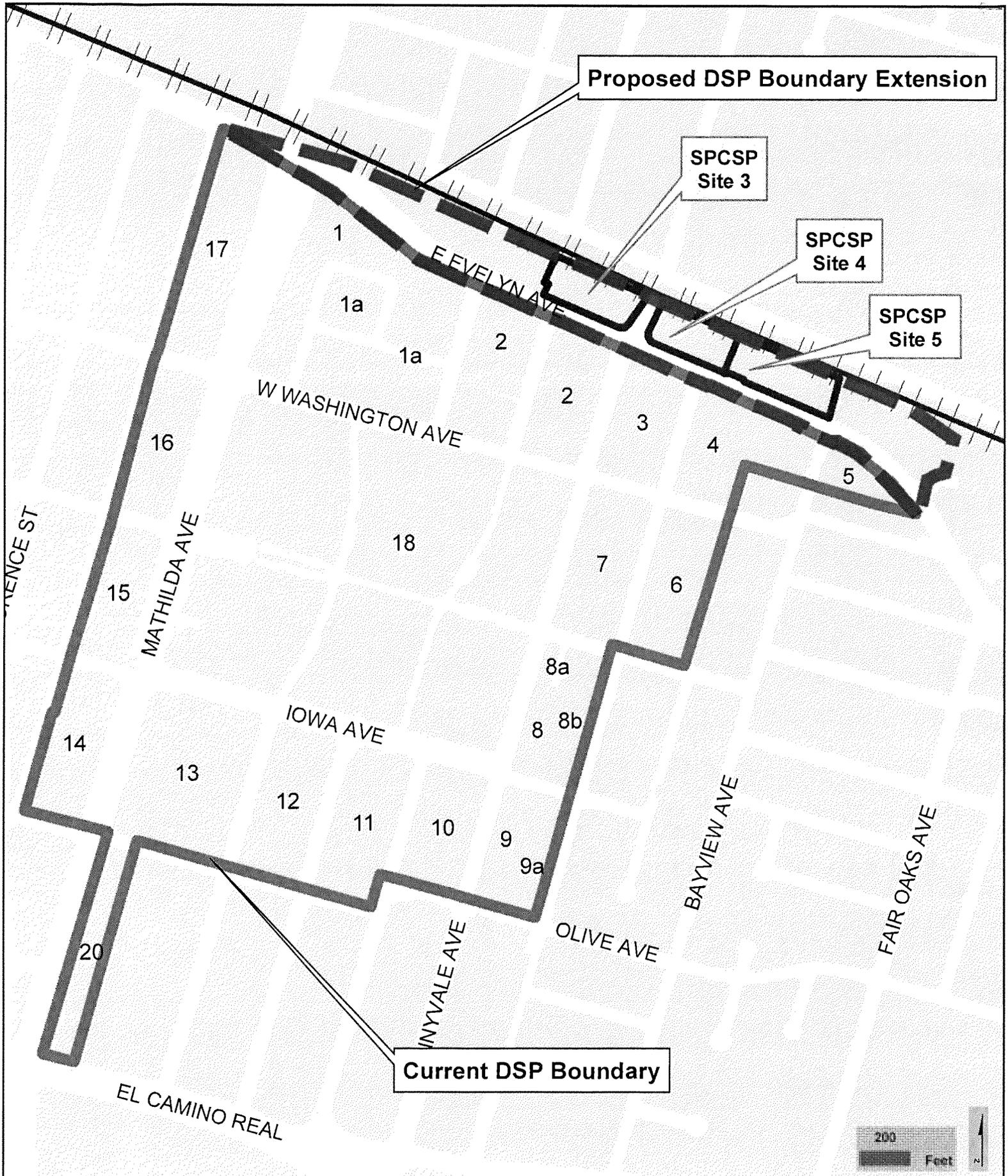
CA Government Code Section 65915-65918

This legislation mandates cities to grant residential density bonuses for the provision of affordable housing. The amount of bonus depends on the affordability level and the percent of units proposed as affordable; up to a 35% bonus is possible if at least 11% of the units (excluding the density bonus units) are affordable to very low income households.



Proposed Downtown Specific Plan (DSP) Boundary Extension Sites 3, 4 & 5 of Southern Pacific Corridor Specific Plan (SPCSP)

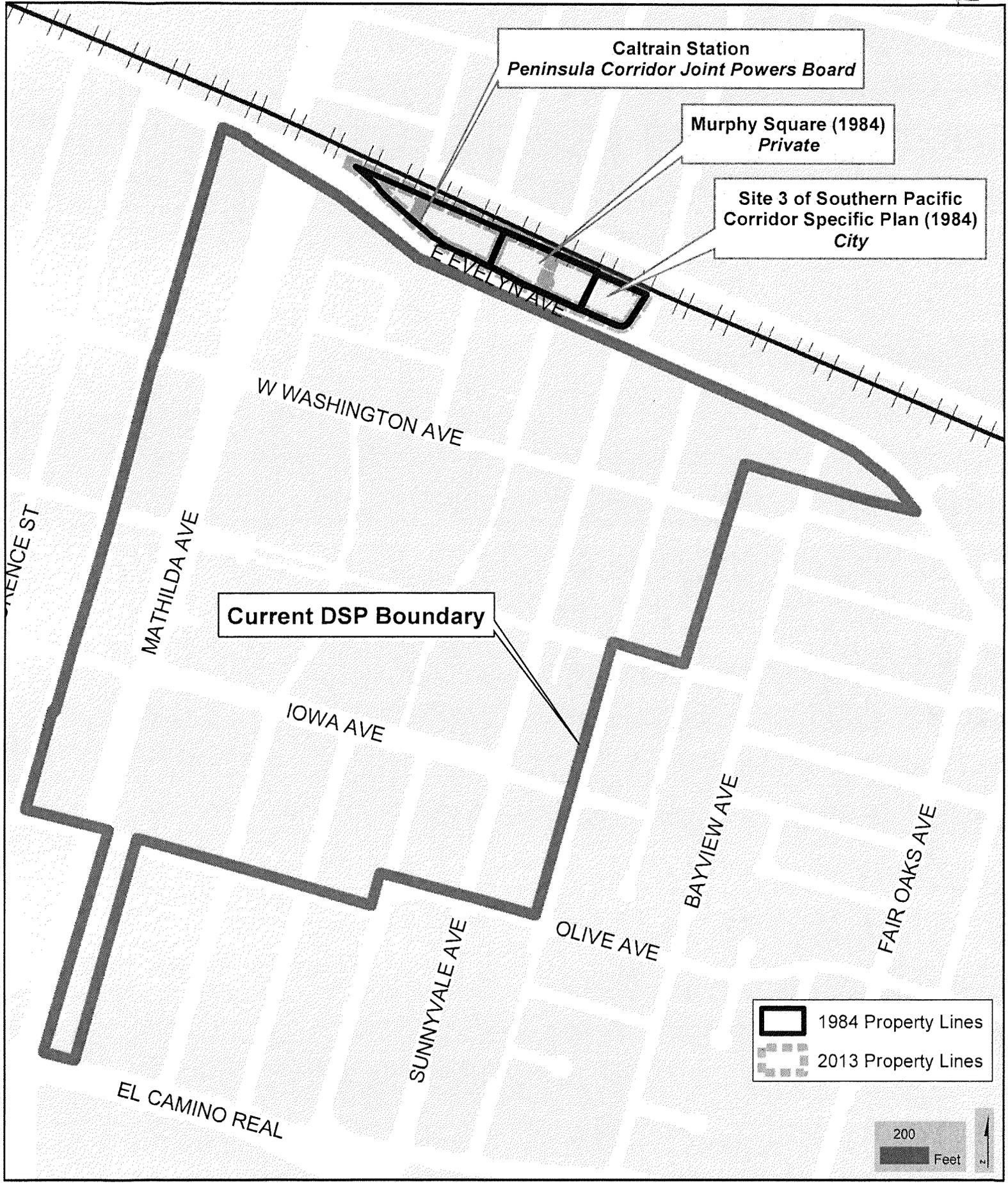
ATTACHMENT D
Page





Downtown Specific Plan (DSP) Original Boundary Ownership of Properties North of Evelyn Avenue in 1984

ATTACHMENT E
Page 1 of 1



D S P A r c h i t e c t u r a l S i t e G u i d e l i n e s **(E x e r p t)**

A . S i t e D e s i g n a n d O r g a n i z a t i o n

- A.2 Locate private on-site parking below grade or behind active uses. Public parking such as surface lots and on-street parking may be permitted with applicable streetscape design.
- A.4. Use quality exterior paving materials such as natural stone and architecturally enhanced concrete at key pedestrian crossings or to delineate boundaries between public and private development.
- A.6 Provide direct entrances or stoops to street-level residential units such as a porch, platform or staircase, to create an intimate streetscape.

B . A r c h i t e c t u r e a n d D e s i g n D e t a i l s

- B.2. Interrupt ground floor facades about every 30 ft. with various architectural elements such as trellises, balconies, steps, openings etc.
- B.5. Buildings within Sunnyvale's downtown may be contemporary in their form if architectural detailing is compatible with the surrounding architectural styles.

S e t b a c k s

- B.7. Try to maintain a well-defined street edge. Recesses for entries and to create an interesting pedestrian environment are acceptable.
- B.8. Place building frontages parallel to the street, recognizing street corners with corner tower elements, and recessed or chamfered entry elements.

B u i l d i n g F a c a d e s

- B.12. Emphasize the street level with the highest quality materials and detailing.
- B.13. For upper floors, articulation is the most important quality. Continuous flat facades should be avoided through recessed windows, awnings, French balconies, bay windows and vertical elements.
- B.14. Articulate entrances as special design elements. Give corner entries special design treatments using recesses or chamfers.
- B.15. Use variable heights and roof forms to break up the building mass. Do not present a uniform block of building built to the maximum height limit.

Roofs

- B.21. Roof treatments, such as cornices and overhangs, are encouraged to clearly delineate and terminate individual building tops. Unarticulated parapets are not allowed.

Encouraged Building Materials

- Building quality is reflected in material quality. The use of durable, high quality materials is required.
- Precast concrete (architectural quality, utilizing subtle colors and fine-grained aggregates to create a “cast stone” appearance.)
- Architectural quality cast-in-place concrete
- Glass fiber reinforced concrete (GFRC)
- Modular brick masonry (Modular brick is encouraged to be unglazed, utilizing traditional textures and colors)
- Stone (particularly to be used at the pedestrian level at column bases, window sills, window surrounds, string courses, and cornices)
- Stucco and cement plaster (Stucco and cement plaster are encouraged to have controlled surface textures and composed patterns of reveals and control joints to create interest. Do not use stucco finish to simulate the use of another material, i.e. wood trim window sills).
- Standing seam metal roofing
- Slate or concrete roofing tile

Color

A variety of colors are encouraged, selected to enhance natural material choices such as stone, wood, and natural metals, and quality architectural materials such as precast concrete, brick masonry, and barrel tile. Use colors to differentiate residential units. Use colors with a very high degree of light reflectance sparingly to control glare. Use darker and more intense colors at the building base. Color changes should be used to highlight changes in building articulation (such as base, middle, top), changes in materials, or individual architectural details (such as door surrounds, windowsills, window surrounds, cornices, etc). Reserve bold colors as accents for building details, ornamentation or special features.

C. Landscaping and Open Space**Site Landscaping**

- C.1. Demonstrate a landscape design concept and link various site components. Placement and type of plan materials shall relate to the site and buildings.
- C.2. Preserve and incorporate existing natural features, particularly trees, into the landscape design of projects.

- C.3. Use live plant material in landscaped areas. Use of colored rock, wood bark and gravel in place of landscaping is not acceptable.
- C.4. Choose a variety of plant material with different textures and colors. Use water-wise plant material, as specified in the Landscape regulations.
- C.5. Use appropriate native vegetation. Use water conserving plant material in 70% of all landscaped areas.

Open Space

- C.10. Provide private outdoor space for each residential unit as an outward projecting balcony or an inward projecting terrace when possible.

**Downtown Specific Plan
Streetscape Improvement Standards**

<i>EVELYN AVENUE BETWEEN MATHILDA AND SUNNYVALE</i>	
Existing ROW	70 ft.
Proposed Configuration	85 ft.
Eastbound	2 lanes (11 ft. each)
Southbound	2 lanes (11 ft. each)
Center Median	11 ft. wide planted median, narrowing for left turn pockets at intersections
Sidewalks	10 ft. wide
Parallel Parking	None
Bike Lane	5 ft. wide for both northbound and southbound
Required Dedications	10 ft. on north side 5 ft. on south side

7 . C I R C U L A T I O N A N D P A R K I N G

O V E R V I E W

A primary goal of the Specific Plan is to improve the transportation system and parking facilities in the downtown. A complete list of goals and policies relating to transportation are included in Chapter 3.

The downtown is served by a variety of major streets as well as several transit systems that promote connections throughout the area. Mathilda Avenue and El Camino Real are primary arterials that bring local and regional traffic to the downtown. An existing street grid made up of smaller avenues and neighborhood streets connect the downtown districts together. Transit systems include Caltrain commuter rail system and Santa Clara Valley Transportation Authority bus service at a multimodal transit station at Evelyn Avenue and Frances Street.

The Specific Plan envisions future transportation improvements in the following areas:

- New streetscape designs including wider sidewalks and landscaping throughout the downtown
- Enhanced bus transfer facility improvements on Frances
- Bicycle lanes on Evelyn, Iowa and Sunnyvale Avenues
- “Boulevard” configuration for Mathilda Avenue, including pedestrian, and frontage improvements
- Reconfiguration of Washington Avenue at Mathilda intersection
- Restoration of as much of the original street grid as possible
- Mathilda Avenue railroad overpass improvements

S T R E E T C H A R A C T E R

Appropriate street character is critical to creating a pleasant pedestrian ambiance and effective vehicular movement. The Specific Plan has various streetscape designs for the three main types of roads: boulevards, avenues and

7. Circulation and Parking

streets. The goal of these designs is to balance the needs of all roadway users. Streets need to be wide enough to create comfortable vehicular access but narrow enough to create a comfortable pedestrian environment. Appropriate ground floor architecture will also enhance the pedestrian environment. These streetscape designs propose turn lanes, frontage roads, sidewalk widths and landscape medians to balance these needs.

Boulevards

Boulevards are designed for regional access and accommodate the highest traffic volumes. Boulevards are designed for vehicular efficiency and maximum sidewalk width to buffer pedestrians from automobile traffic. Access to the roadway is limited or configured to complement the adjacent land uses. Mathilda Avenue and El Camino Real are the downtown's regional boulevards. Boulevard streetscape design includes:

- Planted medians
- Dedicated left turn lanes
- Restricted on-street parking
- Minimum 15 ft. wide sidewalks
- Landscaping strips separating sidewalks from street curb
- Frontage roads adjacent to residential uses

Avenues

Avenues are important mid-size streets that generally accommodate less traffic than boulevards and have a stronger emphasis on pedestrian connections. These streets are intended to comfortably facilitate all transportation modes through the downtown. Avenues such as Evelyn, Washington, Iowa and Sunnyside are the primary connections to the downtown's various districts. Avenue streetscape design includes:

- Planted medians
- Dedicated left turn lanes
- Minimum 10 ft. wide sidewalks
- Parallel parking in certain designated areas
- Bike lanes (except for Washington Ave)

Streets

Streets are district-oriented and generally accommodate the least amount of traffic. Streets establish and enhance a district's character. Murphy Avenue, the 100 block of Frances Street, Town Center Lane (connector for Taaffe Street) and the McKinley Avenue extension are planned to be important commercial streets. Taaffe Street, Altair Way, Capella Way and Charles Avenue are planned to be important residential streets. Aries Way will serve both residential and commercial uses.

7. Circulation and Parking

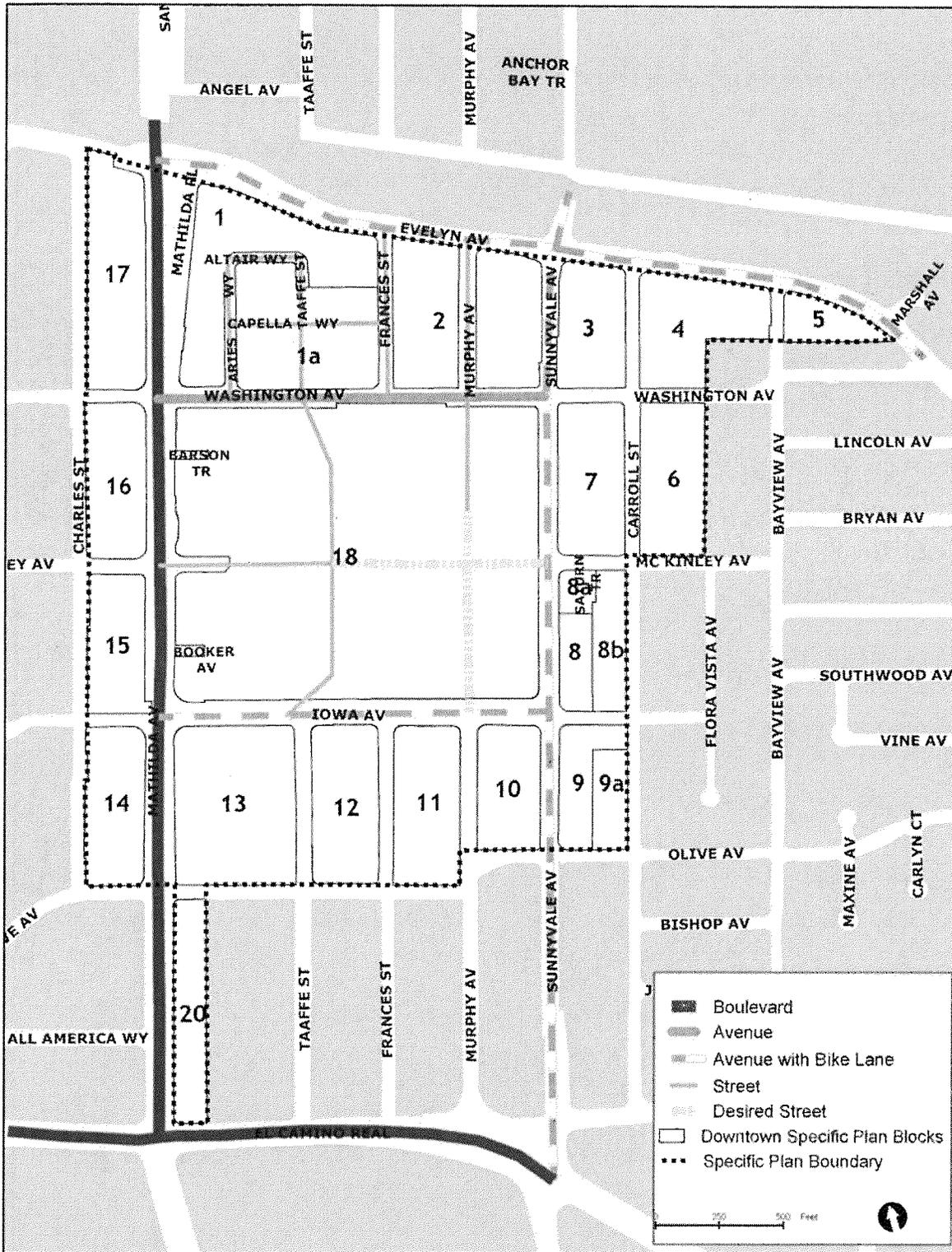


Figure 7.1 Street Character

Park Land Dedication Requirements

SMC Chapters 18.10 and 19.74

Effective Date (date of complete application)	Acres of Property Per One Thousand Persons	Acres of land per dwelling unit > 14 du acre	Square Feet of land per dwelling unit > 14 du/acre
July 1, 2012 - June 30, 2013	3.5 acres	0.0063	274.428
July 1, 2013 - June 30, 2014	4.25 acres	0.00765	333.234
July 1, 2014 and thereafter	5.00 acres	0.009	392.040

Park Dedication Scenarios for Various Densities – Prometheus Sites

457 E. Evelyn Avenue 2.31Acres

Density (du/acre)	Total Units	Acres per dwelling unit		
		July 1, 2012 - June 30, 2013 0.0063	July 1, 2013 - June 30, 2014 0.00765	July 1, 2014 and thereafter 0.009
36	83	0.52	0.63	0.75
48	111	0.70	0.85	1.00
65	150	0.95	1.15	1.35
PROJECT*	144	0.91	1.10	1.30

*SMC 19.74.080 exempts affordable rental units from park dedication requirement

388-394 E. Evelyn Avenue 0.98Acres

Density (du/acre)	Total Units	Acres per dwelling unit		
		July 1, 2012 - June 30, 2013 0.0063	July 1, 2013 - June 30, 2014 0.00765	July 1, 2014 and thereafter 0.009
36	35	0.22	0.63	0.75
48	47	0.30	0.85	1.00
65	64	0.40	1.15	1.35
PROJECT*	61	0.38	1.10	1.30

*SMC 19.74.080 exempts affordable rental units from park dedication requirement

Both Sites on Evelyn Avenue 3.29Acres

Density (du/acre)	Total Units	Acres per dwelling unit		
		July 1, 2012 - June 30, 2013 0.0063	July 1, 2013 - June 30, 2014 0.00765	July 1, 2014 and thereafter 0.009
36	118	0.74	0.90	1.06
48	158	1.00	1.21	1.42
65	214	1.35	1.64	1.93
PROJECTS*	205	1.29	1.57	1.85

*SMC 19.74.080 exempts affordable rental units from park dedication requirement

**ATTACHMENT I
BALANCED GROWTH PROFILE**

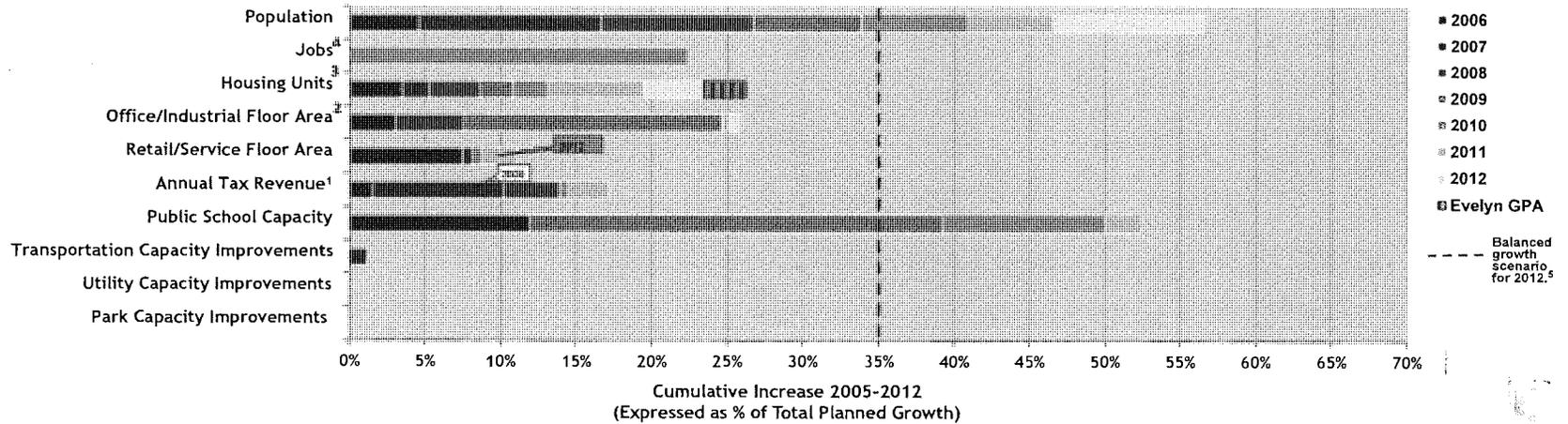
**Changes to Balanced Growth Profile due to
Evelyn Avenue General Plan Amendments**

	Existing Residential units	Existing Commercial s.f.	GPA Residential units	GPA Commercial s.f.	Net New Residential units	Net New Commercial s.f.
Murphy Square	0	54,000	70	54,000	70	0
Villa del Sol	124	0	145	0	21	0
Prometheus site	0	25,176	111	0	111	-25,176
470 Marshall	3	0	3	0	0	0
TOTAL	124	79,176	326	54,000	202	-25,176

Draft 2012 Balanced Growth Profile

DRAFT 2012 BALANCED GROWTH PROFILE

Balanced Growth Indices	Base Year 2005	GOAL FOR 2025	Total Planned Growth Net Increase 2005 to 2025	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Actual	2012 Increment Increase (actual since 2011)	2012 Increment (% of Total Planned Growth)	Evelyn Ave General Plan Amendments
Park Capacity Improvements		n/a	n/a	n/a	n/a	n/a	n/a	n/a	pending	pending	-	n/a
Utility Capacity Improvements		n/a	n/a	n/a	n/a	n/a	n/a	n/a	pending	pending	-	n/a
Transportation Capacity Improvements		46,884,000	46,884,000	547,970	547,970	0	0	0	pending	pending	-	n/a
Public School Capacity	5,373	6,729	1,356	5,535	5,535	5,905	6,051	6,083	pending	pending	-	n/a
Annual Tax Revenue ¹	72,271,030	174,748,212	102,477,182	82,731,078	86,536,989	80,080,423	80,640,616	83,447,216	pending	pending	-	n/a
Retail/Service Floor Area	5,784,000	7,500,000	2,200,000	5,962,662	5,962,662	5,962,662	5,976,840	6,027,052	6,005,338	-21,714	-1%	-25,176
Office/Industrial Floor Area ²	30,100,000	37,700,000	7,600,000	30,327,927	30,673,881	31,973,881	31,979,928	32,009,556	32,058,721	49,165	1%	n/a
Housing Units ³	54,800	61,900	7,100	55,174	55,414	55,570	55,730	56,183	56,462	279	4%	202
Jobs ⁴	73,630	92,650	19,020	n/a	n/a	n/a	77,890	n/a	pending	pending	-	n/a
Population	132,725	150,725	18,000	135,721	137,538	138,826	140,081	141,099	142,896	1,797	10%	n/a



Notes

¹FY 2004/2005 is the base year for the Balanced Growth Index. All revenues are converted to FY 2004/2005 dollars for comparison purposes.

²This index only represents net new floor area, and does not reflect tenant improvements to existing floor area.

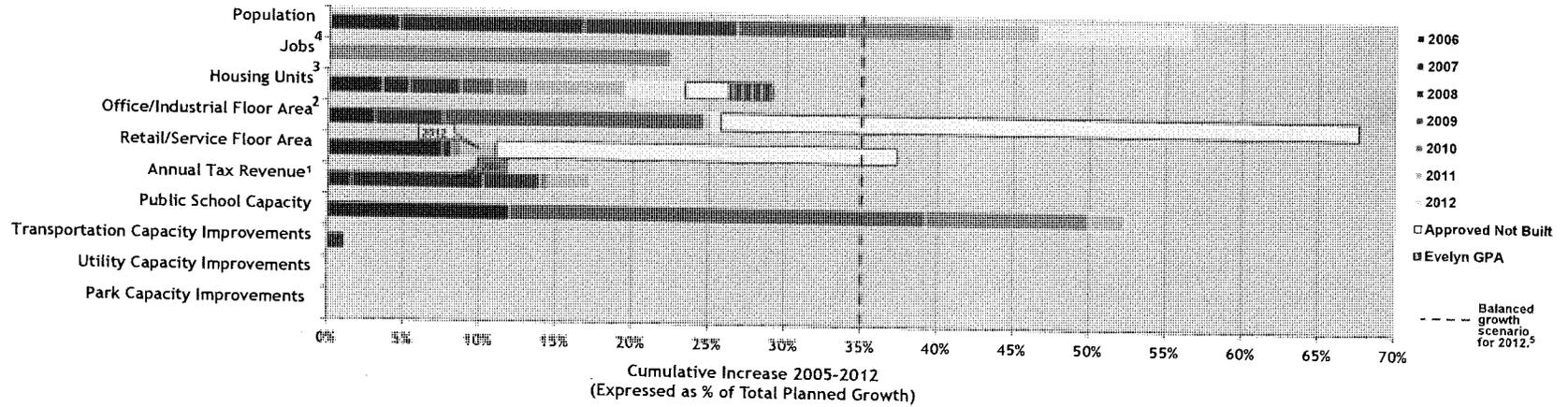
³The number of housing units has been corrected for the base year of 2005 and the subsequent years.

⁴Data has been modified resulting in a decrease in base year, projections, and current year estimates. There is a significant challenge in finding reliable estimates of Sunnyvale jobs. This version of the Balanced Growth Profile provides Association of Bay Area Governments (ABAG) data from most recent publications while staff explores a more reliable annual estimate of jobs. Data for 2011 or 2012 is not yet available.

⁵In a "balanced" growth scenario" each profiled item would increase 5% each year. Cumulative "balanced growth" to the end of 2011 would be 30%.

DRAFT 2012 BALANCED GROWTH PROFILE INCLUDING NONRESIDENTIAL FLOOR AREA AND HOUSING UNITS APPROVED BUT NOT YET BUILT IN 2012

Balanced Growth Indices	Base Year 2005	GOAL FOR 2025	Total Planned Growth Net Increase 2005 to 2025	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Actual	2012 Increment Increase (actual since 2011)	2012 Increment (% of Total Planned Growth)	2012 Approved NOT BUILT	Evelyn Ave General Plan Amendments
Park Capacity Improvements		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	pending	pending	n/a	n/a
Utility Capacity Improvements		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	pending	pending	n/a	n/a
Transportation Capacity Improvements		46,884,000	46,884,000	547,970	547,970	n/a	n/a	n/a	n/a	pending	pending	n/a	n/a
Public School Capacity	5,373	6,729	1,356	5,535	5,535	0	0	0	0	pending	pending	n/a	n/a
Annual Tax Revenue ¹	72,271,030	174,748,212	102,477,182	82,731,078	86,536,989	80,080,423	80,640,616	83,447,216	6,083	pending	pending	n/a	n/a
Retail/Service Floor Area	5,784,000	7,500,000	2,200,000	5,962,662	5,962,662	5,962,662	5,976,840	6,027,052	6,005,338	50,212	-1%	577,306	-25,176
Office/Industrial Floor Area ²	30,100,000	37,700,000	7,600,000	30,327,927	30,673,881	31,973,881	31,979,928	32,009,556	32,058,721	29,628	1%	3,181,294	n/a
Housing Units ³	54,800	61,900	7,100	55,174	55,414	55,570	55,730	56,183	56,462	453	4%	1,071	202
Jobs ⁴	73,630	92,650	19,020	n/a	n/a	n/a	77,890	n/a	n/a	pending	pending	n/a	n/a
Population	132,725	150,725	18,000	135,721	137,538	138,826	140,081	141,099	142,896	1,797	10%	n/a	n/a



Notes

¹FY 2004/2005 is the base year for the Balanced Growth Index. All revenues are converted to FY 2004/2005 dollars for comparison purposes.

²This index only represents net new floor area, and does not reflect tenant improvements to existing floor area.

³The number of housing units has been corrected for the base year of 2005 and the subsequent years.

⁴Data has been modified resulting in a decrease in base year, projections, and current year estimates. There is a significant challenge in finding reliable estimates of Sunnyvale jobs. This version of the Balanced Growth Profile provides Association of Bay Area Governments (ABAG) from most recent publications while staff explores a more reliable annual estimate of jobs. Data for 2011 or 2012 is not yet available.

⁵In a "balanced growth scenario" each profiled item would increase 5% each year. Cumulative "balanced growth" to the end of 2011 would be 30%.

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

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



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



Document No.: 633
Number of Pages: 37
Filed and Posted On: 2/05/2013
Through: 2/26/2013
CRO Order Number:
Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk—Recorder
by Veronica Aguirre, Deputy Clerk—Recorder,

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

- LEAD AGENCY: City of Sunnyvale
- PROJECT TITLE: Application for a Special Development Permit, Vesting Tentative Map, General Plan Amendments, etc.
- APPLICANT NAME: Prometheus Real Estate Group PHONE: 650-931-3448
- APPLICANT ADDRESS: 1900 South Norfolk Street, Suite 150, San Mateo, CA 94403
- PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
- NOTICE TO BE POSTED FOR 21 DAYS.
- CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) \$ 2,995.25 \$ 0.00
- 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) \$ 2,156.25 \$ 0.00
- 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) \$ 850.00 \$ 0.00
- 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS \$ 1,018.50 \$ 0.00
- 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

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

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

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

- OTHER: _____ FEE (IF APPLICABLE): \$ _____
- 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 Numbers: 2012-7462
2012-7460
2012-7990

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 Special Development Permits, Vesting Tentative Maps, General Plan Amendments, Specific Plan Amendments, Zoning Code Amendments, and Rezone filed by **Prometheus Real Estate Group**

PROJECT DESCRIPTION AND LOCATION (APN):

File #: 2012-7462
Location: 457 - 475 E. Evelyn Avenue (APNs: 209-04-053 & 054):
Proposed Project: Special Development Permit to allow a 158-unit apartment building.
Vesting Tentative Map to allow a merger of two lots.
ENVIRONMENTAL REVIEW: Mitigated Negative Declarations

Applicant / Owner: Prometheus Real Estate Group / Evelyn Ave. Associates

Staff Contact: Ryan kuchenig, (408) 730-7431,
rkuchenig@sunnyvale.ca.gov

FILE #: 2012-7460
Location: 388 - 394 E. Evelyn Avenue & 151-153 S. Bayview Avenue (APNs: 209-05-019, 020, 021, & 022):
Proposed Project: Special Development Permit to allow a 67-unit apartment building.
Vesting Tentative Map to allow a merger of four lots.
Environmental Review: Mitigated Negative Declarations
Applicant / Owner: Prometheus Real Estate Group / Des Nolan

Staff Contact: Ryan kuchenig, (408) 730-7431,
rkuchenig@sunnyvale.ca.gov

FILE #: 2012-7990
LOCATION: 111 - 295 W. Evelyn Avenue, 295 - 475 E. Evelyn Avenue, 470 Marshall Avenue (APNs: 209-06-067, 068, 082, & 083) (APNs: 209-05-056, & 057) (APNs: 209-04-044, 053, & 054)

PROPOSED PROJECT: GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN (DSP) AMENDMENTS:
from Southern Pacific Corridor Site Specific Plan, Commercial General Business (CGB) and Commercial Central Business (CCB) to:

- Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5.
- Expand the DSP boundaries to annex up to 9 parcels on the north side of Evelyn Avenue between Mathilda Avenue and just east of Marshall Avenue and establish new DSP Blocks;
- Select appropriate General Plan Designation for 470 Marshall Avenue;
- Establish land use, density and development standards for properties along Evelyn Avenue in the DSP, including Transit Center, Mixed Use and Residential with densities up to 48 dwelling units per acre;
- Establish streetscape standards for properties along Evelyn Avenue between the Caltrain Station and Marshall Avenue; and,

ZONING CODE AMENDMENTS:

Establish new zoning districts for the Downtown Specific Plan (DSP) and related development standards consistent with amendments to the Downtown Specific Plan.

GENERAL PLAN AMENDMENT:

From Commercial General Business (CGB) to Residential Medium Density (RMED) for 470 Marshall Avenue.

REZONE:

From C-4 (Service Commercial) to R-3 (Medium Density Residential) for 470 Marshall Avenue.

Environmental Review: Mitigated Negative Declarations

Applicant/ Owner: Prometheus Real Estate Group / Evelyn Ave. Associates

Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

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 **March 19, 2013**. 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:

1. PLANNING COMMISSION HEARING ON Monday, February 25, 2013 AT 8:00 P.M., COUNCIL CHAMBERS AND CITY COUNCIL HEARING ON Tuesday, March 19, 2013 AT 7:00 P.M. COUNCIL CHAMBERS, 456 West Olive Avenue, Sunnyvale, CA.

TOXIC SITE INFORMATION:

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

Circulated On February 1, 2013

Signed: 
Gerri Caruso, Principal Planner

Initial Study Checklist
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,
& Associated DSP Amendments & Rezoning
File: 2012-7460, 2012-7462, 2012-7990
Page 1 of 32

Project Title	<p>2012-7990 - General Plan and Downtown Specific Plan (DSP) Amendments: from Southern Pacific Corridor Site Specific Plan, Commercial General Business (CGB) and Commercial Central Business (CCB) to Downtown Specific Plan</p> <p>Zoning Code Amendments: Establish new zoning blocks for the Downtown Specific Plan (DSP) and related development standards consistent with amendments to the Downtown Specific Plan.</p> <p>General Plan Amendment from Commercial General Business (CGB) to Residential Medium Density (RMED) for 470 Marshall Avenue.</p> <p>Rezone from C-4 (Service Commercial) to R-3 (Medium Density Residential) for 470 Marshall Avenue.</p> <p>2012-7460 – Special Development Permit for 67 apartment units (388 – 394 E. Evelyn Ave.).</p> <p>Tentative Map to merge four lots into one lot.</p> <p>2012-7462 – Special Development Permit for 158 apartment units (457 – 475 E. Evelyn Ave.).</p> <p>Tentative Map to merge two lots into one lot.</p>
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Ryan Kuchenig, Associate Planner
Phone Number	408-730-7431
Project Location	Sunnyvale, CA
Applicant's Name	Prometheus Real Estate
Project Address	<p>388 – 394 E. Evelyn Ave., 151 - 153 S. Bayview Ave. (2012-7460)</p> <p>457-475 E. Evelyn Ave. (2012-7462)</p> <p>295 W. Evelyn Ave., 111 W. Evelyn Ave., 295 – 395 E. Evelyn Ave., 457-475 E. Evelyn Ave., 470 Marshall Ave. (2012 -7990)</p>

Initial Study Checklist
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,
& Associated DSP Amendments & Rezoning
File: 2012-7460, 2012-7462, 2012-7990
Page 2 of 32

Zoning	<p>Downtown Specific Plan – Block 4 (DSP- Block 4) for 388 – 394 E. Evelyn Ave. & 151 - 153 S. Bayview Ave.</p> <p>Service Commercial/Planned Development (C-4/PD) for 457 – 475 E. Evelyn Ave. & 470 Marshall Ave.</p> <p>Regional Business/Planned Development (C-3/PD) for 295 W. Evelyn Ave., 111 W. Evelyn Ave., & 295 – 395 E. Evelyn Ave</p>
General Plan	<p>Downtown Specific Plan</p> <p>Southern Pacific Corridor Site Specific Plan</p> <p>Commercial General Business</p> <p>Commercial Central Business</p>
Other Public Agencies whose approval is required	None

DETAILED PROJECT DESCRIPTION:

2012-7990

The project includes a General Plan Amendment to modify the Downtown Specific Plan to include 9 additional parcels currently with the General Plan designation of Commercial Central Business and Commercial General Business along the north side of Evelyn Avenue between N. Mathilda Ave and Marshall Ave. The project also includes Zoning Code Amendments to establish new zoning districts for the Downtown Specific Plan (DSP) and related development standards consistent with amendments to the Downtown Specific Plan. A General Plan Amendment from Commercial General Business (CGB) to Residential Medium Density (RMED) for 470 Marshall Avenue is under consideration as well as a rezoning from C-4 (Service Commercial) to R-3 (Medium Density Residential) for 470 Marshall Avenue.

The project would repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5. The project would establish land use, density and development standards for properties along Evelyn Avenue in the DSP, including Transit Center, Mixed Use and Residential with densities up to 48 dwelling units per acre. In addition, new streetscape standards for properties along Evelyn Avenue between the Caltrain Station and Marshall Avenue would be considered.

2012-7460

The proposed project is for the redevelopment of a four parcel site to a 67-unit apartment building. The site had been previously approved (2007-0828), in 2007, as a 47-unit condominium building. The 2007 approval is still valid; however, a new application has been filed that would supersede

this project. The site is composed of .98 acres (four parcels) and currently developed with a hotel, multi-tenant commercial building and a duplex.

The proposed project includes a Special Development Permit application for the site and architectural review and a Tentative Map application to merge the existing four parcels. The site is located in Block 4 of the City's Downtown Specific Plan. As part of the proposal, the applicant is requesting a Density Bonus pursuant to the State Density Bonus Law (Gov. Code § 65915 et seq.). Pursuant to Section 65915(f)(2), providing 11% Very Low income units which equates to a 35% Density Bonus of the base density (48 dwelling units per acre) allowed under the zoning of the site. In addition, the project is targeting 110 Built It Green (BIG) points, which allows for a 5% density bonus of the base density, per the City's Green Building incentive program. Staff's calculation of the allowable development size is 66 units, although the application requests 67 units for the project site.

2012-7462

Concurrently, a project is being considered with a project (2012-7462) by the same applicant for 158 apartment units at 457-475 E. Evelyn which is located in close proximity to the site at 388-394 E. Evelyn. This project also includes a Special Development Permit application for the site and architectural review and a Tentative Map application to merge the existing two parcels. Two existing commercial office buildings would be demolished. There is no prescribed density under the current zoning for the site; however, the applicant is proposing a base density of 48 dwelling units per acre for the site. Similar to the other site, the applicant proposes to provide 11% Very Low income to achieve a 35% Density Bonus of the base density and 110 Built-It-Green (BIG) points which allows a 5% density bonus. Staff's calculation of the allowable development size is 156 units, although, the application requests 158 units for the project site.

The environmental studies discussed in this document include analysis of each site. The document also includes evaluation of the associated Downtown Specific Plan Amendments and Rezoning.

Off-site Improvements: Driveway cuts will be replaced and new sidewalks and street trees will be installed along the project frontage as needed in compliance with DSP streetscape plans and details. Overhead utility lines will be placed underground in accordance with City requirements.

Construction Activities and Schedule: Demolition is proposed to begin as soon as possible after vacancy. The proposed construction schedule spans a total of 18 months for demolition, site preparation, and construction. Construction of the project will not involve pile driving or other extremely high noise-generating activities, with the exception of jack hammering which will occur only during allowable construction hours of the demolition phase per City Code.

Surrounding Uses and Setting: The project area described at 388-394 E. Evelyn encompasses four parcels that total approximately .98 acres. The site is bounded by E. Evelyn Ave. to the north, S. Bayview Ave. to the east, a single-family home to the south and commercial office uses to the west. The immediate neighborhood is composed of a mix of commercial and residential uses. The site is located within the Downtown Specific Plan and is near multi-family and single family uses. The block and nearby properties have transitioned from lower density residential and commercial uses to higher density residential uses as permitted through the current zoning.

Initial Study Checklist
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,
& Associated DSP Amendments & Rezoning
File: 2012-7460, 2012-7462, 2012-7990
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The project at 457-475 E. Evelyn encompasses two parcels totaling 2.31 acres. The site is bounded by E. Evelyn Ave. to the south, multi-family residential (Villa Del Sol) to the west, multi-family residential and Marshall Ave. to the east, and the Union Pacific railroad to the north. The immediate neighborhood is composed of a mix of commercial and residential uses. The site is proposed to be within the Downtown Specific Plan area subject to amendments to the General Plan, DSP and Zoning Code.

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

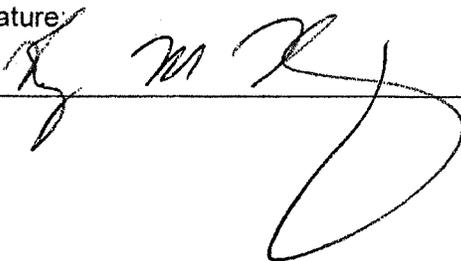
Checklist Preparer: Ryan Kuchenig

Date: January 28, 2013

Title: Associate Planner

City of Sunnyvale

Signature:



Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan generalplan.InSunnyvale.com
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, 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 www.sunnyvaleplanning.com Project Description
5. Population and Housing -Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element, Land Use and Transportation Chapter of the Sunnyvale General Plan and General Plan Map www.sunnyvaleplanning.com
6. Population and Housing -Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element www.sunnyvaleplanning.com
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map www.sunnyvaleplanning.com
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 checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&frames=off
10. For a project located in 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"/>	Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
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 type="checkbox"/>	<input checked="" 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 www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
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"/>	Project Description Project Plans General Plan Bio Survey
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"/>	Project Description Project Plans General Plan Bio Survey
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Tree Survey
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Plans Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Character Chapter of the Sunnyvale General Plan, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places The Ryan Hotel at 394 E. Evelyn

Initial Study Checklist
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,
& Associated DSP Amendments & Rezoning
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Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Ave. was removed by the Heritage Preservation Commission from the City's "Heritage Resource" inventory (Project: 2006-0505 - July, 2006).
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. Planned grading will disturb the site and may affect sub-surface resources if they exist.
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 checked="" type="checkbox"/>	<input 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 <u>BAAQMD</u> air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Geier & Geier Consulting, Inc. report, June 19, 2012
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description Geier & Geier Consulting, Inc. report, June 19, 2012 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 Geier & Geier Consulting, Inc. report, June 19, 2012 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 type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
releasing emissions which exceed quantitative thresholds for ozone precursors)?					
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 www.sunnyvaleplanning.com
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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 www.sunnyvaleplanning.com
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 www.sunnyvaleplanning.com
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

2. Aesthetics (Less than Significant) - The Downtown Specific Plan contains specific Design Guidelines in both textual and diagrammatic form. The level of detail is precise for many guidelines (e.g. colors, exterior glazing, forms, landscape, materials and art features) and is most appropriately utilized for review of final building details. The City's implementation of the Downtown Specific Plan's Design Guidelines and staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission and City Council. The project will not degrade the visual character or quality of the site and its surroundings because the design will be consistent with the adopted Downtown Specific Plan. As a result, the impacts will be less than significant.

4. Population and Housing (Less than Significant): The proposed 225 (67 and 158) apartment units for the combined projects are considered slightly over the allowable density, based of the current zoning and General Plan designation while utilizing the 15% density bonus through state law by providing affordable units. The projects are also utilizing five percent density bonus allowed through a green building incentive per Municipal Code. Staff will be recommending a reduction in one unit (66) for the project at 384-394 E. Evelyn and two units (156) for the project at 457-475 E. Evelyn Avenue for consistency with local and state regulations. The

new apartments would have a slight incremental impact to the City's Jobs/Housing balance. This minor increase in population is considered a less than significant impact.

8. Land Use Planning Conflict (Less than Significant): The proposal (2012-7990) includes a request to modify the General Plan of the project sites and neighboring properties for inclusion into the Downtown Specific Plan. If approved, new standards and zoning would be created for properties along the north side Evelyn Ave. between Mathilda Ave. and Marshall Ave. The property at 470 Marshall Ave. is also under consideration for a General Plan designation to either Medium Density Residential or inclusion within Downtown Specific Plan. Three of the subject properties along the north side of Evelyn Avenue are located within the Southern Pacific Corridor Specific Plan, which was created in 1984 (updated in 1994). The application would remove the designation of Sites 3, 4 & 5 within this plan. Under the Southern Pacific Corridor Specific Plan, the subject sites retain their commercial designation and the intent of the plan was to have the property developed in a manner that is compatible and complementary with adjacent developments. Sites 4 & 5 have since been developed as townhomes (Villa Del Sol) at a density of 42 dwelling units per acres. The proposed modification would modify the zoning and General Plan for consistency of the current land use as well as allow potential increase up to 48 dwelling units per acre. Commercial uses for Site 3 could be retained; however, residential uses may also be considered under a Downtown Specific Plan General Plan and zoning designation.

9. Transportation and Traffic (Less than Significant): Parking is provided for each of the proposed projects through structured parking garages slightly below grade or at grade. As proposed, the projects would be deficient in parking according to Downtown Specific Plan standards by 12 spaces for the project at 388-394 E. Evelyn and 45 spaces for the project at 457-475 E. Evelyn Ave. The proposal includes a certain amount of stacked parking, which allows for a mechanical lift to vertically stack vehicles above each other. Current City ordinance does not count stacked spaces. If permitted, the projects would provide the required number of spaces. However, under the State Density Bonus Law, the project applicant can request an alternative rate that allows for a parking rate of one space per one-bedroom unit and two spaces per two-bedroom units. Under this rate, each project would exceed parking standards.

14. Noise (Less than Significant with Mitigation): A Noise and Land Use Compatibility Assessment was prepared for each project by Edward L. Pack Associates Inc. (June 2012). A copy of the full reports for each site is available at the City of Sunnyvale's One-Stop Center.

The noise exposures at the site were evaluated against the standards of the City of Sunnyvale Safety and Noise Chapter of the General Plan, Ref. (b), and the State of California Code of Regulations, Title 24, Ref. (c), which applies to all new multi-family housing. The analysis of the on-site sound level measurements indicates that the existing noise environment is due primarily to traffic sources on Evelyn Avenue and railroad operations on the adjacent Union Pacific Railroad, which includes Caltrain trains. The results of the study indicate that the exterior noise exposures will be in compliance with the standards. However, the interior noise exposures and noise levels will exceed the limits of the standards. Mitigation measures for the interior living spaces will be required.

The noise assessment results presented in the findings were evaluated against the standards of the City of Sunnyvale Safety and Noise Chapter, which utilizes the Day-Night Level (DNL) descriptor. The Safety and Noise Chapter standards specify a limit of 60 dB DNL for exterior living areas. Historically, the City of Sunnyvale has applied the exterior noise standard to larger exterior living areas, such as rear yards, patios and large balconies/decks and common areas, but not to small balconies. This reason is two-fold; 1) small balconies have limited use because of their size and, 2) are often facing major roadways which would necessitate high, solid railings, which in turn also limits the desire to use the balcony. Therefore, noise controls for small balconies may be waived by the City of Sunnyvale.

When the noise source is a railroad, the exterior noise exposure limit is 70 dB DNL.

A limit of 45 dB DNL is specified for interior living spaces. However, when the source is a railroad or aircraft and the exterior noise exposure is 55 dB DNL or more, Policy SN-8.3 states, "Attempt to achieve a maximum instantaneous noise level of 50 dBA in bedrooms and 55 dBA in other areas of residential units exposed to trains or aircraft noise, when the exterior LDN exceeds 55 dBA".

Our experience with applying maximum noise limits reveals that there are problems achieving these very stringent standards. The window and glass door sound ratings usually need to be unreasonably high for a single, 1 second noise event. The reasoning behind the 50 dBA maximum limit for bedrooms is to minimize sleep disturbance. The reasoning behind the 55 dBA maximum limit for other living spaces is to minimize speech interference.

Rather than evaluating the highest maximum sound level, which by definition, is a 1 second rms (root means square - power) level of the peak noise event over the entire 24-hour day, the highest L1 value could be used. The L1 is the level of noise that is exceeded for 1% of the period, in this case each hour of the 24-hour day. Since 1% of 1 hour is 36 seconds, the hourly L1 represents a 36 second cumulative period in the hour where the noise levels exceeded that level. For instance, an L1 of 70 dBA means that 70 dBA was exceeded for a total of 36 seconds during the hour.

For sleep disturbance, 36 seconds of sound in excess of 50 dBA in a bedroom has a low probability (less than 15%) of awakening a person in second stage or third stage (REM) sleep. A sound level of 55 dBA in other living spaces (kitchens, living rooms, etc.) is roughly equivalent to the level of two people having a normal conversation or of typical television or stereo sound levels.

The Edward L. Pack Associates study evaluates the highest hourly L1 noise level during the daytime hours of 7:00 a.m. to 10:00 p.m. calculated for the interior living spaces against the 55 dBA limit for other living spaces (other than bedrooms). The noise analysis also evaluates the highest hourly L1 noise level during the nighttime hours of 10:00 p.m. to 7:00 a.m. calculated for the bedrooms against the 50 dBA limit for bedrooms.

The Title 24 standards also use the DNL descriptor and specify that when the exterior noise exposures exceed 60 dB DNL at planned apartment building setbacks an acoustical analysis must be performed to limit interior noise exposures to 45 dB DNL or lower.

The Title 24 standards also specify minimum sound insulation ratings for common partitions separating different dwelling units and dwelling units from interior common spaces. The standards specify that common walls and floor/ceiling assemblies must have a design Sound Transmission Class (STC) rating of 50 or higher. In addition, common floor/ceiling assemblies must have a design Impact Insulation Class (IIC) rating of 50 or higher. As design details for the interior partitions of the project were not available at the time of this study, an evaluation of the interior partitions has not been made.

Recommended mitigation measures will create a projected noise level range to meet Title 24 required levels for interior noise.

MITIGATION for 388 – 394 E. Evelyn Ave (2012-7460)

WHAT: To achieve compliance with the 45 dB DNL limits of the City of Sunnyvale Noise Element and Title 24 standards, the following noise mitigation measures are required:

1. Maintain closed at all times all windows and glass doors of living spaces within 130 ft. of the centerline of Evelyn Avenue and with a direct or side view of the roadway. Install windows and glass doors rated minimum Sound Transmission Class (STC) 28 at these locations.
2. Provide some type of mechanical ventilation for all living spaces with the closed window condition.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the City Council. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during 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 construction plans.

MITIGATION for 457-475E. Evelyn Ave (2012-7462)

WHAT: To achieve compliance with the 45 dB DNL limits of the City of Sunnyvale Safety and Noise Chapter and Title 24 standards and the 50 dBA L1 bedroom and 55 dBA L1 living space limits of the Noise Element, the following noise mitigation measures are required:

1. Maintain closed at all times all windows and glass doors of living spaces on the outer periphery of the project, i.e., with a view to either the railroad tracks or Evelyn Avenue.
2. Maintain closed at all times all windows and glass doors of all living spaces with a view into the swimming pool area.
3. Install windows and glass doors with the minimum Sound Transmission Class (STC) ratings shown in Figure 1 (Page 7 of the Edward L. Pack Associates Noise Assessment Study, June, 2012 is attached).
4. All windows and glass doors rated STC 36 (or higher) shall have glass lite thicknesses no less than 3/16".
5. Provide some type of mechanical ventilation for all living spaces with the closed window condition.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the City Council. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during 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 construction plans.

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

20. Biological Resources - (Less than significant with mitigation): A Tree Inventory was prepared for each project by Barry D. Coate & Associates. There are 11 trees (including 3 street trees) identified on the 388-394 E. Evelyn Ave site and 21 trees on the 457-475 E. Evelyn Ave. site which meet the City of

Sunnyvale's criteria as a "protected tree." A total of 10 additional trees were evaluated on an adjacent property that are considered "protected." Of the protected trees, most are in good condition. Certain trees on the 457-475 E. Evelyn site are planned to be preserved.

MITIGATION

WHAT:

1. Prior to building permit issuance, submit a final landscape planting plan which indicates all "protected sized" trees that are removed to be replaced with a minimum of new trees of 36-inch box size or greater size as determined by the Director of Community Development to address the dollar value of each removed tree.
2. No more than 25% of the foliage of the oaks on the adjacent property be removed and that no excavation or trenching occur within 10 feet of their trunks.
3. The trees in the mounded area (#27-34) west of the existing parking area must be protected by a 6 foot tall, chainlink fence, mounted on 2 inch diameter galvanized iron stakes driven 2 feet into the ground surrounding the entire landscape area.
4. Any pavement which will be removed beneath the canopy of a tree which will be preserved must be removed by breaking it into pieces which can be hand loaded into a tractor which is standing on previously undisturbed pavement.
5. Newly exposed root zones from which pavement has been removed must be irrigated weekly.
6. No open trenching beneath the canopies of retained trees is permitted. Tunneling at 3 feet or deeper within 15 feet of a tree trunk may be used when necessary.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit to final approval by the City Council. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during 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 construction plans.

23. Historic and Cultural Resources - (Less than significant with mitigation)

Neither the site nor the existing buildings are on the City of Sunnyvale list of Heritage Resources. In 2006, the Sunnyvale Hotel, at 394 E. Evelyn Ave. A determination was made by the City's Heritage Preservation Commission to remove the property from the City's Heritage Resource list. 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 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 Special Development Permit prior to its final approval. The conditions will become valid when the Special Development 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.

24. Public Services (Less than Significant) All new residential developments are required to fully offset their anticipated impact on demand for schools by paying a school impact fee as set by the school districts. The City requires evidence of school impact fee payment prior to issuance of building permits.

25. and 26. Air Quality (Less than Significant with Mitigation): The Bay Area Air Quality Management District (BAAQMD) 2011 CEQA Guidelines thresholds of significance provide that a development project would have a significant cumulative impact unless: 1) the project can be shown to be in compliance with a qualified Climate Action Plan, 2) project emissions of CO₂ equivalent greenhouse gases (CO₂ e) are less than 1,100 metric tons per year, or 3) project emissions of CO₂ equivalent greenhouse gases are less than 4.6 metric tons per year per service population (residents plus employees). The City of Sunnyvale does not have a Climate Action Plan at the time of the writing of this Initial Study.

The applicant provided an Air Quality and Greenhouse Gas Analysis for the redevelopment of each project site. The study was completed by Geier & Geier Consulting, Inc. on June 19, 2012 and is available for review at the City of Sunnyvale's One-Stop Counter. The report concludes that the project will result in both one-time (construction related) and annual (operational-related) emissions. Geier & Geier's analysis indicates that the project does not exceed the thresholds of significance according to the current BAAQMD CEQA guidelines.

Criteria pollutant emissions were estimated for proposed uses at both sites using the CalEEMod model, consistent with current guidance from the BAAQMD. Construction-related and operational criteria pollutant emissions estimated for both of the projects would not exceed the BAAQMD's previously recommended significance thresholds for construction-related and operational criteria pollutants.

GHG emissions were estimated for existing and proposed uses at both sites using the CalEEMOD model, consistent with current guidance from the BAAQMD. When estimated GHG emissions associated with existing uses are subtracted from GHG emissions for proposed uses, the net increase in project related operation GHG emissions would not exceed the BAAQMD's previously recommended operational GHG significance threshold of 1,100 metric tons (MT) Co₂e per year. Therefore, operational GHG emissions associated with both of the projects would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, a less-than-significant impact.

The following mitigation measures shall apply to each project:

- WHAT: Permits must be obtained from the City of Sunnyvale (grading permit and Storm Water Pollution Prevention Plan) and BAAQMD (J-Permit) prior to demolition or new construction. The City of Sunnyvale permit shall, amongst others, specifically include the following mitigation measures:
1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 5. 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.
 6. Idling times shall be minimized either by shutting equipment off when not in uses 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.
 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. A publically visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted at the site. 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.

WHEN: These mitigation measures shall be converted into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City Council. The conditions will become valid when the SDP 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 construction plans.

Responsible Division: Planning

Completed by: Ryan Kuchenic

Date: January 28, 2013

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City's Land Use and Transportation Chapter, Santa Clara County Transportation Plan
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).
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 Chapter.
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan.
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual

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

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

35 & 36. Transportation (Less than Significant) – The combined two projects introduce 225 apartment units to the project areas. A Traffic Impact Analysis (TIA) was not required since less than 100 net new peak hour trips would be generated over current uses occupying the site. In response to community concerns, the applicant hired a transportation consultant, AECOM, to conduct a traffic analysis for the project. When this project was initially proposed, it was Transportation staff's finding that the project will not entitle significant new trip making at levels that would require a Transportation Impact Analysis, and it likely would not create traffic impacts in an area that currently features largely free flowing traffic.

Staff further noted that potential modification to the zoning and allowable density of neighboring sites as considered up 65 dwelling units per acre would still not necessitate the need for a traffic study based on the net increase of traffic over current levels. Transportation staff notes that a purpose for preparation of the study for the two proposed development projects was to provide information on traffic to residents in the immediate project area, primarily on Bayview Avenue. The study was not required to address environmental impacts. A copy of the study is available at the City of Sunnyvale's One-Stop Center.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date January 28, 2013

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

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

46. Geology and Soils (Less than Significant): The proposed project will have a significant amount of grading intended to clear the existing site prior to construction. During the time the existing topsoil is exposed

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and there is a potential for erosion and loss of soil. There is no surface run-off anticipated during construction and no long-term run-off expected after construction. This aspect of the project will be less than significant with the implementation of Sunnyvale's Municipal Code 12.60, Storm Water Quality Best Management Practices, Regional Water Quality Boards C.3 permit requirements, and the Blueprint for a Clean Bay.

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

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 28, 2013

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

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Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially 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"/>	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description Water Resources Sub-Element www.sunnyvaleplanning.com
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
60. Utilities and Service Systems: Comply with federal, state, and local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
statues and regulations related to solid waste?					Plan www.sunnyvaleplanning.com
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description

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

51. and 58. Utilities and Service Systems (Less than Significant): The projects will require the construction of new stormwater management systems on private property. The stormwater treatment devices consist of a combination of low impact development (LID) based treatment, media filters and bio-treatment. These projects qualify as "special projects" through the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURP), as they are within 1/3 mile of an existing transit hub (Sunnyvale Caltrain station), characterized as a non-auto related use, and have a minimum density of 25 dwelling units per acre. The stormwater management measures will be privately constructed and maintained by the project developer. The project will not require an expansion of the City's existing treatment or stormwater system since the stormwater is being treated on-site or filtered into the ground via retention.

Public Safety	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant 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 www.sunnyvaleplanning.com
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

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

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale
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"/>	Project Environmental Site Assessment by PII Environmental, March 2012
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 www.sunnyvaleplanning.com

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

67. Hazards and Hazardous Materials (Less than Significant): A Phase 1 soil analysis was completed by PII Environmental for both sites in March, 2012. This assessment has revealed no recognized environmental conditions at either subject property. During the site reconnaissance of 388-394 E. Evelyn, PII Environmental observed one exterior electrical box and asphalt staining. For the property at 457-475 E. Evelyn, PIIE observed an Electrical Transformer, asphalt staining and HVAC Equipment. PIIE also observed several suspect asbestos containing building materials (ACBM) in the two buildings. Suspect ACBM consisted of typical items such as floor tiles, linoleum, and mastic in the bathrooms and kitchens, and asphalt roofing materials. None of the items observed during the site reconnaissance represents a serious condition and does not warrant any special mitigation or investigation. All observed items are typical for an operational office building and tenant

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housekeeping practices were good to excellent. PIIE recommends that all tenants properly dispose or recycle all chemicals and materials used or stored at their respective offices prior to vacating the premises.

Within 0.5 mile of the subject properties, there are several sites with documented releases of hazardous substances and/or petroleum products. However, there is no documented evidence that constituent plumes originating from any of these sites have migrated to the subject properties.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 28, 2013

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Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services Parks? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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 www.sunnyvaleplanning.com
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 www.sunnyvaleplanning.com

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

Responsible Division: Department of Community Services · Completed by: Ryan Kuchenig

January 28, 2013

ENVIRONMENTAL SOURCES

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City of Sunnyvale General Plan:

Sunnyvale General Plan Consolidated in (2011)
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

ENVIRONMENTAL SOURCES

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Lists / Inventories:

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory
- 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
- The Federal EPA Superfund List
www.epa.gov/region9/cleanup/california.html
- The Hazardous Waste and Substance Site List
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

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

ENVIRONMENTAL SOURCES

Initial Study Checklist
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,
& Associated DSP Amendments & Rezoning
File: 2012-7460, 2012-7462, 2012-7990
Page 32 of 32

- Sanitary Sewer Master Plan
- Water Master Plan
- Solid Waste Management Plan of Santa Clara County
- Geotechnical Investigation Reports
- Engineering Division Project Files
- Subdivision and Parcel Map Files

Miscellaneous Agency Plans:

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

- 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

Building Safety:

- California Building Code,
- California Energy Code

Other

Project Specific Information

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 11/13/12
- Field Inspection
- Project Site Plan dated 11/13/12
- Project construction schedule
- Project Draft Storm Water Management Plan
- Project Tree Inventory by Barry D. Coate & Associates, 5/9/12
- Project LEED Checklist
- Air Quality and Green House Gas reports by Geier & Geier Consulting, Inc., dated June 19, 2012.
- Phase 1 Studies performed by PII Environmental, dated March, 2012.
- Noise Assessment Studies by Edward L. Pack Associates, Inc., dated June 15, 2012

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO REPEAL THE SOUTHER PACIFIC CORRIDOR SPECIFIC PLAN FOR SITES 3, 4 AND 5 FOR THREE PARCELS LOCATED ON THE NORTHERN BOUNDARY OF EVELYN AVENUE NEAR SUNNYVALE AVENUE.

WHEREAS, the City of Sunnyvale has been engaged in a Downtown Improvement Program ("Program") with the goal of revitalizing the City's original central area. The Program has consisted of a number of City-adopted, interrelated planning and redevelopment components, including the Sunnyvale Downtown Specific Plan and associated zoning code provisions (adopted 1993), the Murphy Avenue Design Guidelines (adopted 1994), and the Sunnyvale Downtown Redevelopment Plan (adopted 1975, amended in 2003 and 2008); and

WHEREAS, the three parcels currently designated as Southern Pacific Corridor Specific Plan as Sites 3, 4 and 5 are being added to the Downtown Specific Plan as shown on that certain map attached hereto as Exhibit "A" which requires that the Southern Corridor Specific Plan designation be repealed; and

WHEREAS, a Mitigated Negative Declaration was prepared for the repeal of the general plan designation and for the proposed modification of the boundaries of the DSP pursuant to Public Resources Code section 15070 and CEQA Guideline 15164 which evaluated the impacts of this project on the environment; and

WHEREAS, the Planning Commission considered the proposed amendments at a duly noticed hearing held on March 11, 2013, and has recommended approval of the amendments to the Downtown Specific Plan which necessitate repeal the Southern Pacific Corridor Specific Plan designation for Blocks 3, 4 and 5; and

WHEREAS, the City Council held a public hearing on March 19, 2013, and considered the reports and documents on the proposed amendments presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sunnyvale that it hereby adopts the following findings and actions:

I. REPEAL OF THE SOUTHERN PACIFIC CORRIDOR SPECIFIC PLAN FOR SITES 3, 4 AND 5. The City Council finds and determines that the General Plan amendment constitutes a suitable and logical change in the plan for the physical development of the City of Sunnyvale, and it is in the public interest to approve the repeal of the Southern Pacific Corridor Specific Plan for Sites 3, 4 and 5.

II. ENVIRONMENTAL REVIEW. The proposed changes to repeal certain sections of the Southern Pacific Corridor Specific Plan and General Plan are consistent with the project analyzed in the Mitigated Negative Declaration prepared for this project. The City Council reviewed the Mitigated Negative Declaration and found that it reflects the independent judgment

of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the Project because no additional significant impacts were identified, nor is the severity of known significant impacts increased.

Although no changes to significant impacts were identified, the existing significant and unavoidable impacts to cumulative regional air quality and traffic and transportation still remain. Accordingly, the City Council incorporates by this reference the findings and statement of overriding considerations contained in the Program EIR as to the environmental effects of the Project, together with the additional findings contained in this Resolution. The City Council finds that the proposed revisions to the General Plan and Downtown Specific Plan are consistent with the Project reviewed in the Program EIR, therefore no additional environmental review is required. The General Plan and the Downtown Specific Plan are subject to the Mitigation Monitoring Program adopted by the City Council for the Project. Future site-specific development proposals will be subject to further environmental review on a project-by-project basis.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a certified copy of the General Plan and Southern Pacific Corridor Specific Plan amendments with the Board of Supervisors and the Planning Commission of the County of Santa Clara and the planning agency of each city within the County of Santa Clara. The City Clerk is directed further to file a certified copy of the plan with the legislative body of each city, the land of which may be included in the plan.

Adopted by the City Council at a regular meeting held on _____, 2013, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

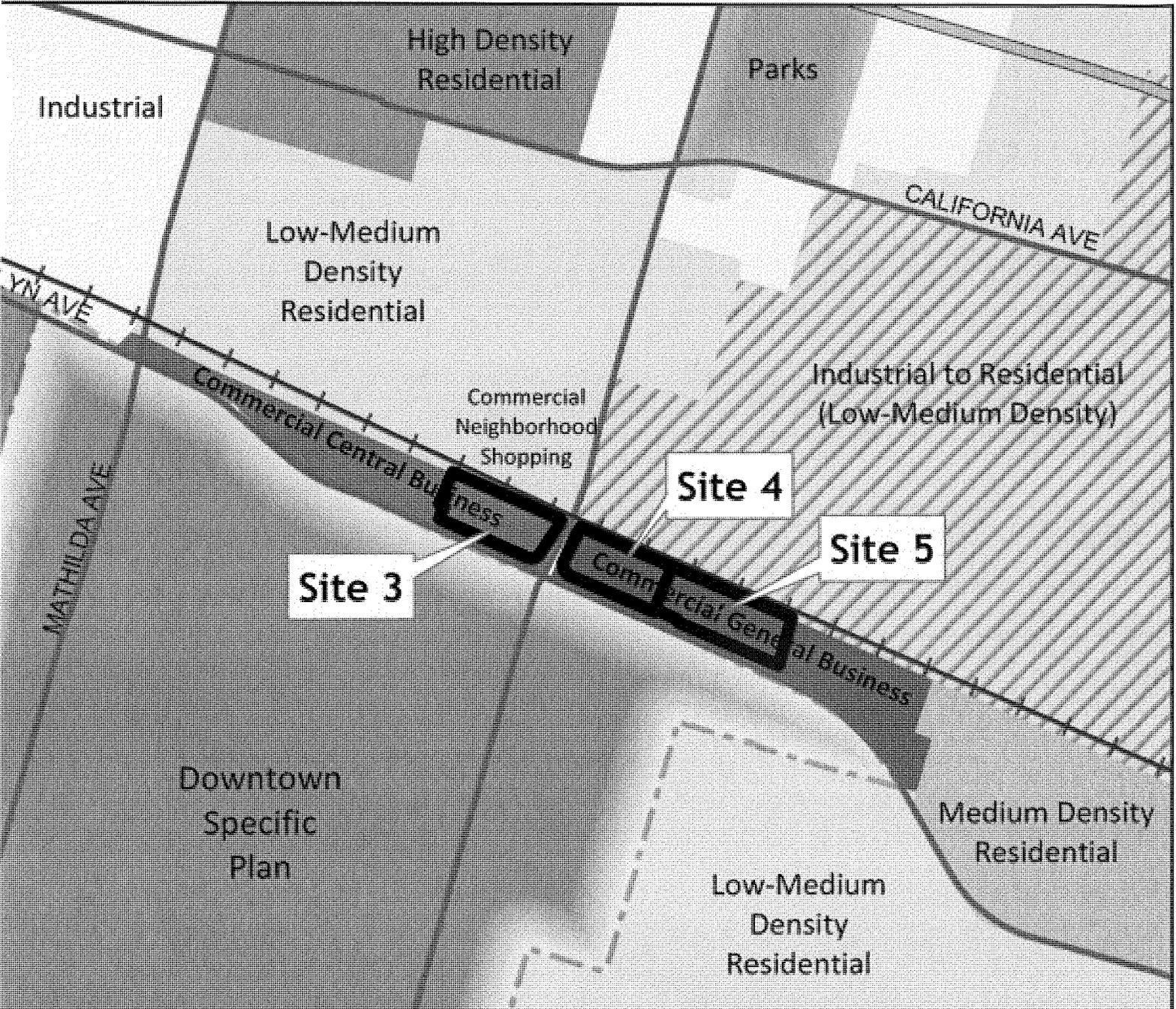
APPROVED AS TO FORM AND LEGALITY:

Joan Borger, City Attorney



General Plan Amendment

Repeal Sites 3, 4 & 5 of Southern Pacific Corridor Specific Plan



Current General Plan Land Use Designations

- | | |
|-------------------------------------|---|
| Downtown Specific Plan | Office |
| Low Density Res (0-7 du/ac) | Industrial |
| Low-Medium Density Res (7-14 du/ac) | Civic Center |
| Medium Density Res (14-27 du/ac) | Parks |
| High Density Res (27-45 du/ac) | Schools |
| Commercial General Business | Industrial to Residential (Low-Med Density) |
| Central Business | Industrial to Residential (Med Density) |
| Commercial Neighborhood Shopping | |

