REPORT TO MAYOR AND COUNCIL **NO: 13-068**

Council Date: March 19, 2013

SUBJECT: **2012-7462 - Prometheus Real Estate Group / Evelyn Ave. Associates LLC** Discussion and Possible Action on Application(s) for Special Development Permit for a 2.31 acre site located at **457-475 E. Evelyn Avenue** in a Commercial Service/Planned Development (C-4/PD proposed DSP-23 Zoning District (APNs: 209-04-053 & 054):

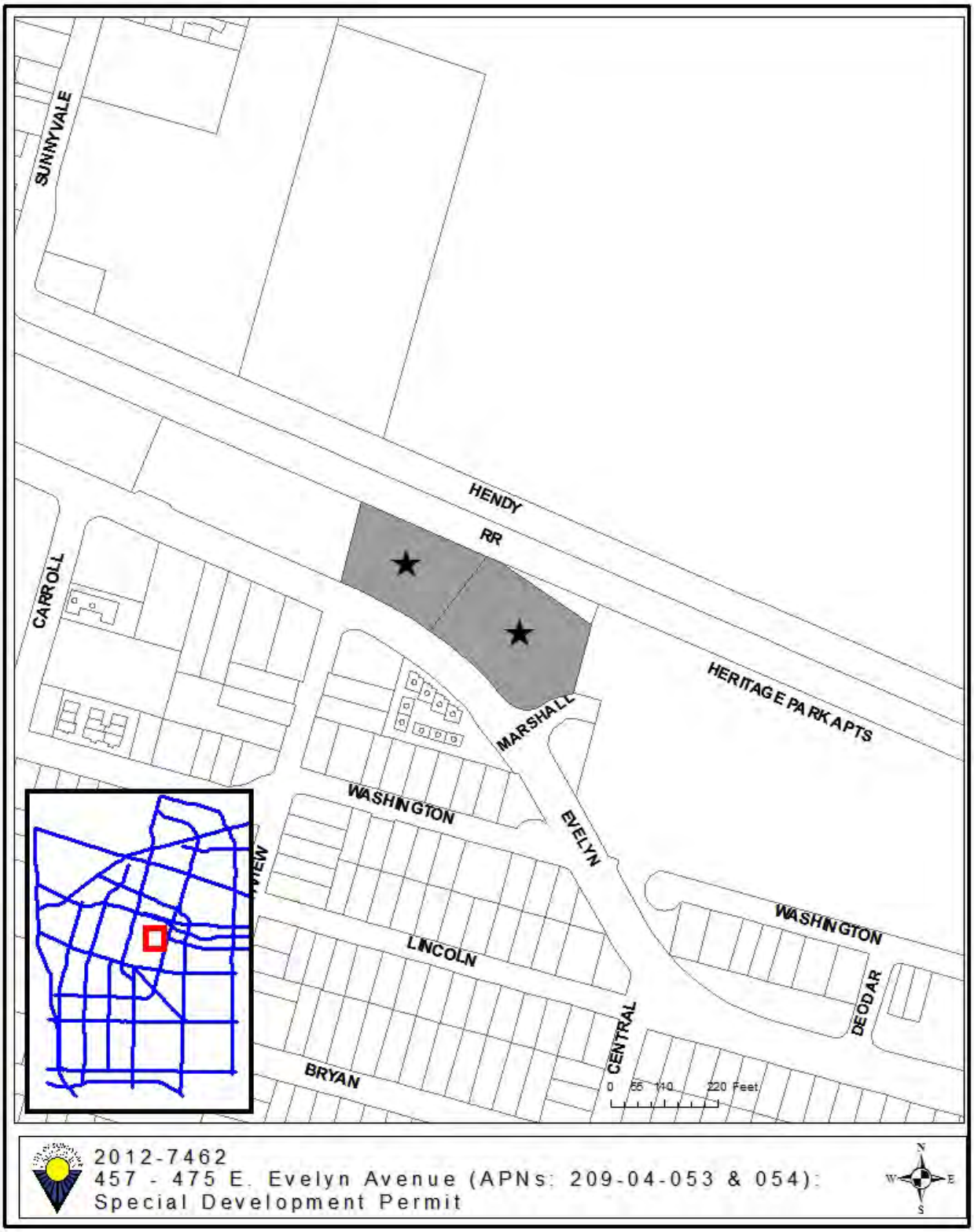
Motion **Special Development Permit** to allow the development of 158 apartments;

Motion **Vesting Tentative Map** to create one lot pursuant to a lot line adjustment.

REPORT IN BRIEF:

Existing Site Conditions	Two Multi-Tenant Commercial Buildings
Surrounding Land Uses	
North	Industrial (Northrup Grumman) across Railroad
South	Child Care & Multi-family Residential across E. Evelyn Ave.
East	Multi-Family Residential (Heritage Park Apartments)
West	Multi-Family Residential (Villa Del Sol Apartments)
Issues	Architecture, Trash Loading Area, Noise
Environmental Status	A (Mitigated) Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.
Planning Commission Recommendation	Adopt the Mitigated Negative Declaration; and approve the Special Development Permit and Vesting Tentative Map with conditions.
Staff Recommendation	Approve the project with conditions consistent with the Planning Commission recommendation above.

VICINITY MAP



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Service Commercial	Downtown Specific Plan (See Project: 2012-7990)	Per GP/DSP Amendment
Zoning District	C-4/PD	DSP-23	Per Rezoning
Combined Lot Size (s.f.)	100,623	Same	Per GP/DSP Amendment
Gross Floor Area (s.f.)	31,000	192,135	No max.
Lot Coverage (%)	31%	49.2%	45% max.
Floor Area Ratio (FAR)	31%	Approx. 192%	No max.
No. of Units	N/A	158	156 max. with use of State affordable housing and City green building density bonuses
Density (units/acre)	N/A	68 through green building & state law density bonus	48 max. Without use of density bonuses
Bedrooms/Unit	N/A	1 & 2	N/A
Unit Sizes (s.f.)	N/A	805 - 1,219	N/A
Lockable Storage/Unit	N/A	300	300 cu. ft. min.
No. of Buildings On-Site	2	1	N/A
Building Height (ft.)	18 ft.	35 - 60 feet	50 per DSP and Rezoning
No. of Stories	1	4	per DSP and Rezoning
Setbacks (Each Story Facing Property)			
Front	56’ 6”	20' (10’-15’ to porch stoops)	18’ per DSP and Rezoning
Left	24’	26'	6’ per DSP and Rezoning
Right Side	25’	26'	6’ per DSP and Rezoning
Rear	41’ 10’	26'	20’ per DSP and Rezoning

Landscaping (sq. ft.)			
Total Landscaping	unknown	35,042 (35%)	20% as per DSP min.
Usable Open Space/Unit	N/A	50 s.f.	50 s.f. min.
Clubhouse (s.f.)	N/A	1,690 s.f.	450 s.f. min.
Frontage Width (ft.)	N/A	15 - 20 ft.	15 ft. min.
Parking			
★ **Total Spaces**	124	269 (including 45 stacker spaces)	269 min.
Standard Spaces	118	258	258 min.
Accessible Spaces	6	7	Per ADA requirements
Aisle Width (ft.)	26'	24’	24’ min.
Bicycle Parking	0	60	50 Class I 10 Class II
Stormwater			
Impervious Surface Area (s.f.)	86,311	91,821	Requires stormwater remediation per SMC
Impervious Surface (%)	86%	91%	Requires stormwater remediation per SMC

★ Shaded items with a star indicate requested deviations from municipal code requirements.

BACKGROUND:

The proposed project includes demolition of two one-story multi-tenant commercial buildings and development of a new four-story residential building with 158 dwelling units.

Previous Actions on the Site

The two buildings were constructed in 1980 and originally occupied with automotive repair uses. Various commercial, personal service, recreational and office uses have occupied the buildings since that time. A General Plan Initiation Study to consider residential uses for the site and surrounding properties was approved on April 24, 2012.

File Number	Brief Description	Hearing/Decision	Date
2011-7906	General Plan Initiation: consider amending the land use from Commercial General Business to Residential Very High Density	City Council/ Approved	4/24/2002

A summary of the discussion at the Planning Commission study session and public hearing is included in the "Public Contact" section of this report.

DISCUSSION:

Requested Permits

- **Special Development Permit**
  The applicant has requested approval of a Special Development Permit (SDP) for site and architectural review. The SDP also is used to consider approval of preliminary landscaping and stormwater management plans. An SDP is the project review process for sites in Sunnyvale within the Downtown Specific Plan or a Planned Development. The project is concurrently being reviewed with a General Plan Amendment, Downtown Specific Plan Amendment and Rezoning application (2012-7990). A 67-unit apartment redevelopment project at 388-394 E. Evelyn (2012-7460) is also being proposed concurrently southwest of the project site. Deviations, or exceptions to code required development standards can be considered through an SDP and do not require separate review through a Variance application. The applicant is requesting deviations from lot coverage and building height; through state law, by providing a certain percentage of very low income units, the project can be granted two concessions from development standards. Furthermore, as discussed in the "parking" section of this report, an alternative parking rate can be utilized for affordable housing units, exclusive of those concessions.

- **Vesting Tentative Map**
  The Vesting Tentative Map is requested to allow for the lot merger of the two existing parcels. A Vesting Tentative map locks in current codes and requirements for the applicant.

ANALYSIS:

The project site and architectural plans are provided in Attachment D. The site is located on the north side of E. Evelyn Avenue between N. Sunnyvale Avenue and N. Fair Oaks Avenue, situated between two apartment complexes (Villa Del Sol and Heritage Park Apartments). Across the railroad to the north is Northrop Grumman. The 2.3 acre site is occupied by two multi-tenant commercial buildings with a combination of office and personal service uses. The project site is located approximately 1/3 mile away from the Caltrain station and is along a VTA bus line on E. Evelyn Avenue.

The project consists of one apartment building divided into two wings. The apartments include three centrally positioned common open space areas. Open space and landscaping is also provided by a combination of private patios and balconies. A 26-foot wide landscaped area that is composed of a combination of accent paving and turf block wraps around the building. This area also provides for emergency vehicular access. A centralized pool and recreational facility area would also be available to the tenants of the proposed apartment building that is under consideration opposite the project site at 388-394 E. Evelyn Ave. A rooftop garden has been designed in the middle of the building adjacent to the larger open area below.

The apartments contain 94 one-bedroom units and 64 two-bedroom units and range from 800 to 1,200 square feet with several different floor plan styles. Parking is accessed centrally on-site through a subterranean garage.

More information regarding the City's "Balanced Growth Profile," which tracks changes in residential and commercial development, is included in the policy report related to the Downtown Specific Plan and General Plan Amendments (2012-7990).

Applicable Design Guidelines

As part of the General Plan and Downtown Specific Plan Amendment application (2012-7990), the site would be located within the Downtown Specific Plan (DSP) area. Proposed developments within the DSP, are subject to DSP design guidelines. The architectural style of the project is considered modern contemporary and is different from neighboring development but also has similarities to certain elements of other development projects found in the downtown. Applicable guidelines include the following statements that are addressed under the discussion of architecture and development standards:

- *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.6. Provide direct entrances or stoops to street-level residential units such as a porch, platform or staircase, to create an intimate streetscape.*

- *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.*
- *B.8. Place building frontages parallel to the street, recognizing street corners with corner tower elements, and recessed or chamfered entry elements.*
- *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.*
- *C.2. Preserve and incorporate existing natural features, particularly trees, into the landscape design of projects.*
- *C.10. Provide private outdoor space for each residential unit as an outward projecting balcony or an inward projecting terrace when possible.*

Architecture

The proposed architectural style can be described as modern contemporary with geometric building form. The architectural design of the proposed project is similar to buildings approved and under construction downtown, including the former Town and Country site. The immediate area includes a mix of traditional, Mediterranean and contemporary architectural styles.

The proposed design utilizes various horizontal and vertical forms to break up the massing of the building which extends parallel to a majority of the property. Projecting tower elements are incorporated at the corners of the building to better define entrance areas and more visually prominent locations from the street. The building utilizes a combination of façade materials that include stucco, wood, stone and metal. A varying use of smooth and corrugated finishes is proposed. The color palette consists of contrasting shades of beige, white and gray. The architectural plans are provided in Attachment D.

Specific design attention has been given to the corners of the building which mark the primary entry points. The southeast corner of the building at Marshall Avenue serves as a particular interest point of the development as it also marks the eastern edge of the downtown.

Since the Planning Commission study session, modifications have been made to the north elevation which faces the railroad. Different treatment has been given to the massing of the building to break up the design and make the building appear less symmetrical. Additional horizontal and vertical elements have been incorporated.

Development Standards

The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following have been identified as items needing deviations from required standards or were identified for clarification by the Planning Commission:

Site Layout

Yards and Setbacks: The building facade is approximately 20 feet away from the front property line; however, front porch and stoops project closer to the front property line. The reduced setbacks provide for a more pedestrian oriented streetscape that matches the design of nearby projects along Evelyn Avenue and elsewhere downtown. The project maintains a 26-foot setback to the rear property line which abuts the railroad. A 26-foot setback is also maintained on each side of the property. These areas are designed with a combination of landscaping and paved surface. A row of trees along the side and rear property lines provides additional visual buffer from neighboring properties and the railroad.

Parking and Circulation: As recommended by DSP guidelines for the area, the parking for the proposed project is not visible from the street frontage. An underground parking garage provides 269 parking spaces; however 45 spaces are considered stacked spaces where a car lift is used. These spaces would be dedicated to particular units. Sunnyvale Municipal Code requirements do not contain provisions for parking through this design; therefore the site would be deficient according to DSP standards. As part of the state law that provides for low income units, the applicant may apply an alternative parking rate. The DSP requires one and a half spaces per one-bedroom unit and two spaces per two bedroom unit. However, the state law only requires one space for one-bedroom units and two spaces for two-bedroom unit. Under the rate allowed by state law, the site would exceed parking standards. There are no compact spaces designed for the project.

The project indicates a total of 23 stalls for guest spaces. Staff is requiring that the project provide 56 guest parking spaces be provided within the garage, per Conditions of Approval. This amount is based on 25% of the total number provided not utilized as stacked spaces (224).

The site provides 50 Class I and 10 Class II bicycle spaces per VTA guidelines. These spaces are preliminarily located in the garage and at lobby entrances near the street frontage.

Building Height

Since the project will be located within a new DSP block, there is no prescribed height requirement. Per standards recommended as part of the DSP Amendment and rezoning, the maximum height requirement would be similar to neighboring properties that share the density standard. A standard of 50 feet is established for nearby blocks. The peak of the proposed building ranges from

36 to 60 feet at the tower elements. On average, the building height is approximately 48 feet with corner elements that reach approximately 60 feet in height. The neighboring Villa Del Sol apartments are approximately 48.5 feet tall and the Heritage Park Apartments are approximately 25-30 feet tall.

Landscaping and Tree Preservation
The project meets code requirements for landscape and usable open space (private and total) required in the DSP. There are no specific usable open space requirements for properties within the C-4/PD Zoning District. The proposed plans also indicate that private usable open space areas meet minimal required dimensions.

A tree inventory was prepared by a consulting arborist for the project. The site currently has 31 trees on site of which 21 are considered protected trees by code. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project indicate the removal of most of the trees with the exception of four trees located near the Evelyn Avenue frontage site. Certain trees along the frontage are slated for preservation. A condition of approval requires that all protected trees that are scheduled to be removed be replaced with a minimum of 36-inch box trees.

Storage Lockers
The Zoning Code requires 300 cubic feet of storage for each residential unit. The intent of the storage area is to provide additional lockable storage space for developments that do not have individual secured garage space. The project proposes to accommodate this requirement by providing a combination of storage area within the unit (accessed from the patio/balcony area) and within the common area on each floor. No storage lockers are located within the garage. A small percentage of units provide the entire 300 cubic feet within the units.

Trash Enclosure and Pick-Up Service
There are two locations within each floor of the apartment building that allow for trash to be deposited. The trash rooms are located at ground floor with pick-up locations positioned off E. Evelyn Avenue and near Marshall Avenue. Currently three loading areas are indicated on the site plan, two along E. Evelyn Avenue and one off Marshall Avenue. Staff is recommending that the loading area off Marshall Avenue be removed as well as the loading area intended for residents and delivery accommodations near the centralized garage entrance (Condition of Approval BP-6). Trash pick-up service can occur on-site on the Marshall Avenue driveway and at the loading area furthest to the west. The location furthest to the west can also serve as a loading area for residents.

In consultation with Public Works Department, staff also recommends that the remaining loading area be moved further west along E. Evelyn Avenue, so that is closer to the trash room at the corner of the building on the ground floor.

Due to the relocation, a significant tree (London Plane) would have to be removed. The tree is considered healthy, in good condition, and could perhaps be relocated elsewhere on the frontage. An alternative option would be to relocate the trash room closer to the current location; however, the applicant does not find this feasible due to layout constraints and has indicated a desire to preserve this tree and keep the current design as proposed. Staff finds that a more functional pick-up service is preferred and is recommending that the two loading areas along E. Evelyn Avenue be consolidated and that either the trash room be moved closer to the loading area or that the loading area be moved further west per Condition of Approval BP-6a. and b. Conditions of Approval also require that final design details to the loading and service areas meet Department of Public Works standards.

Stormwater Management

The applicant has submitted a preliminary stormwater management plan with the project application. The project qualifies as a "special project" through the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURP), as it is located within 1/3 mile of an existing transit hub (Sunnyvale Caltrain station), characterized as a non-auto related use, and has a minimum density of 25 dwelling units per acre. The stormwater treatment devices consist of a combination of low impact development (LID) based treatment, media filters and bio-treatment. A final Stormwater Management Plan is required to be submitted and certified by a third party consultant, prior to building permits, as noted in the Conditions of Approval.

Water-Efficient Landscaping

The applicant has provided a preliminary water-efficient landscape plan to meet City standards. The applicant has developed a planting palette that uses predominately low water use plants and uses minimal turf areas. A preliminary water budget has also been provided. A Condition of Approval will require a final plan prior to issuance of building permits.

Art in Private Development

Art in private development is not required for this project since no commercial uses are proposed.

Green Building Program

All new multi-family residential projects are required to achieve a minimum 80 points. The preliminary plans for the project indicate that 110 points will be achieved. As part of the City's green building incentive program, a 5% density bonus can be granted. At the time of building permit review, and again at the time of final project inspection/occupancy a certified Green Point Rater is required to provide a letter that states the project is designed to achieve the minimum points required.

Easements and Utilities

As part of this project, all utilities on the project site or along the project boundary are required to be undergrounded. The existing sidewalk will be modified to meet adopted standards for the newly created block of the DSP. Sidewalk easements will be created as necessary around the proposed loading areas for the site as noted on the site plan.

Sidewalk Improvements

The existing sidewalk will be modified to eight feet for most of the street frontage along E. Evelyn Avenue. Existing trees along the property frontage will be saved where possible. No modifications are planned to the existing bike lane along E. Evelyn Avenue.

Affordable Housing

State law enables the project to be granted a density bonus if a certain percentage of the low to very low income units are provided. The project is requesting the maximum 35% density bonus allowed under state law by dedicating 11% of the allowable number of units (based on a density of 48 dwelling units per acre) to very low income residents. This would result in 12 very low income units. The 35% density bonus is based on the requested base density of 48 dwelling units per acre. Staff and the applicant differ as to how the density bonus is calculated. Staff is recommending that the project be reduced by two units for a total of 156 units (Condition of Approval GC-8). A table is provided in Attachment G for more clarification. The size, location, and price of the affordable units will be established in agreement with the City's Housing Officer.

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 the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not experience or create any significant environmental impacts with implementation of the recommended mitigation measures (see Attachment C, Initial Study). Environmental issues that required mitigation include interior noise, biological/tree preservation, historic and cultural resources and air quality.

When this project was initially proposed, it was the Transportation Division staff's finding that the project would not entitle significant new trip making at levels that would require a Transportation Impact Analysis (TIA). A TIA is required if more than 100 net new peak hour trips would be generated over current uses occupying the site. In response to community concerns, however, the applicant hired a transportation consultant, AECOM, to conduct a traffic analysis for the project. The applicant's voluntary study is provided in Attachment H.

FISCAL IMPACT

The project is required to pay a Transportation Impact Fee (TIF) for each net new peak hour trip generated by the project. The estimated TIF for the proposed 158-unit residential townhouse project is $126,345.24. This fee includes a credit for the existing development. The amount would be modified if the project is approved at the recommended 156 units.

All residential projects are required to pay a park in-lieu fee unless dedicated park land is provided as part of the project. In this case the required in-lieu fee is estimated to be $2,369,646.58 for 158 new apartment units. The amount would be adjusted if the approved unit count is modified. Credit is given for the 12 affordable rental units that are to be provided.

The project would also generate increased property tax revenue from the increase in the assessed land value, and new residents would generate new sale taxes from retail expenditures in the city. This increase in revenue would be offset by the increase in City services required by these new residents.

PUBLIC CONTACT

The project received written comments from nearby residents as provided in Attachment F. The letters note concerns related to traffic and site design of the project. As noted previously, staff does not find that the proposed projects necessitate traffic mitigation measures.

Notice of Mitigated Negative Declaration and Public Hearing	Staff Report	Agenda
• Published in the *Sun* newspaper • Posted on the site • 1,332 notices mailed to the property owners and residents within 300 ft. of the project site	• Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library	• Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Planning Commission Study Session

A Planning Commission Study Session was held for the two apartment projects (2012-7460 & 7462) on August 13, 2012. The discussion included policy issues related to the proposed land use and density in addition to specific site and architectural design of the two projects. Comments were provided regarding an appropriate density that took into account the available density bonuses through state law and green building incentives. Commissioners were generally supportive of the architectural design with specific recommendations regarding the design of the concurrent project at 457-475 E. Evelyn Avenue.

Outreach Meeting

The developer held an outreach meeting on September 19th, 2012 for the related proposals. Approximately 15 nearby residents and property owners attended the meeting. Concerns were raised regarding the proposed increased density, traffic and safety associated with the new development. Comments related to the architecture ranged from positive to concerns about whether the design was appropriate for the neighborhood.

Planning Commission Public Hearing

The Planning Commission reviewed the proposed project on March 11, 2013 (See Minutes in Attachment I). The project was reviewed concurrently with the proposed Downtown Specific Plan Amendment and General Plan study for the nine properties along the north side of Evelyn Avenue (2012-7990) and the proposed 67 unit project at 388-394 E. Evelyn Avenue (2012-7460).

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 traffic associated with each of the development proposals. Community members also voiced support for the redevelopment of each site.

Specific comments regarding the subject proposal included concerns related to the location of the proposed garage entrance/exit for the project. Residents of the Sterling Place townhome development, located across Evelyn Avenue, noted that the currently proposed location may result in headlights shining into certain units across the street as vehicles exit the site. A preference for an alternative location closer to Marshall Avenue was noted. Staff and the applicant evaluated alternative locations for the primary entrance/exit of the project site during the earlier design stages of the project. In consultation with Public Works staff, a location off Marshall Avenue was considered undesirable due to conflicts with existing nearby development. Marshall Avenue is considered the primary vehicular egress/ingress or residents for the larger Heritage Oaks apartment development. A location towards the center of the proposed development was considered preferable for improved traffic circulation. The Planning Commission added Condition of Approval #BP-32 to require that the applicant work with City staff and the Homeowners Association of Sterling Place to consider the installation of landscaping or other architectural treatment on the existing townhouse development to help mitigate the impact of headlights from the new development.

The Planning Commission added Condition of Approval EP-18 which requires that the applicant work with staff to evaluate a pedestrian crossing on Evelyn Avenue between Sunnyvale Avenue and Fair Oaks Avenue. The applicant is required to contribute a fair share of a crosswalk improvement if a crosswalk is identified by staff to be effective. At the time of the draft of this report, staff is internally exploring whether this improvement can be supported by staff.

Prior to the hearing, the applicant had submitted a letter requesting relief of the requirement to provide 300 cubic feet of storage per unit (See Attachment E). The Planning Commission has included staff's recommendation that 200 cubic feet be provided for one-bedroom units for the project and that the remaining two bedroom units provide the required 300 cubic feet (Condition of Approval #BP-33). Staff notes that the applicant had also previously requested expedited building permit review, as noted in the applicant's addendum letter. Staff does not recommend any modifications to the current Building Permit review process as the City currently offers a streamlined building permit review process. Staff interprets the allowable concessions, per State law, as intended for relief of development standards. The concessions do not apply to administrative review processes. The Planning Commission also recommended staff's modification to Condition of Approval #23b regarding the amount of guest parking required based on revised calculations.

The Planning Commission voted unanimously (7-0) to recommend approval of the project (reduced by two units for a total of 156) with modified conditions, as

discussed above. The Conditions of Approval have since been modified in Attachment B. Commissioners further discussed the impact of noise and adequacy of the analysis. Staff notes that an alternative methodology was utilized based on the nature of the neighboring railroad use; however, the project is required to meet policy and Code standards as stated in the initial study. The project is required, per Mitigation Measures and Conditions of Approval, to implement construction standards as well as achieve performance measures conducted after completion. The effectiveness of these measures will be field verified prior to occupancy.

The Commissioners noted that the projects are well designed architecturally and would serve as a gateway development to the downtown. Commissioners also stated that the provision of very low income units on the project site was particularly desirable. A desire to further examine the use and adequacy of stacked parking was also recommended for staff to explore.

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration and approve the (Special Development Permit, and Vesting Tentative Map with attached conditions including a reduction to the total number of apartment units from 158 to 156.

2. Adopt the Mitigated Negative Declaration and approve the (Special Development Permit, and Vesting Tentative Maps proposed with modified conditions.

3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map.

4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

RECOMMENDATION

Staff recommends Alternative 1. Staff finds that the proposed density through the provision of affordable housing and green building design can be supported with Conditions of Approval that reduce the number of units to 156. The project meets downtown development standards and design guidelines as expanded for the project side and surrounding properties. The project is compatible to adjacent properties and the transitioning neighborhood. Specific noise mitigation will be incorporated into the construction design of the project as required.

Findings and General Plan Goals: Staff was able to make the required Special Development Permit Findings and Tentative Map findings based on the plans, justifications and supplemental studies provided by the applicant in relationship to General Plan Goals and Policies. Recommended Findings and related General Plan Goals and Policies are located in Attachment A.

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

Reviewed by:

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

Approved by:

Gary M. Luebbers
City Manager

Attachments:
A. Recommended Findings
B. Recommended Conditions of Approval
C. Mitigated Negative Declaration/Initial Study
D. Site and Architectural Plans
E. Applicant's Request for Density Bonuses and Addendum Letters
F. Letters from Interested Parties
G. Density Bonus Tables
H. Voluntary Traffic Impact Analysis Provided by the Applicant
I. Planning Commission Minutes, March 11, 2013

ATTACHMENT A
RECOMMENDED FINDINGS

Special Development Permit

Goals and Policies that relate to this project are:

Downtown Specific Plan

DSP B.1.: Encourage mixed uses throughout downtown when consistent with the district character.

DSP B.2.: Encourage below-market-rate housing in all residential neighborhoods.

DSP B.4.: Continue to encourage landscape, streetscape and façade improvements for all streets throughout the downtown.

DSP C.3.: Promote the use of public transit by intensifying land use and activities near transit cores.

DSP D.3.: Encourage intensification of specified high density residential and commercial districts while maintaining the character and density of single family neighborhoods surrounding downtown.

General Plan - Land Use and Transportation

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

Policy LT-3.1: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.

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

GOAL LT-7.1: Support efforts to establish Sunnyvale's downtown area as a strong commercial center for the City.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project meets most development standards and is in compliance with the Downtown Specific Plan. Specific incentives/concessions related to building height and lot coverage, as proposed, is enabled through provisions of state law SB 1818. As conditioned, the project is required to reduce the overall unit count to 156 units and provide affordable housing on-site. Conditions of approval further require design modifications to the site layout for improved trash and recycling loading facilities. Construction design that incorporates specific noise attenuation should limit impacts to future residents.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. The proposed high density residential development is compatible in density to nearby residential uses and is appropriately located in a pedestrian and transit oriented neighborhood. Street frontage improvements improve the site and allow for a better connection to development downtown. As conditioned, the project minimizes impacts on the surrounding properties and allows for a redevelopment that meets the intent of the Downtown Specific Plan.

Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings (1-8) and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.

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

3. That the site is not physically suitable for the proposed type of development.

4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MARCH 11, 2013

Planning Application 2012-7462
457-475 E. Evelyn Avenue

Special Development Permit for a 158-unit Apartment Building and Vesting Tentative Map

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:
All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. PERMIT EXPIRATION:
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior

to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

GC-4 ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

GC-5 BELOW MARKET RATE PROGRAM:
Prior to recordation of a Final Map establishing condominium units, the developer shall comply with S.M.C. 19.67.080, by recording a BMR housing agreement with the City. [SDR] [PLANNING]

GC-6 TEMPORARY TRAILERS:
Temporary sales trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development. Plans for temporary trailers shall include the following:

a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;

b) Trailer entrances shall be oriented toward the nearest building; Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]

GC-7. SIGNS:
Any proposed signage requires separate approval by the City prior to installation. [COA] [PLANNING]

GC-8. TOTAL UNIT COUNT – The project shall be modified with the reduction of two units (156 apartments). [COA] [PLANNING]

GC-9. AFFORDABLE UNITS – The project is required to provide 11% of the units under the allowable density of the site for “very low” income residents as defined by state law.

a) A total of 12 units shall be provided on site, based on the recommended density of 48 units per acre (111 units for a 2.31 acre site). [COA] [PLANNING]

GC-10. PUBLIC IMPROVEMENTS: The developer is required to install all public improvements, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc. as required by the Director of Public Works. All public improvements shall be designed and constructed in accordance with current City standard details and specifications, and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-11. DEFICIENT PUBLIC IMPROVEMENTS: Any and all existing deficient public improvements which are not in accordance to the latest City standards shall be upgraded to current City standards as required by the Director of Public Works as identified on the off-site improvement plans. [COA] [PUBLIC WORKS]

GC-12. ENCROACHMENT PERMIT: Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-13. FINAL MAP RECORDATION: Final map shall be reviewed, approved and recorded prior to any grading or building permit issuance.

GC-14. INDEMNITY: The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

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

PS-1. REVIEW OF FINAL DESIGN:
Final architectural design, site design, exterior building materials, and color schemes are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-2. STORMWATER MANAGEMENT PLAN:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

PS-3 STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:
Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

PS-4. ENVIRONMENTAL MITIGATION MEASURES:
Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage. [COA] [PLANNING] **Mitigation Measure**

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

BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. BLUEPRINT FOR A CLEAN BAY:
The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-5. GREEN BUILDING:
The building permit plans shall demonstrate the project is designed to achieve a minimum of 110 points on BuildItGreen's GreenPoint Rated Checklist. The GreenPoint Rated Checklist shall be included on plans. A letter of verification by a Green Point Rater shall be provided that indicates the project has achieved the minimum points prior to occupancy/final inspection. The project receives a 5% density bonus based on a density of 48 dwelling units allowed for the project site and is counted separately from the requested state density bonus. The total number of units allowed for the site is indicated in Condition of Approval GC-8. [SDR] [PLANNING/BUILDING]

BP-6. RECYCLING AND SOLID WASTE LOADING AREA:
The plans shall be revised to remove the loading area closest to the leasing office along the E. Evelyn Avenue frontage near the garage entrance and the loading area adjacent to Marshall Avenue. The following options may be considered with regards to the loading area currently located furthest to the west:

a) Relocate the loading area closer to the existing trash room (approximately 12 feet to the west); or

b) Relocate the trash room to a location directly in front of the current loading area.

The plans shall also be revised to have wider sidewalk at the container staging area to allow adequate and safe pedestrian access during operation. The plans shall also be revised to have adequate trash and recycling pick-up service at the Marshall Avenue entrance area, as mutually agreed by the City and the developer.

The developer and subsequent Home Owner's Association shall arrange and pay for the "Push Out Service Fees" in accordance with City' utility fee schedule. [COA] [PUBLIC WORKS/PLANNING]

BP-7. RECYCLING AND SOLID WASTE CONTAINER:
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-8. SOLID WASTE DISPOSAL PLAN:
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for multi-family projects. [COA] [PLANNING]

BP-9. RECYCLING AND SOLID WASTE: The waste disposal and recycling facilities within the buildings shall be designed with adequate space and clearance based upon City's latest guidelines. Developer shall execute a Maintenance Agreement for perpetual maintenance of the areas within the public right-of-way used to move the trash bins to the staging area located on the sidewalk, including the duck-out areas adjacent to Evelyn Avenue and Marshall Avenue. [COA] [PLANNING/PUBLIC WORKS]

BP-10. ROOF EQUIPMENT:
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-11. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.

a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project estimated at $126,345.24 that will be calculated prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

b) PARK IN-LIEU - Pay Park In-lieu fees estimated at $2,369,646.58 prior to approval of the Final Map (SMC 18.10). [SDR] [PLANNING]

BP-12. MECHANICAL EQUIPMENT (EXTERIOR):
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-13. EXHAUST AND OPENINGS:
The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-14. AFFORDABLE HOUSING DENISTY BONUS DEVELOPER AGREEMENT:
Before issuance of building permits for the project, the developer shall enter into a Developer Agreement with the City to establish the method by which the development will comply with the applicable density bonus requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must be executed by both parties and recorded against the property, and will run with the land.

In the event that any designated very low income dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the density bonus requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING]

BP-15. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

a) All areas not required for parking, driveways or structures shall be landscaped.

c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.

d) Ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

f) Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.

g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.

j) Patio and landscape walls shall not be higher than four feet.

BP-16. PRE-APPROVED, WATER EFFICIENT LANDSCAPE PLANS:
The developer shall submit landscape plans for review and approval by the Community Development Department. These plans will be reviewed through a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping code requirements. [PLANNING] [COA]

BP-17. LANDSCAPE MAINTENANCE PLAN:
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permits. [COA] [PLANNING]

BP-18. TREE PROTECTION PLAN:
Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

a) An updated inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a

certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).

b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.

c) The Director of Community Development has discretion over the final list of trees to be removed.

d) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.

f) The measures in the tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-19. CITY STREET TREES:
The landscape plan shall including existing and proposed City street trees and shall be submitted for review and approval by the City prior to issuance of building permit. [SDR] [ENGINEERING/PUBLIC WORKS]

BP-20. BEST MANAGEMENT PRACTICES - STORMWATER:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.

b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

c) Covered trash, food waste, and compactor enclosures.

d) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:

e) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.

f) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-21. EXTERIOR LIGHTING PLAN:
Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

a) Sodium vapor (or illumination with an equivalent energy savings).

b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 8 feet on the periphery of the site adjacent to residential uses.

c) Provide photocells for on/off control of all security and area lights.

d) All exterior security lights shall be equipped with vandal resistant covers.

e) Lights shall have shields to prevent glare onto adjacent residential properties.

f) Lighting plans shall be developed to provide coverage of all parking areas, driveways, and building entrances for safety and security purposes. [COA] [PLANNING]

BP-22. PHOTOMETRIC PLAN:
Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. [COA] [PLANNING]

BP-23. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):
A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

a) A clear definition of "guest" as proposed by the property manager and subject to review and approval by the Director of Community Development.

b) A minimum of 28 and maximum of 84 spaces shall be designated as guest parking. ***(Condition of Approval modified at the Planning Commission Hearing on 3-11-13)***

c) Clearly indicate that the property manager shall not rent or sell unassigned spaces, except that a nominal fee may be charged for parking management.

d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.

e) Prohibit tenants from parking RV's, trailers, or boats in assigned spaces.

f) Notify potential residents of the number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

BP-24. BICYCLE SPACES:
Provide 50 Class I and 10 Class II per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-25. FIRE PROTECTION:
Plans shall demonstrate compliance with the fire protection requirements in place at the time of building permit submittal as provided in Sunnyvale Municipal Code chapters 16.52, 16.53 and 16.54; California Fire Code; and Title 19 California Code of Regulations. The following details shall be included:

a) The water supply for fire protection and firefighting shall be approved by the Department of Public Safety (508 CFC).

b) A fully automatic fire sprinkler system is required. The fire sprinkler system shall be in accordance with NFPA 13, and CFC (16.52.270 SMC & Section 903 CFC).

c) A fire alarm system is required for buildings meeting the requirements under Section 907.2.9 CFC.

d) Install approved smoke detectors in accordance with the Sunnyvale Municipal Code (SMC 16.52.280).

e) Approved Fire Department ladder access is required in courtyard in order to rescue occupants from approved windows.

f) Provide the required number of approved fire extinguishers (minimum size of 2A10BC) (CCR Title 19: 568).

g) Adhere to Sunnyvale Fire Prevention fire department emergency vehicle access requirements..

h) Trash enclosures within 5 feet of building exterior walls or overhangs require fire sprinkler protection. (304.3.3 CFC, 16.52.270 SMC).

i) A Knox box (key box) will be required at the gates in accordance with Fire Prevention guidelines 9. Approved emergency responder radio coverage is required throughout the project.

Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for further details.

j) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.

k) Provide electronic version of plans to assist with Fire Department "Pre-Fire Survey" maps. [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

BP-26. FIRE PROTECTION PLAN:
Provide a written construction Fire Protection Plan (Section 1408 CFC) (Refer to Unidocs.org, Fire Prevention documents). [COA] [PUBLIC SAFETY-FIRE PREVENTION]

BP-27. AIR CONDITIONING SYSTEMS:
Since all windows and doors are required to be shut to achieve a dbA of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space. The building permit plans shall include air condition systems.

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. [COA] [PLANNING] **Mitigation Measure**

BP-28. NOISE REDUCTION:
Final construction drawings shall incorporate all noise mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING] Mitigation Measure:

WHAT: To achieve compliance with the 45 dB DNL limits of the City of Sunnyvale Safety and Noise Chapter of the General Plan and Title 24 standards and the 50 dBA L1 bedroom and 55 dBA L1 living space limits of the Safety and Noise Chapter, 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).
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.

BP-29. AIR QUALITY:
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 use or reducing the maximum idling time to 5 minutes (as required by the Califiornia 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.

BP-30. BIOLOGICAL RESOURCES – TREE PROTECTION MEASURES

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 as noted in the arborist's report) 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.

BP-31. CULTURAL RESOURCES:
Final construction drawings shall incorporate all mitigation measures related to cultural resources as set forth under "Mitigation Measures" in the approved environmental document and as noted below. [COA] [PLANNING] Mitigation Measure:

WHAT:

1) For projects involving substantial grading, demolition, or 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. Projects that the CHRIS determines may be located in a sensitive area, or on 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 prior to or 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. Workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls, structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies. 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. 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:

a) Planning construction to avoid the archaeological site;
b) Incorporating the site within a park, green space, or other open space element;
c) Covering the site with a layer of chemically stable soil; or
d) 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)].

4) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

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.

BP-32. HEADLIGHT IMPACTS: Prior to occupancy, the applicant shall work with staff and the neighboring Sterling Place Homeowners Association to consider installation of appropriate measures to reduce the impact of vehicular headlights exiting the driveway of the new development. Such measures may include new landscaping, trees or architectural treatment to be installed on the affected development. [COA] [PLANNING] (***Condition of Approval added at the Planning Commission Hearing on 3-11-13)***

BP-33. LOCAKABLE STORAGE: The project shall provide a minimum of 300 cu. ft. of lockable storage area per two-bedroom unit and a minimum 200 cu. ft. per one-bedroom unit. [COA] [PLANNING] (***Condition of Approval added at the Planning Commission Hearing on 3-11-13)***

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

EP-1. UTILITY LINES: The developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-2. RE-USE OF EXISTING CITY UTILITY SERVICE LINES: The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation.

Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]

EP-3. UTILITY METER/VAULT AT DRIVEWAY APPROACH: No existing or new utility meters or vaults shall be located within the new driveway approach areas. [COA] [PUBLIC WORKS]

EP-4. JOINT TRENCH UTILITY PLANS: Concurrently with the off-site plan review, submit joint trench utility plans (PG&E, telephone, cable TV, etc.) to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements. [PUBLIC WORKS]

EP-5. EXISTING CITY UTILITIES: Developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [PUBLIC WORKS]

EP-6. PUBLIC FIRE HYDRANTS: Remove and replace the existing fire hydrant along Evelyn Avenue to current City standard Clow-Rich 865. The existing fire hydrants may need to be relocated with new service line as needed during the off-site improvement plan review. New fire hydrant location shall be per current City standard detail 2B-2. Public fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS]

EP-7. DUAL CONNECTION WATER SERVICE SYSTEM: Provide two domestic water and two fire service points of connections, with two separate radio-read domestic master water meters and two separate double check detector assemblies (DCDA) with fire service meter(s) in accordance with current City standards. The requirements for fire service connections may be waived or modified by the Department of Public Safety. [PUBLIC WORKS/PUBLIC SAFETY]

EP-8. BACKFLOW PREVENTORS: Install new and/or upgrade existing backflow prevention devices in accordance with the City current standards and specifications. Install enclosure per city standards, if applicable. [COA] [PUBLIC WORKS ENGINEERING]

EP-9. SANITARY SEWER ANALYSIS: Concurrent with the off-site improvement plan review, provide the Public Works Department with a detailed estimate of water consumption in gallons per day and estimate of sanitary sewer generation in gallons per day. Submit a sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer system. This includes, but is not limited to, any incremental impact that will result from the new project in

comparison to the existing sewer capacity of the immediate downstream mainline and/or subsequent downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed lateral. [PUBLIC WORKS]

EP-10. SEWER CLEANOUT: Install new sanitary sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals. [COA] [PUBLIC WORKS]

EP-11. DOWNTOWN SIDEWALK: Remove existing sidewalk and install downtown sidewalk per Downtown Streetscape Standard Details and Specifications. Provide typical unit paver and band details for an 8'-wide sidewalk (excluding the curb and 6" from the back of sidewalk to the right-of-way line) with dimensions and provide typical street cross sections at various locations on the off-site improvement plans. Where there are existing mature trees to preserve, the sidewalk may be less than 8' wide (minimum of 5' width). [PUBLIC WORKS].

EP-12. ABANDONED DRIVEWAY APPROACHES: All unused driveway approaches shall be replaced with curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-13. CURB RAMP: Remove and replace the existing curb ramp at the intersection of Marshall Avenue and Evelyn Avenue in accordance to the latest City standard details and specifications. [COA] [PUBLIC WORKS]

EP-14. DOWNTOWN STREETLIGHTS: Remove the existing four public streetlights (and salvage existing light fixtures) fronting the project site. Install downtown-style single-head decorative streetlights. Provide a photometric analysis for City review and approval to justify the proposed streetlight spacing. Submit separate streetlight plans concurrently with the off-site improvement plan review to include removal of existing streetlight conduits, installation of new conduits and location of power source connection, etc. [PUBLIC WORKS]

EP-15. BUS STOP IMPROVEMENTS ALONG EVELYN AVENUE: Install a minimum 10 feet by 55 feet Portland cement concrete (PCC) bus pad on Evelyn Avenue, and install a minimum of 8 feet wide sidewalk adjacent to the existing bus stop in accordance with the Valley Transportation Authority (VTA) latest guidelines and as approved by VTA. [PUBLIC WORKS]

EP-16. FRONTAGE DUCK-OUT AREAS: As part of the off-site plan review, submit design details with dimensions to accommodate waste disposal collection operation, including Portland cement concrete pavement within the duck-out areas. [PUBLIC WORKS]

EP-17. IMPROVEMENT PLANS: Final approved public improvement plans shall be prepared on 24"X36", 4 mil mylars. [PUBLIC WORKS]

EP-18. CROSSWALK INSTALLATION: The applicant shall work with staff to evaluate a pedestrian crossing on Evelyn Avenue between Sunnyvale Avenue and Fair Oaks Avenue and is required to contribute a fair share to the crosswalk improvement if the crosswalk improvement is determined by staff to be effective. ***(Condition of Approval added at the Planning Commission Hearing on 3-11-13)***

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

TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP: The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. [PUBLIC WORKS]

TM-2. TITLE 18 AND SUBDIVISION MAP ACT: The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [PUBLIC WORKS]

TM-3. APPROVAL FROM EASEMENT HOLDER: Submit approval letters from the easement holders for any proposed improvements other than easement holders' facilities within any existing easement. [PUBLIC WORKS]

TM-4. APPROVAL FROM PUBLIC UTILITY COMPANIES: Submit approval letters from all public utility companies for any existing easements to remain and for any proposed utility easements to be established. [PUBLIC WORKS]

TM-5. QUITCLAIM OF EXISTING PRIVATE EASEMENTS: The two existing 12 ft. ingress-egress easements previously recorded under Book 441 of Maps Page 4 shall be quitclaimed prior to final map recordation. [PUBLIC WORKS]

TM-6. PUBLIC WORKS FEES: The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance. This includes, but is not limited to, an incremental sewer connection fee estimated at $182,170.54 and an incremental water connection fee estimated at $49,705.71 based upon available project

data and fiscal year 2012-13 rate. The actual fee amount would be based upon the fee structure/rate at the time of fee payment. [COA] [PUBLIC WORKS]

TM-7. SUBDIVISION AGREEMENT AND SECURITIES: The developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [PUBLIC WORKS]

TM-8. ABANDONMENT OF EXISTING PUBLIC UTILITY EASEMENTS (PUE): The existing PUE's recorded under 6778 O.R. 702 shall be abandoned on the final map or with a separate instrument. The existing overhead facilities must be removed prior to abandonment. Building permits will not be issued for the buildings and associated improvements within the subject PUE areas until such date the existing overhead facilities are removed and PUE's are abandoned. PUE abandonment shall comply with the California Streets and Highways Code, if not abandoned on the final map. [PUBLIC WORKS]

TM-9. EMERGENCY VEHICLE ACCESS EASEMENT: This project requires adequate dedication of an emergency vehicle ingress-egress easement. [PUBLIC WORKS]

TM-10. PUBLIC EASEMENT FOR WATER LINE: The plan shall be revised to maintain adequate clearance (outside pipe to outside pipe) for any utility facilities adjacent to the existing 12" water line deemed acceptable by the City. Dedicate appropriate easement on the final map for the existing 12" public water line or alternative deemed acceptable by the City. [PUBLIC WORKS]

TM-11. NEW SIDEWALK EASEMENT: Dedicate adequate easement to accomplish a new 8'-wide public sidewalk and delineate the easement on the final map. [PUBLIC WORKS]

TM-12. RESERVATION/ABANDONMENT OF EASEMENTS: Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map. Quitclaim deed is required for abandonment of private easements prior to final map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [PUBLIC WORKS]

TM-13. COVENANTS, CONDITIONS AND RESTRICTIONS: If the units are sold as ownership units at a future date, this project requires conditions, covenants, and restrictions (CC&R's) to be recorded with provisions including, but not limited to, the following items:

a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.

b) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first.

c) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.

d) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management.

TM-14. APPROVAL FROM OTHER AGENCIES: This project requires approval letter from Caltrain (PC/JPB) since their right-of-way is adjacent to the proposed site.

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

PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

PF-3. NOISE REDUCTION VERIFICATION:
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. Documentation indicating that mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. Refer to the building permit plans for the Mitigation Monitoring Plan or Negative Declaration, attached to the approved building permit plans. [COA] [PLANNING] *Mitigation Measure*

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

DC-1. FIRE ACCESS:
Prior to any combustible construction or materials on-site, provide fire access drives and operational on-site fire protection systems if applicable (Chapter 14 CFC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

DC-2. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-3. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

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

AT-1. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-2. SOLID WASTE RECYCLING MANAGEMENT:
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]

AT-3. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-5 STORMWATER MEASURES IN USABLE OPEN SPACES:
Any bioretention basins which are located within usable open space areas shall be maintained to ensure the stormwater treatment measures do not impair usability of the area. [COA] [PLANNING]

AT-6. PARKING MANAGEMENT:
On-site parking management shall conform to the approved parking management plan. [COA] [PLANNING]

AT-7. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:

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

AT-8. UNENCLOSED STORAGE PROHIBITED:
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]

AT-9. VEHICLE SALES, LEASING, AND RENTAL PROHIBITED:
The sales, leasing, or rental of vehicles or trailers are prohibited on the subject property. [COA] [PLANNING]

AT-10. RECREATIONAL VEHICLE STORAGE PROHIBITED:
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-11. STORMWATER BMP MAINTENANCE:
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-12. STORMWATER BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan. [SDR] [PLANNING]

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

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,

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

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

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

a. **PROJECTS THAT ARE SUBJECT TO DFG FEES**

☐ 1. **ENVIRONMENTAL IMPACT REPORT** (PUBLIC RESOURCES CODE §21152)	$ 2,995.25	$ 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

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

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

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

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

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

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

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

File 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@sunnvyale.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@sunnvyale.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@sunnvyale.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

Project Title	**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 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. 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. **2012-7460** – Special Development Permit for 67 apartment units (388 – 394 E. Evelyn Ave.). Tentative Map to merge four lots into one lot. **2012-7462** – Special Development Permit for 158 apartment units (457 – 475 E. Evelyn Ave.). Tentative Map to merge two lots into one lot.
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	388 – 394 E. Evelyn Ave., 151 - 153 S. Bayview Ave. (2012-7460) 457-475 E. Evelyn Ave. (2012-7462) 295 W. Evelyn Ave., 111 W. Evelyn Ave., 295 – 395 E. Evelyn Ave., 457-475 E. Evelyn Ave., 470 Marshall Ave. (2012 -7990)

Zoning	Downtown Specific Plan – Block 4 (DSP- Block 4) for 388 – 394 E. Evelyn Ave. & 151 - 153 S. Bayview Ave. Service Commercial/Planned Development (C-4/PD) for 457 – 475 E. Evelyn Ave. & 470 Marshall Ave. Regional Business/Planned Development (C-3/PD) for 295 W. Evelyn Ave., 111 W. Evelyn Ave., & 295 – 395 E. Evelyn Ave
General Plan	Downtown Specific Plan Southern Pacific Corridor Site Specific Plan Commercial General Business Commercial Central Business
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 ace) 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 if 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.

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) o 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.

☐ Aesthetics	☐ Hazards & Hazardous Materials	☐ Public Services
☐ Agricultural Resources	☐ Hydrology/Water Quality	☐ Recreation
☐ Air Quality	☐ Land Use/Planning	☐ Transportation/Traffic
☐ Biological Resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Cultural Resources	☐ Noise	☐ Mandatory Findings of Significance
☐ Geology/Soils	☐ 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?	☐	☐	☐	☒	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	☐	☐	☒	☐	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?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	Housing Sub-Element www.sunnyvaleplanning.com
7. Land Use Planning - Physically divide an established community?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	Air Installations Compatible Use Zones (AICUZ) Study Map
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	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?	☐	☒	☐	☐	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☒	☐	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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

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?	☐	☒	☐	☐	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?	☐	☐	☒	☐	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. See discussion for information about school impacts
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	☐	☒	☐	☐	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?	☐	☒	☐	☐	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?	☐	☐	☐	☒	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.	☐	☐	☐	☒	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	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
33. Seismic Safety-Strong seismic ground shaking?	☐	☐	☐	☒	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	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 LI 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.

<u>MITIGATION for 388 – 394 E. Evelyn Ave (2012-7460)</u>

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 Califiornia 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 Kuchenig 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?	☐	☐	☒	☐	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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)?	☐	☐	☐	☒	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	☐	☐	☐	☒	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan.
40. Affect the multi-modal performance of hte 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)?	☐	☐	☐	☒	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?	☐	☐	☐	☒	Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects.
42. Cause a degredation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	☐	☐	☐	☒	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

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	Sunnyvale Solid Waste Management Sub-Element www.sunnyvaleplanning.com

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?	☐	☐	☐	☒	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)?	☐	☐	☐	☒	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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	☐	☐	☐	☒	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?	☐	☐	☐	☒	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.

Responsible Division: Public Works Engineering Division Completed by: Ryan Kuchenig January 28, 2013

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	California Building Code SMC Section 16.52 Fire Code

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

Responsible Division: Department of Public Safety Completed by: Ryan Kuchenig January 28, 2013

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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 exiting or proposed school?	☐	☐	☐	☒	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?	☐	☐	☒	☐	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?	☐	☐	☐	☒	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

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

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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

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

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

- 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:

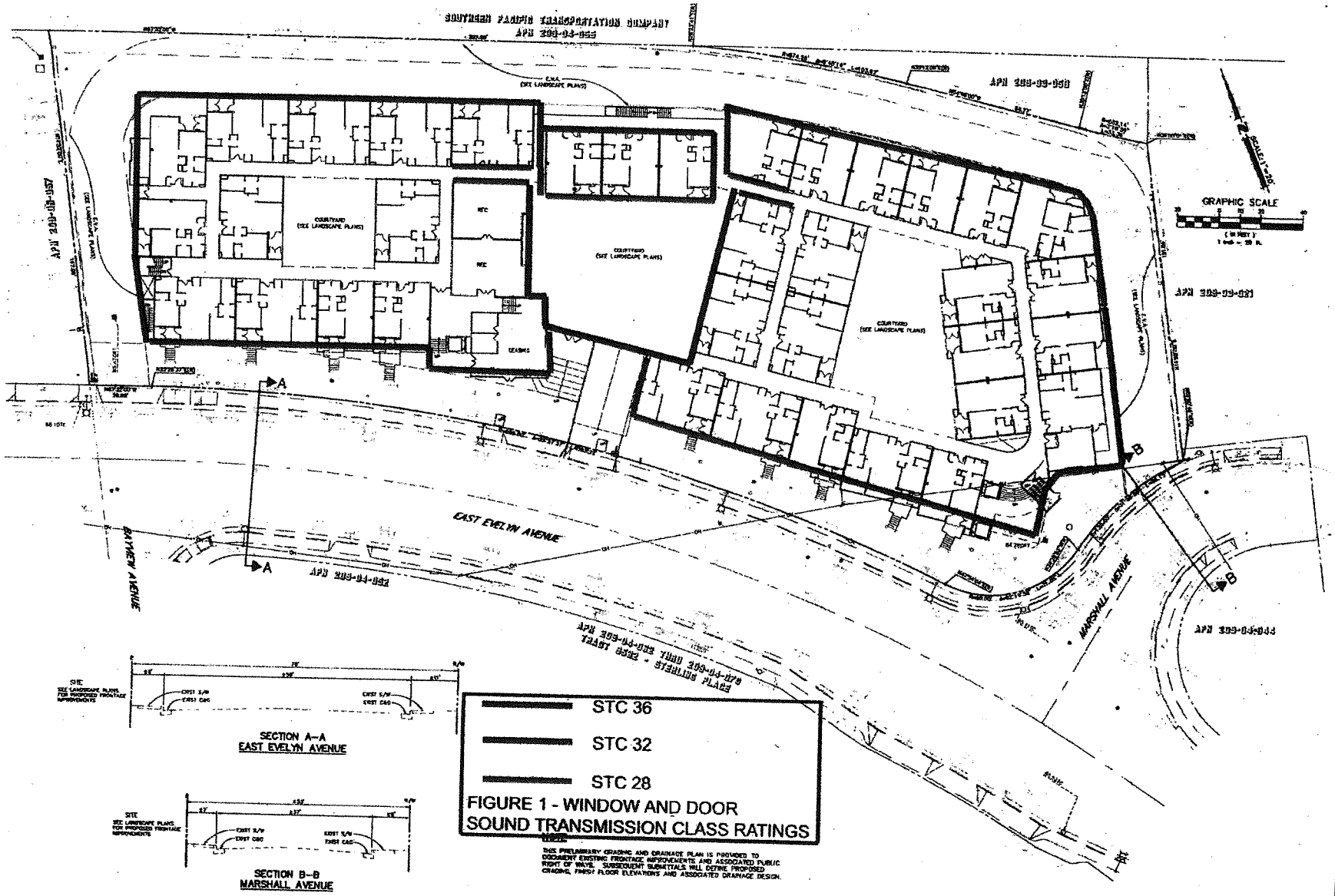
- ABAG Projections 2010
- Bay Area Clean Air Plan
- BAAQMD CEQA Guidelines

Building Safety:

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

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


SOUTHERN PACIFIC TRANSPORTATION COMPANY
APN 209-04-055
APN 209-09-098
APN 209-09-021
APN 209-04-044
APN 209-04-092
APN 209-04-029 THRU 209-04-078
EAST SUTTERS - EDGE EAST PLACE
EAST EVELYN AVENUE
MARSHALL AVENUE
AVENUE
COURTYARD (SEE LANDSCAPE PLANS)
GRAPHIC SCALE
SECTION A–A
EAST EVELYN AVENUE
SECTION B–B
MARSHALL AVENUE
STC 36
STC 32
STC 28
FIGURE 1 - WINDOW AND DOOR
SOUND TRANSMISSION CLASS RATINGS
THIS PRELIMINARY GRADING AND DRAINAGE PLAN IS PROVIDED TO DOCUMENT EXISTING FRONTAGE IMPROVEMENTS AND ASSOCIATED PUBLIC RIGHT OF WAYS. SUBSEQUENT SUBMITTALS WILL DEFINE PROPOSED GRADING, FINISH FLOOR ELEVATIONS AND ASSOCIATED DRAINAGE DESIGN.
StudioT SO
Architecture
Planning
Urban Design
Civil Engineering Associates
EVELYN AVE APARTMENTS
SUNNYVALE, CALIFORNIA
PROMETHEUS REAL ESTATE GROUP
1900 S. NORFOLK ST. #150
SAN MATEO, CALIFORNIA
Revisions:
Sheet Title:
PRELIMINARY GRADING AND DRAINAGE PLAN
Job No.: 12-106
Date: 3/8/2013
Scale: 1"=20'
Drawn By: CH
Sheet No: C1

PROMETHEUS

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,

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

cc: Trudi Ryan
Ryan Kuchenig
Pat Castillo

PROMETHEUS

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

PROMETHEUS

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,

Jon Moss
Executive Vice President & Partner

Prometheus Real Estate Group, Inc.

cc: Trudi Ryan
Ryan Kuchenig
Pat Castillo

Santa Clara County Housing Action Coalition

The Santa Clara County Housing Action Coalition is comprised of a broad range of organizations and individuals who have, as a common goal, the vision of affordable, well-constructed and appropriately located housing

February 19, 2013

Sunnyvale Planning Commission
456 W. Olive
Sunnyvale, CA 94086

Dear Members of the Sunnyvale Planning Commission,

On behalf of the Housing Action Coalition, I am writing to express support for two development proposals by Prometheus at the corner of Evelyn and Bayview.

By way of reference, the Housing Action Coalition includes more than 100 organizations and individuals. Its goal is the production of well-built, appropriately-located homes that are affordable to families and workers in Silicon Valley. Organizations participating in the HAC represent business, labor, environmental organizations and many more.

Sunnyvale has done a great job proactively planning for housing in order to meet the community's housing needs. In this case, Prometheus is proposing to redevelop two parcels near Sunnyvale's up and coming downtown. Given the proximity to transit as well as a plethora of retail and services, this is a wonderful location upon which to intensify. Residents of this area will be fortunate to benefit from a blossoming downtown while having access via transit to the jobs along the Peninsula. And, Prometheus has proven itself to be a quality developer and property manager.

The Coalition is also pleased with the affordability component of this proposal. The Palmer decision and the elimination of redevelopment has left many cities without the tools to provide affordable homes. In this case, we support the use of the State Density Bonus law to add affordable homes to the housing stock of Sunnyvale. We commend the City for making this a priority, thinking creatively and ensuring that affordability is achieved in a way that is palatable to the private sector.

We encourage your support of this proposal and thank you for your consideration of our comments.

Sincerely,

Margaret Bard
Housing Action Coalition
Co-Chair

January 8, 2013

422 E Evelyn Avenue, Unit 101
Sunnyvale, CA 94086

To the City of Sunnyvale Planning/Building Department,

On Wednesday Sept 19, 2012 both Jackie Nicoli and I of the Sterling Place Home Owners Association attended the Prometheus Real Estate open house invitation for: "457 and 475 East Evelyn Avenue and 388 East Evelyn Avenue Re-Development Proposal". At the open house, Prometheus Development Manager Jonathan Stone shared preliminary build plans for the planned apartments at the proposed location.

Both Jackie and I were excited to see the initial plans for apartment development, which would be located directly across the street from our place of residence. However during the open house, we shared concerns regarding the placement of the entrance/exit to the underground parking for the 457/475 East Evelyn Avenue apartments. According to the plans, the entrance/exit would be placed directly across 422 E. Evelyn Ave (See Figure 1 on page 2 of this letter). This may impact our residences in two ways:

1. Headlights shining on units directly across the street when cars enter/exit (note that this is the only entrance/exit to the underground parking).

2. Overall traffic congestion at that location - The entrance/exit for Sterling Place is also nearby and could create a greater traffic hazard.

According to the plans shared, one possible solution is to place the entrance/exit location at the intersection of Evelyn and S Bayview Avenue, less than a block away. This seems like a more natural place to put an entrance/exit and may help ease the flow of traffic.

We are excited to see Prometheus further develop the Sunnyvale community. We hope you will consider and address our concerns.

Sincerely,

Josephine McElroy
Sunnyvale residence and
Sterling Place HOA board member

January 8, 2013

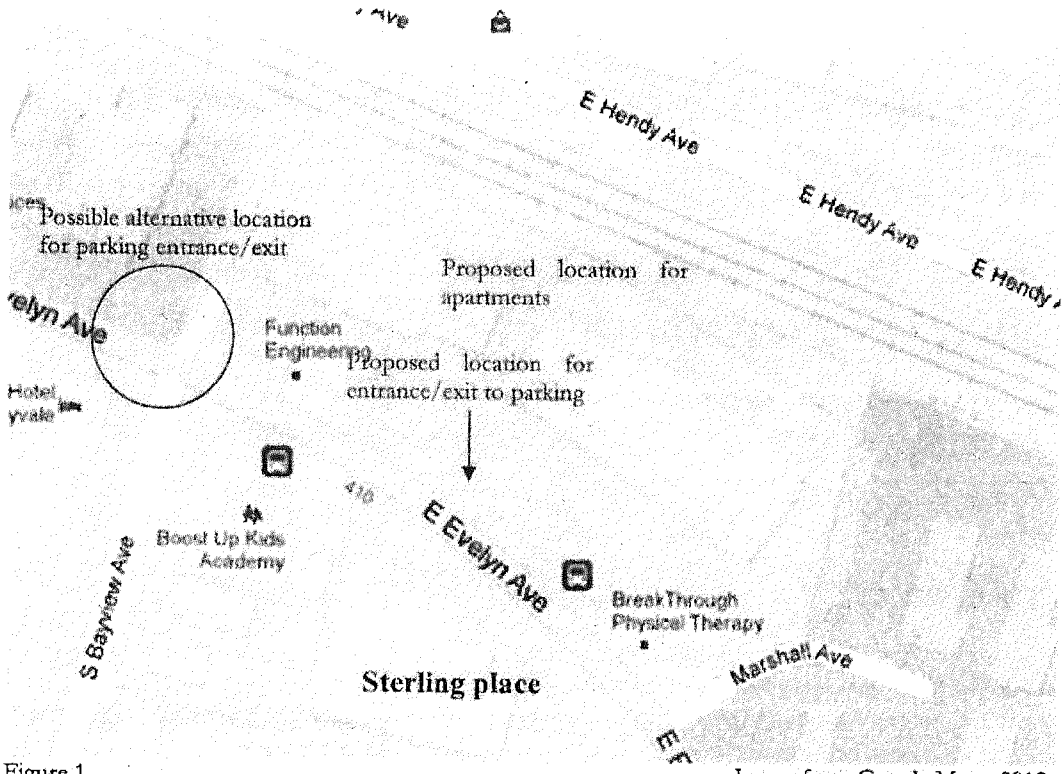


Figure 1

Image from Google Maps, 2012

On Wed, Feb 13, 2013 at 8:46 AM, Council AnswerPoint <council@sunnyvale.ca.gov> wrote:

---------- Forwarded message ----------
From: **Thomas J. Carrig** <
Date: Wed, Feb 13, 2013 at 7:37 AM
Subject: Re: [hdnatalk] Building E.Evelyn @ S.Bayview
To:
Cc:
>, Council City <council@ci.sunnyvale.ca.us>

Hi Enloe,

The plan for the 400 apts. you speak of was a zoning misappropriation.
The zoning for the area was established and then compromised. Planning for the area is zone for one thing and then build the next biggest zoning ordinance. Planning is a stupid name for compromising what was planned.
We started with 38 miles of parking in the Downtown Specific Plan and it just keeps getting more gridlocked.
Have you traveled from Maude to El Camino on Mathilda between 5 - 7 PM ?

Please answer the questions if you can.
What infrastructure are you planning? Stop lights, School, Water, sewage overloads, Environmental impacts, Traffic, etc.
What Municipal codes and zoning codes have you compromised?

The answer to these questions is Smart Growth. The stupid growth is not answering them and making everyone pay for them because they become a problem. Nobody is planning, they are reactionary. There is no vision.

Tommy

This seems like smart growth to me. High rise apartments facing a 4 lane throughway and 2.5 blocks from the train and bus transit center - what could be better?
67 units is not a big deal. We're building over 400 apts right now on Washington by the old post office. If you want a vibrant downtown then people need to live there so they can walk to transit, shopping, and dining.
Enloe

October 15, 2012

City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94088

Dear Mayor Spitaleri and Members of the City Council:

As the owner of Boost Up Kids Academy in Sunnyvale, I support the proposal by Prometheus Real Estate Group to re-develop the Sunnyvale Hotel and the property located across the street at 457 & 475 East Evelyn Avenue to construct 225 new apartment homes. As a business owner in the Sunnyvale Downtown, I encourage this type of re-development as it will provide further support to the businesses of Downtown Sunnyvale and Sunnyvale as a whole.

I understand that this development meets all of the applicable zoning requirements such as density, setbacks and parking. I believe it will also provide more affordable housing opportunities for the employees of many Sunnyvale businesses. It will also provide needed housing for the many technology based jobs that continue to be created in Sunnyvale.

Aside from the obvious economic benefits this development would provide to the city, I believe that creating housing near mass transit and retail is an excellent example of smart transit oriented development.

I encourage the City of Sunnyvale to approve this green, sustainable, pedestrian friendly, transit-oriented development.

Sincerely,

Bhawna Batkar
Boost Up Kids Academy
404 E Evelyn Avenue
Sunnyvale, California 94086

ATTACHMENT F
Page 6 of 9

General Plan Ammendments: Project file 2012-7462, 2012-7460

RL95060@aol.com Fri, Mar 8, 2013 at 1:03 PM
To: rkuchenig@sunnyvale.ca.gov

Mr. Kuchenig, Thank you for the opportunity to comment on the Proposed Amendment and projects.

I am an owner of 295-297 Hendy Ave., along with my 101 year-old Aunt Hilda DeMello and my brother, Michael Petite.
I grew up in Sunnyvale, and my family members were Sunnyvale residents as far back as the time when my grandfather worked at Hendy Iron Works, and my great grandmother, grandmother, mother and aunts worked at Libby's fruit cannery. My aunt Hilda and my mother Alice worked at Del Monte "seed house" which has been preserved as a cherished landmark, so my concerns regarding these projects go beyond economic considerations, instead, they go to the desire to maintain the safe, unhurried, small-town atmosphere that has made Sunnyvale such a special place to live and work.

I realize that I can't stop "progress", on the other hand, I am obliged to do my part to influence it for the memory of the people who loved this town and those of us who still call it home.

The proposal to allow 48 dwellings per acre is clearly too dense for Sunnyvale. The effect on downtown and surrounding neighborhoods would negatively alter the very qualities that make Sunnyvale an attractive place to live. This is not downtown San Francisco nor downtown San Jose. Approving the project as proposed would be a huge step in making it so, and that would be a blow to the people of Sunnyvale.

Traffic is a problem. The report on traffic does not adequately consider the impact on travel to and from the central expressway and along Hendy Avenue past 295-297 where members of my family, in their 90's still live.

Streetscape standards along Hendy, opposite the Caltrain Station should be included to mitigate the increased activity posed by the project.

The density should be reduced substantially, by 50%.

Most importantly, the size and quality of the units should be such that they foster a stable, high-quality "home" atmosphere, not big-city short-term rentals.

Sincerely, Ronald F Lang

ATTACHMENT F
Page 7 of 9

Re: [hdnatalk] Re: Prometheus projects

Chuck Nolan Fri, Mar 8, 2013 at 11:31 AM
To: planning@ci.sunnyvale.ca.us,

G'Day All,

While riding bicycles may be both good for your health, if you don't get run down, and good for the environment, if you ignore the pollution caused by the traffic backups, these bicycle lanes are a significant contributor to traffic congestion on Evelyn and the resulting pollution from waiting vehicles. The signal timing is tragic as well.

While emotional issues may support further deterioration of our transit system in a coercive attempt to force people from their personal cars, as with most attempts to force change the results are tragic. Leadership is sadly lacking, because a well thought out system including complete bicycle transit routes has never been well thought out. Bicycle lanes disrupt traffic and create congestion, but do not provide complete safe paths from residential areas to places of employment. While some may also consider bicycles for shopping, most find that they are not able to safely move the volume and weight of purchased items from the shopping areas to the residential areas.

For a city that was designed around individual personal vehicles, it is not possible to add the isolated bicycle paths that would be required to make this kind of transit safe for the majority.

I do concur with some of the concerns that volume is underestimated, as several major companies have cut back on their work from home policies, forcing more employees to drive to work during peak traffic times, rather than being able to start from home and then hit the road after a delay of several hours.

While Evelyn is already a tragic example of poor and emotional planning, Mathilda seems to be next in line for additional capacity deterioration, resulting in more stalled vehicles adding to both airborne and thermal pollution.

Regretfully,
Chuck

From: Thomas J. Carri
To: SoBernardo@aol.com
Cc: planning@ci.sunnyvale.ca.us;
Sent: Fri, March 8, 2013 8:17:37 AM
Subject: [hdnatalk] Re: Prometheus projects

ATTACHMENT 7
Page 8 of 9

Hi Eleanor,

I wasn't planning on going to the meeting.
You might want to ask if they are planning on putting a traffic light there and who will be paying for it and how much it will cost.
If they are not planning for a traffic light should they be referred to as the non-planners?
Tommy

On Mar 7, 2013, at 9:00 PM,

Dear Planning Commission Members:

Over the weekend, I will be working on an organized comment on the traffic impact analysis for these projects, but you may not have time to review what I have prepared if I submit this on Monday.

1. I was saying just this morning (REALLY-- in front of a witness) that I believe in the work of traffic engineers. But the numbers for the people coming in these buildings and going out during peak hours is unbelievably low. I lived with my then boyfrield, Chuck Hansen, at the California Apartments near Showers in Mountain View for several years, so I think I have experience in this kind of place. We are to accept that with 158 apartments, the total number of people going into the building per peak hour is 41 in and 29 out. If you accept this, let me know what you are smoking, I want to get some of it too. For recreational use. The number of people per apartment is probably an average of 1.7 (we were 2.0)(and we all know of stories with a greater number than that). So I ask you, with a population of 158 times 1.7 or roughly 270, how many people are coming in and going out again per peak evening hour. I do not know if these numbers are just too old, or not applicable to this size project or what, but they are totally implausible.

2. It appears that the traffic going west is thought of as salmon going into the Pacific Ocean to disappear until they are seen again. We need to have as clear or clearer analysis of the traffic going west of Bayview as going anywhere else. The current traffic in the vicinity of Evelyn and Francis at peak hours is horrendous. The traffic on Evelyn backs up to Hollenbeck.

How much of the traffic goes on to Mathilda? Although Mathilda tends to be crowded at evening peak hour (I know -- I used it this evening to get to Trader Joe's from the CalTrain Station), it is a preferred option considering the other alternatives (1) Hollenbeck -- a narrow street between Evelyn and Olive. (2) Mary (right or left) Left not bad -- very wide. Right -- well now, how will that affect the proposed traffic calming and bike lanes, and (3) Bernardo. In many ways the narrowist street of all. I have been taking Bernardo to get to Jazzercise and before recently, the Caltrain station. This is the one street that I do try to stay at the speed limit and be careful. I am scared driving Bernardo between Olive and Evelyn --

just one person stepping out between two parked cars -- just a slip and I could seriously hurt someone.

I need to know how this traffic will impact me in the Caltrain parking area and the other areas west of that.

There are other problems as well. We need to have the increase in traffic volumes clearly shown. Level of service is not sensitive enough as a measure.

Eleanor Hansen

Reply via web post Reply to sender Reply to group Start a New Topic Messages in this topic (1)

RECENT ACTIVITY:
Visit Your Group

A DISCUSSION GROUP FOR MEMBERS
OF THE HERITAGE DISTRICT AND LOWLANDERS
NEIGHBORHOOD ASSOCIATIONS

YAHOO! GROUPS Text-Only Daily Digest Unsubscribe Terms of Use Send us Feedback

Applicant's Calculation	Project Area	Density 48 du/acre	(rounded)	Green Bonus	(rounded)	State Bonus	(round up)	Total
		base		0.05 of base		0.35 of base plus green bonus		
457-475 E. Evelyn Ave. (2012-7462)	2.31	110.88	111	5.55	6	40.95	41	**158**

City of Sunyvale Calculation (bonuses not compounded)	Project Area	Density 48 du/acre	(rounded)	Green Bonus	(rounded)	State Bonus	(round up)	Total
		base		0.05 of base		0.35 of base		
457-475 E. Evelyn Ave. (2012-7462)	2.31	110.88	111	5.55	6	38.85	39	**156**

ATTACHMENT 6
Page 1 of 1

DRAFT REPORT

Evelyn Avenue Development
Traffic Impact Analysis

Prepared for:

Prometheus Real Estate Group
1900 South Norfolk St., Ste 150
San Mateo, CA 94403

Prepared by:

AECOM

2025 Gateway Place Suite 400
San Jose, CA 95110
(408)490-2001-Phone
(408)490-2002-Fax

January 2013

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1.0 Introduction

This report presents the results of potential transportation impacts related to the proposed construction of residential developments at the intersection of Evelyn Avenue and Bayview Avenue in the City of Sunnyvale. City staff did not require a Traffic Study or Traffic Impact Analysis for this project as the proposed developments will not generate 100 or more additional peak hour trips during either the AM or PM peak hour.

1.1 Project Description

Prometheus Real Estate Group, Inc. proposes to redevelop an area near downtown Sunnyvale, at the Evelyn Avenue/Bayview Avenue intersection, from its current hotel and office site to two apartment complexes. The proposed new development at the 457 and 475 East Evelyn Avenue site would be a four-level, 158-unit apartment complex with one- and two-bedroom units, including 261 vehicle and 60 bicycle parking spaces. The proposed development at the Hotel site would be a three- to four-story 67-unit apartment complex with one- and two-bedroom units, including 107 vehicle and 29 bicycle parking spaces.

1.2 Study Area

Figure 1 shows the proposed redevelopment locations in relation to the surrounding roadway network. The following intersections were studied for the purpose of analyzing the traffic impacts associated with these proposed redevelopments.

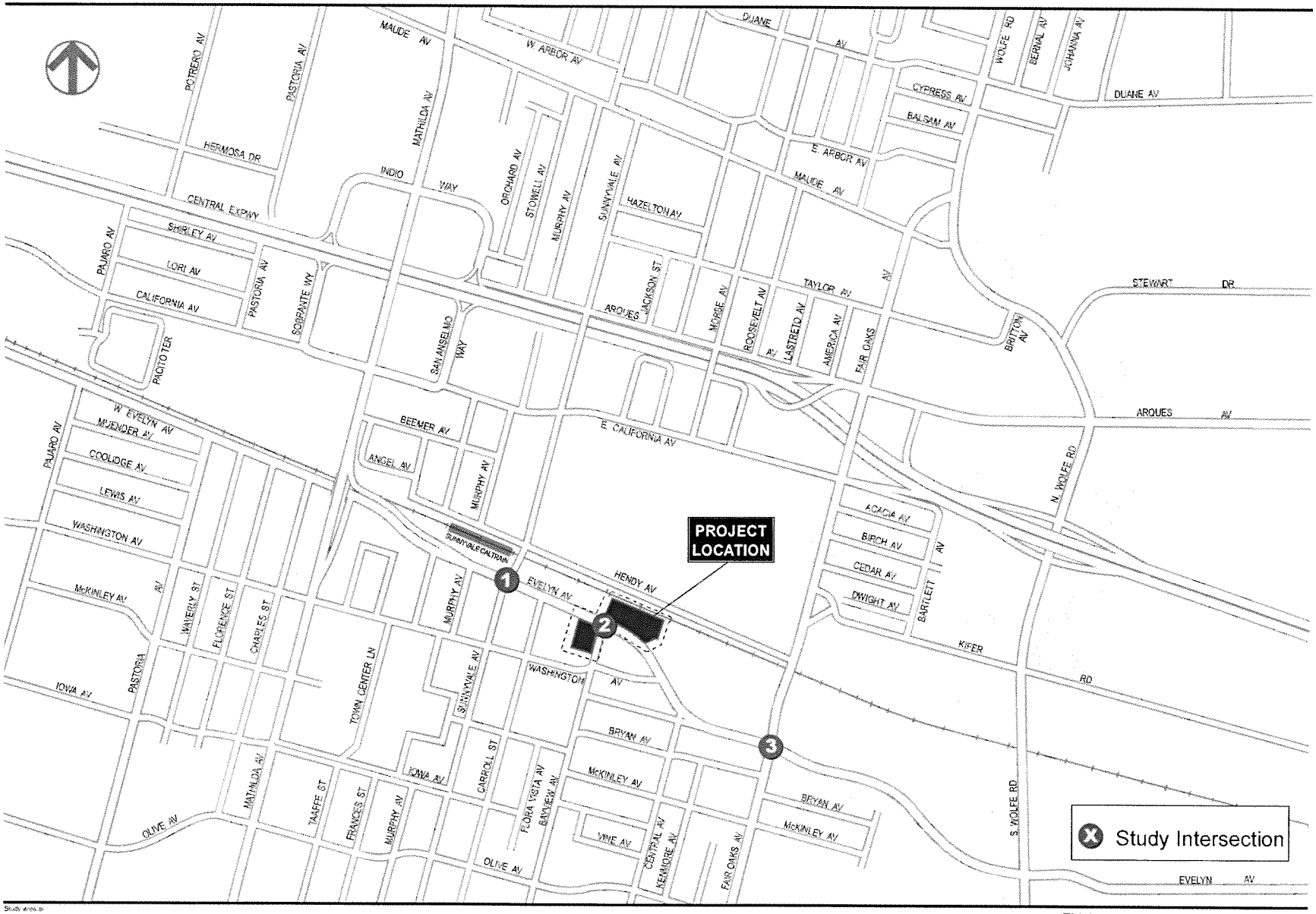
1) Evelyn Avenue/Sunnyvale Avenue
2) Evelyn Avenue/Bayview Avenue
3) Evelyn Avenue/Fair Oaks Avenue

These intersections are also highlighted in Figure 1. Intersections at Sunnyvale Avenue and Fair Oaks Avenue are signalized, while the intersection of Evelyn Avenue / Bayview Avenue is unsignalized.

Figure 2 presents the site layout of the proposed redevelopments. Parking will be underground at both the locations. Access to the Hotel site development will be from Bayview Avenue and access to the 457 and 475 East Evelyn Avenue site development will be from Evelyn Avenue, just east of Bayview Avenue.

Local access to the project site is provided by Evelyn Avenue, Bayview Avenue, Sunnyvale Avenue, and Fair Oaks Avenue. Regional access to the project site is provided by U.S. 101 and Central Expressway. US-101 and Central Expressway can be accessed via ramps at Mathilda Avenue and Fair Oaks Avenue.

AECOM



EVELYN AVENUE DEVELOPMENT

Figure 1

STUDY AREA

1.3 Study Scope and Approach

The following four scenarios were evaluated to identify the potential transportation impacts of the project:

- Existing Conditions;
- Existing plus Project Conditions;
- Background Conditions;
- Background plus Project Conditions; and,
- Cumulative plus Project Conditions

Intersection Level of Service (LOS) was analyzed at the study intersections in the vicinity of the project site for the weekday AM peak period (7:00 AM to 9:00 AM) and PM peak period (4:00 PM to 6:00 PM).

2.0 Existing conditions

This section describes the existing conditions in the vicinity of the project in terms of the existing roadways, traffic operations, transit, pedestrian and bicycle facilities.

2.1 Roadway Network

Regional access to the Project site is provided by U. S. 101 and Central Expressway.

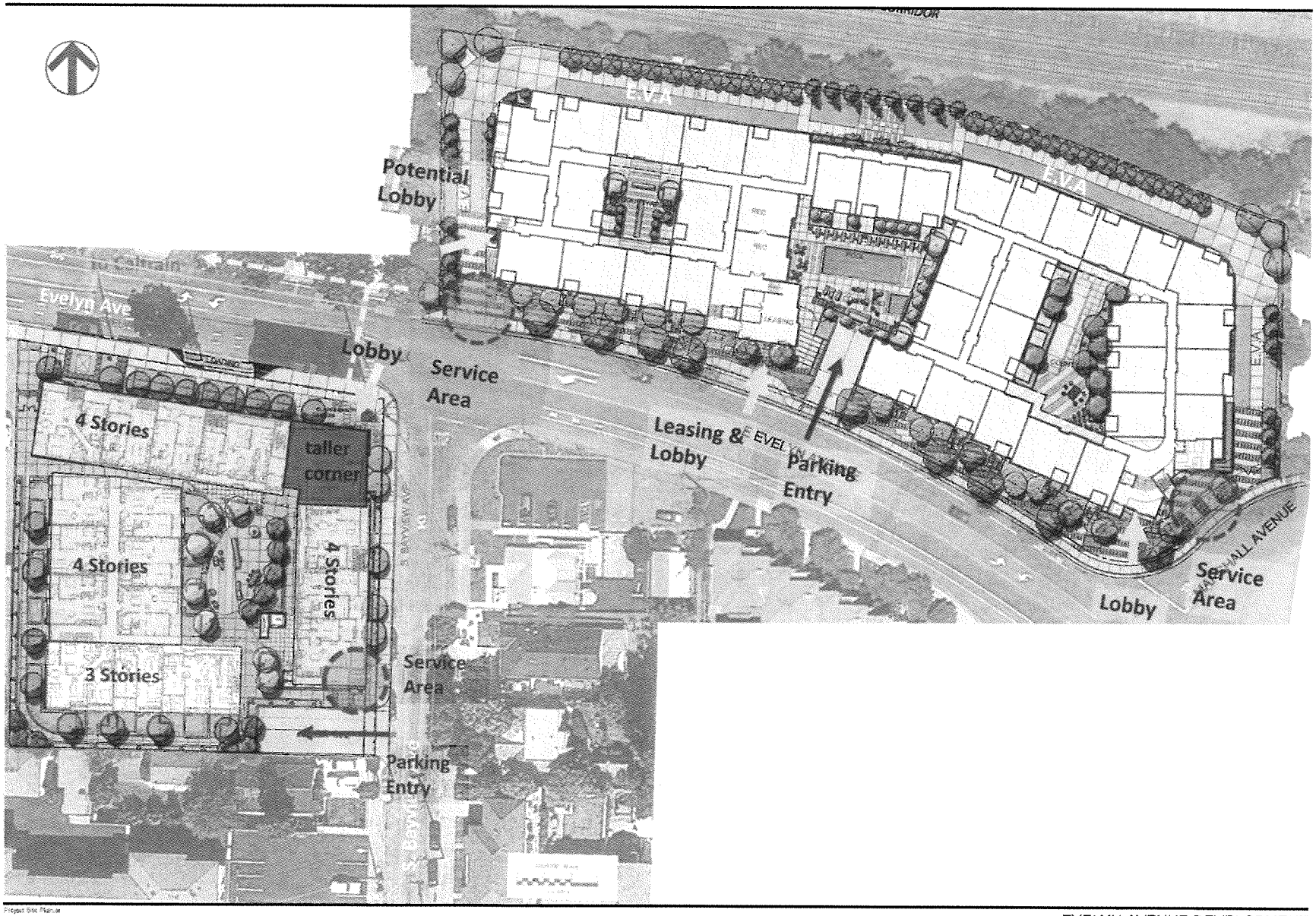
U.S. 101 is an eight-lane freeway extending from San Francisco in the north to San Jose in the south. In the vicinity of the Project site, this freeway runs in the east-west direction. Access to the freeway is provided via ramps at Mathilda Avenue and Fair Oaks Avenue.

Central Expressway is an east-west expressway extending from San Antonio Road in the west to Trimble Road in San Jose to the east. In the vicinity of the Project site, Central Expressway has three travel lanes in each direction with Class II bike lane on both sides of the street. Sidewalks are not provided along most of the expressway. Parking is not permitted on either side of the expressway.

Local access to the Project site is provided by Evelyn Avenue, Bayview Avenue, Sunnyvale Avenue, and Fair Oaks Avenue. These roadways are described below.*Evelyn Avenue* is a two-lane undivided to four-lane divided arterial running east-west, parallel to and between US 101 and El Camino Real. Adjacent to the proposed project site it is a two-lane undivided arterial, with median turning lane and Class II bike lane and serves as its primary access. Sidewalks are provided on both sides of the street and parking is permitted on the south side of the street.

Bayview Avenue is a two-lane local street that runs north-south between Old San Francisco Road and Evelyn Avenue. In the vicinity of the Project site, sidewalks are provided generally on both sides of the street and parking is permitted on both sides.

AECOM



EVELYN AVENUE DEVELOPMENT

Figure 2

PROJECT SITE PLAN

Fair Oaks Avenue is a four-lane arterial roadway that runs between El Camino Real and State Route 237 in north Sunnyvale. In the vicinity of the Project site, Fair Oaks Avenue has sidewalks on both sides of the street and parking is not permitted on the street.

Sunnyvale Avenue is a four-lane arterial roadway with a Class II bike lane south of Evelyn Avenue. It is a two-lane residential arterial roadway north of Evelyn Avenue. In the vicinity of the Project site, Sunnyvale Avenue has sidewalks on both sides of the street and parking is not permitted on the street.

2.2 Intersection Operating Conditions

The proposed redevelopment is located in the City of Sunnyvale. The City's General Plan provides policies applicable to the planning and implementation of developments impacting the transportation network within the City. In addition, the Santa Clara County Valley Transportation Authority, which is the Congestion Management Agency (CMA) for the County, also has policies and regulations that are relevant to the project.

Regulatory Considerations

Santa Clara County Valley Transportation Authority (VTA)

The VTA is responsible for ensuring local government conformance with the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. The CMP requires that each jurisdiction identify existing and future transportation facilities that will operate below an acceptable service level and provide mitigation where future growth degrades that service level. The VTA has review responsibility for proposed development projects that are expected to generate 100 or more additional peak-hour trips. Even though the proposed developments would not generate and additional 100 peak-hour trips, this traffic study is being prepared in accordance with the CMP's Traffic Impact Analysis (TIA) Guidelines.

City of Sunnyvale General Plan

The 2011 General Plan includes policies and actions related to the maintenance and operation of the transportation system. The following policies and actions from the Transportation Chapter are relevant to the proposed project:

- Policy LT-5.1: Achieve an operating level of service (LOS) "D" or better on the City-wide roadways and intersections, as defined by the functional classification of the street system.
- Policy LT-5.5: Support a variety of transportation modes.
- Policy LT-5.8: Provide a safe and comfortable system of pedestrian and bicycle pathways.

LOS Analysis Methodology

The operating characteristics of intersections are described by the concept of Level of Service (LOS). LOS is a qualitative description of the performance of an intersection based on the average delay per vehicle. Intersection levels of service range from LOS A, which indicates free flow or excellent conditions with short delays, to LOS F, which indicates congested or overloaded conditions with extremely long delays. The level of service standard defined as acceptable by the City of Sunnyvale is LOS D or better for the City controlled intersections.

Per the Santa Clara County CMA requirements, signalized intersections were evaluated using the 2000 *Highway Capacity Manual* (HCM) methodology. For signalized intersections, the *HCM* methodology determines the capacity of each lane group approaching the intersection. The LOS is then based on average delay (in seconds per vehicle) for the various movements within the intersection. A combined weighted average delay and LOS are presented for the intersection. Table 1 presents operational characteristics associated with each level of service category and delay thresholds for signalized intersections.

Table 1 Level of Service Description and Thresholds

Level of Service	Average Control Delay (seconds/vehicle)
A	≤ 10.0
B+	> 10.0 and ≤ 12.0
B	> 12.0 and ≤ 18.0
B-	> 18.0 and ≤ 20.0
C+	> 20.0 and ≤ 23.0
C	> 23.0 and ≤ 32.0
C-	> 32.0 and ≤ 35.0
D+	> 35.0 and ≤ 39.0
D	> 39.0 and ≤ 51.0
D-	> 51.0 and ≤ 55.0
E+	> 55.0 and ≤ 60.0
E	> 60.0 and ≤ 75.0
E-	> 75.0 and ≤ 80.0
F	> 80.0

SOURCE: *Traffic Level of Service Analysis Guidelines*, VTA, June 2003 and *Highway Capacity Manual*, Transportation Research Board, 2000.

There is no specific methodology for analyzing unsignalized intersections in the CMP. For this report, the 2000 Highway Capacity Manual (HCM) methodology for unsignalized intersection (supported by TRAFFIX software) was used for the unsignalized intersection LOS calculations.

Table 2 shows the thresholds for the different LOS conditions at unsignalized intersections.

Table 2 Unsignalized Intersection Level of Service Definitions

Level of Service	Description	Average Control Delay (seconds/vehicle)
A	Little or no delay	delay ≤ 10.0
B	Short traffic delays	10.0 < delay ≤ 15.0
C	Average traffic delays	15.0 < delay ≤ 25.0
D	Long traffic delays	25.0 < delay ≤ 35.0
E	Very long traffic delays	35.0 < delay ≤ 50.0
F	Extreme traffic delays with intersection capacity exceeded	delay > 50.0

Source: HCM 2000.

At two-way or side-street stop-controlled intersections, LOS is calculated for each controlled movement, not for the intersection as a whole. For single lane approaches, the control delay is computed as the average of all movements in that lane. The threshold values for unsignalized intersections are different than the threshold for signalized intersections due to different driver expectations of level of performance. Higher delay for the same LOS is acceptable at a signalized intersection compared to an unsignalized intersection because a signalized intersection serves larger traffic volumes and drivers expect to be granted protected right-of-way through the intersection at some point.

2.3 Existing Traffic Operations

Traffic counts were conducted at all study intersections during the AM (7:00-9:00) and PM (4:00-6:00) peak hours. The turning movement counts are presented in Appendix A. Figure 3 and Figure 4 show the intersection geometry and existing traffic volumes respectively. These intersections were analyzed using the TRAFFIX software and the performance of each intersection is presented in Table 3.

Table 3 Intersection Level of Service - Existing Conditions

	Intersection	LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)
1	Evelyn Avenue / Sunnyvale Avenue	B	15.8	0.503	15.5
		B	17.9	0.573	18.1
2	Evelyn Avenue / Bayview Avenue	C	22.2	0.313	22.2
		D	25.9	0.194	25.9
3	Evelyn Avenue / Fair Oaks Avenue	C	23.1	0.584	23.2
		C+	20.4	0.686	20.6

LOS and delay reported for worst approach for unsignalized intersections
Source: AECOM, 2012

The results indicate that the current performance of all study intersections is within acceptable levels set out by the City of Sunnyvale and the CMA guidelines. All intersections operate at LOS D or better. Appendix B presents the TRAFFIX output of the analysis.

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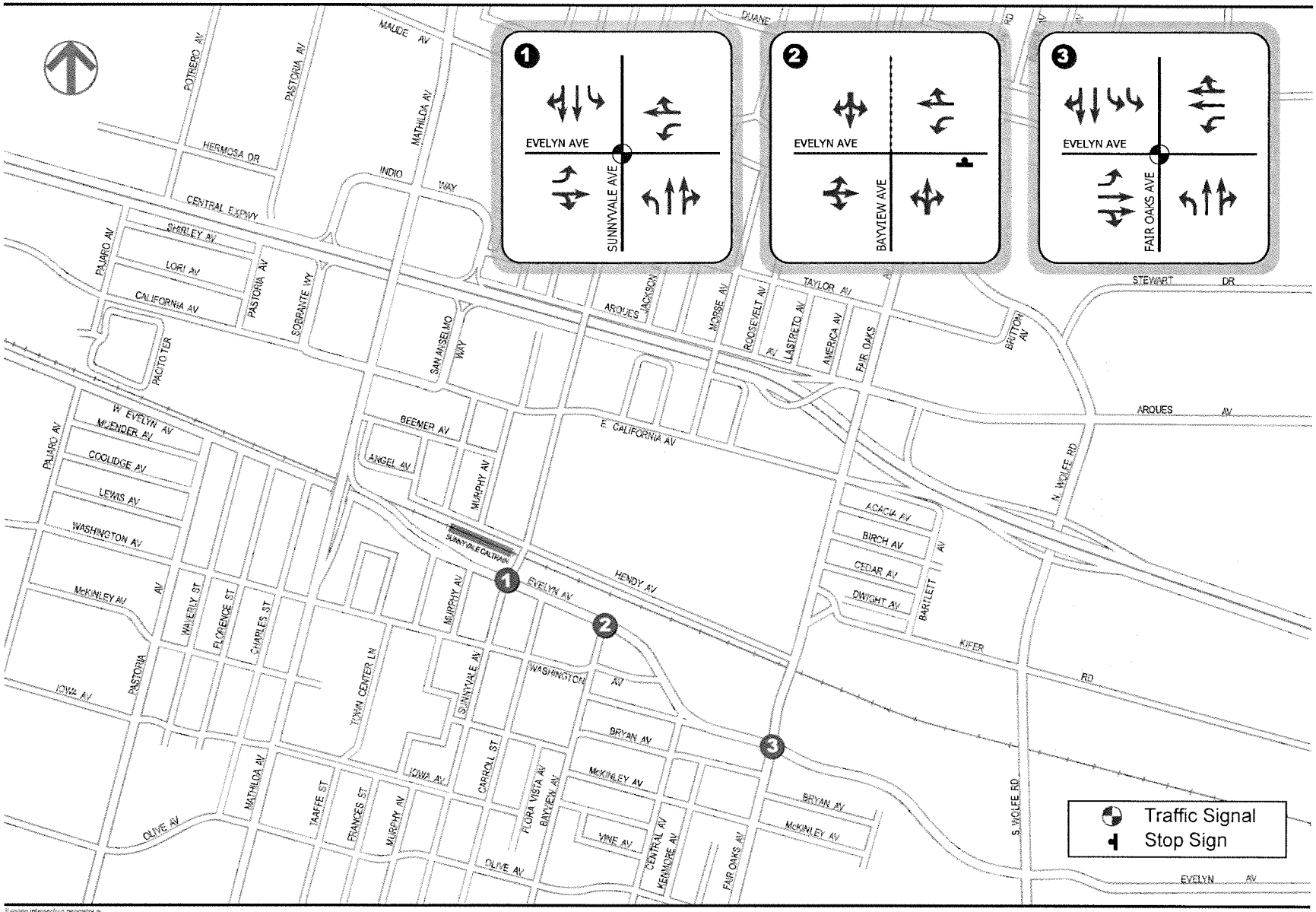

EVELYN AVENUE DEVELOPMENT

Figure 3

EXISTING INTERSECTION GEOMETRY

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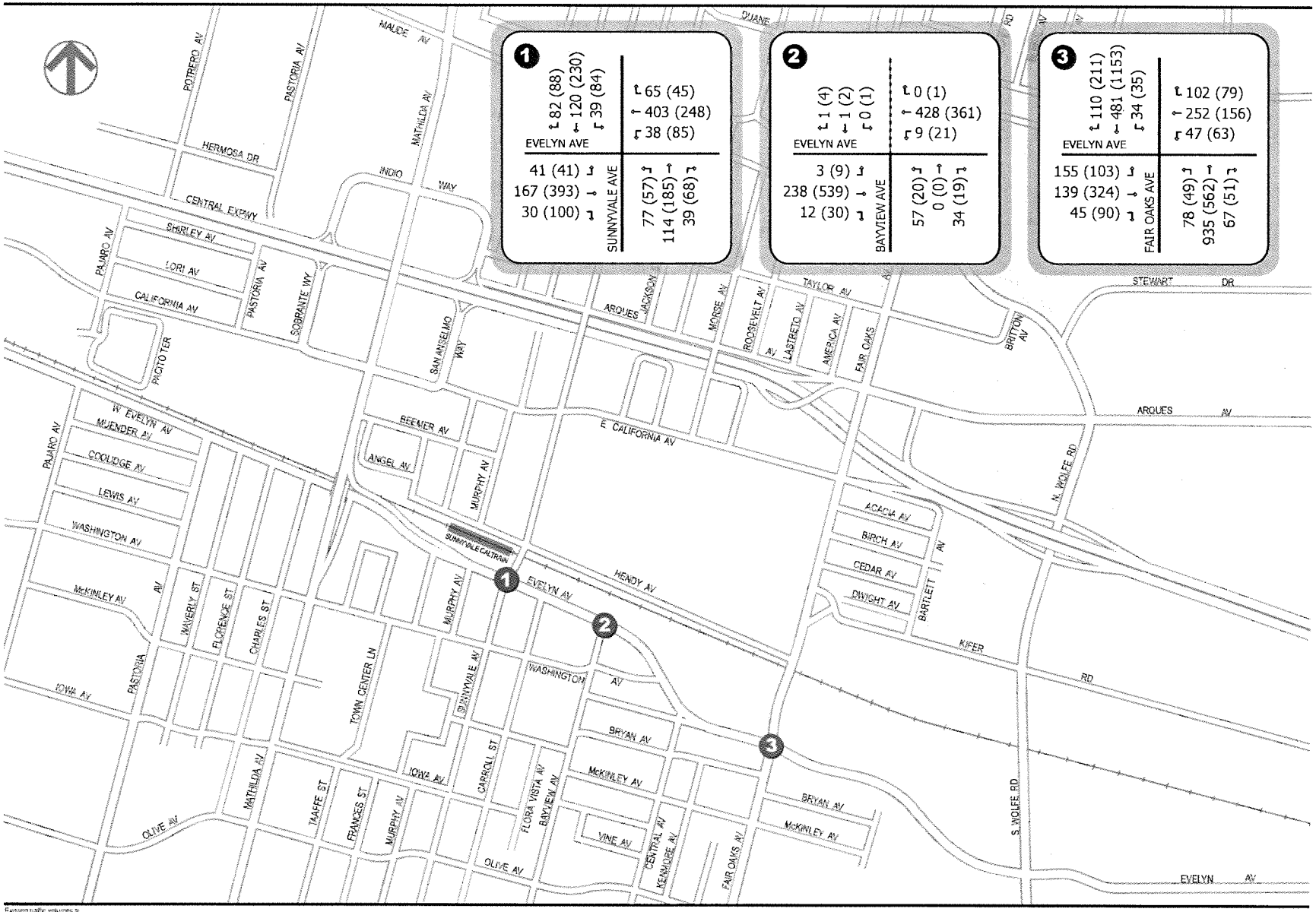

Existing traffic volumes.ai

XX (YY) = AM (PM) Peak Hour Volumes

EVELYN AVENUE DEVELOPMENT

Figure 4

EXISTING TRAFFIC VOLUMES

2.4 Transit Network

Santa Clara Valley Transportation Authority (VTA) operates local bus service in the area. The following transit facilities operate in the vicinity of the project site and are also indicated on Figure 5:

Route 304 is a limited stop bus route that provides service between South San Jose and Sunnyvale Transit Center. The route primarily operates on weekdays only, from 5:30 AM to 9:00 AM and 3:30 PM to 7:00 PM, with headway of 30-45 minutes.

Route 26 bus service operates from Sunnyvale/Lockheed Martin Transit Center to Eastridge Transit Center. This route operates between 5:00 AM and 11:30 PM on weekdays and between 6:30 AM to 11:00 PM on weekends, with headway of 30 minutes.

Route 32 bus service operates from Santa Clara Transit Center to San Antonio Transit Center. On weekdays, the route operates between 5:30 AM to 7:30 PM with headway of 30 minutes. On Saturdays, the route operates between 9:00 AM to 6:00 PM with headway of 60 minutes.

Route 53 provides service between Sunnyvale Transit Center and West Valley College. The route operates on weekdays only, between 6:30 AM and 7:00 PM with headway of 60 minutes.

Route 54 provides service between De Anza College in Cupertino and Sunnyvale/Lockheed Martin Transit Center. On weekdays, the route operates between 5:30 AM and 9:00 PM with headway of 30 minutes. On weekends, the route operates from 7:30 AM to 8:00 PM with headway of 60 minutes.

Route 55 provides service between Great America in Santa Clara and the De Anza College in Cupertino. The route operates on weekdays from 5:30 AM to 11:00 PM with headway of 15-20 minutes during peak hours. On weekends, the route operates from 8:00 AM to 9:30 PM with headway of 30 minutes.

Caltrain is a commuter rail service between San Francisco and Gilroy. The nearest station is the Sunnyvale Caltrain Station located to the west of the Project site. Caltrain station is within a 5 minute walking distance from the Project site.

Mountain View – Winchester Light Rail provides service between Winchester Road in the City of Campbell and the City of Mountain View. The nearest Light Rail station to the project site is located on Middlefield Road east of Ellis Street (Middlefield LRT Station). Line 32 connects the Project site to the Light Rail station.

2.5 Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities: Generally, favorable conditions exist for pedestrians in the vicinity of the project site. Sidewalks are provided along both sides of Evelyn Avenue and Bayview Avenue. Also crosswalks are provided on all the four sides at the signalized intersection of Evelyn Avenue at Sunnyvale and Fair Oaks avenues, which provide safe and convenient access to the nearby bus stops.

Bicycle Facilities: Class II bike lanes are available along Evelyn Avenue and Sunnyvale Avenue, south of Evelyn Avenue.

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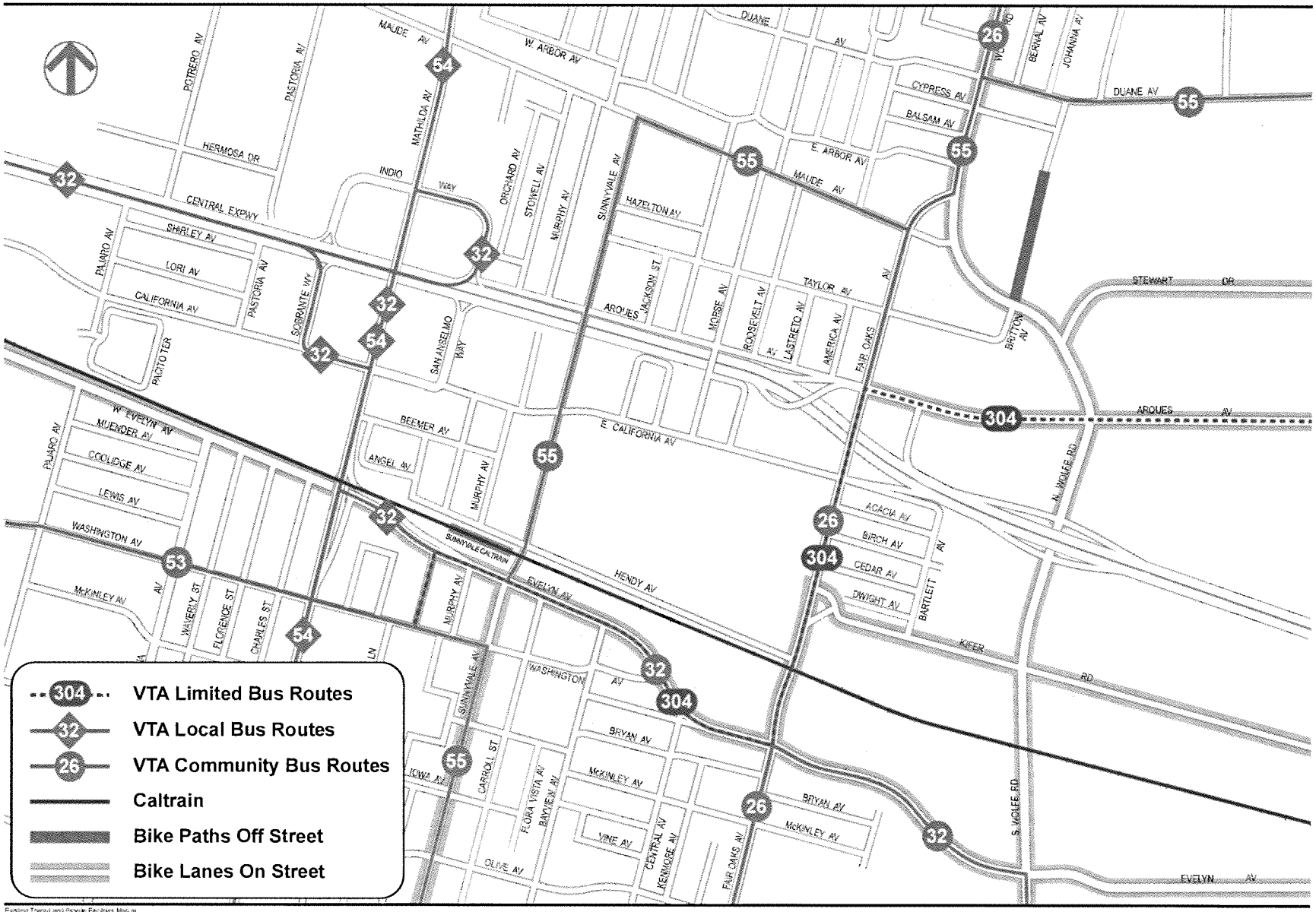

Existing Transit and Bicycle Facilities Map.ai

EVELYN AVENUE DEVELOPMENT

Figure 5

EXISTING TRANSIT AND BICYCLE FACILITIES MAP

3.0 Background conditions

Following is the list of approved projects (as obtained from the City of Sunnyvale) in the vicinity of the proposed Project:

- 2502 Town Center Lane
- 704 Town and Country
- 425 N. Fair Oaks Avenue
- 660 S. Fair Oaks Avenue

Background condition volumes were developed by adding the trips generated by the above projects to the existing traffic volumes. Background condition volumes for the AM and PM peak hours are presented in Figure 6.Based on the background traffic volumes presented in Figure 6, intersection analysis has been performed at all the study intersections. Table 4 presents the results of the analysis. LOS calculation sheets are presented in the Appendix C.

Table 4 Intersection Level of Service - Background Conditions

	Intersection	LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)
1	Evelyn Avenue / Sunnyvale Avenue	B	17.1	0.535	16.7
		B-	19.1	0.626	20.5
2	Evelyn Avenue / Bayview Avenue	C	22.2	0.313	22.2
		D	25.9	0.194	25.9
3	Evelyn Avenue / Fair Oaks Avenue	C	23.1	0.584	23.2
		C+	20.4	0.686	20.6

LOS and delay reported for worst approach for unsignalized intersections
Source: AECOM, 2012

It can be noted from Table 4 that all the study intersections continue to operate at acceptable conditions (LOS D or better) under this scenario.

4.0 Project Travel Demand

Travel demand refers to the new vehicular traffic that would be generated by a proposed project. This section provides an estimate of the travel demand generated by the proposed residential development.

4.1 Trip Generation

The Project proposes construction of two residential apartment buildings near the intersection of Evelyn Avenue and Bayview Avenue with a four-story, 158-unit apartment complex (one-bedroom and two-bedroom units) at the 457 and 475 East Evelyn Avenue site and a three- to four-story, 67-unit apartment complex (one- and two-bedroom units) at the Sunnyvale Hotel site.

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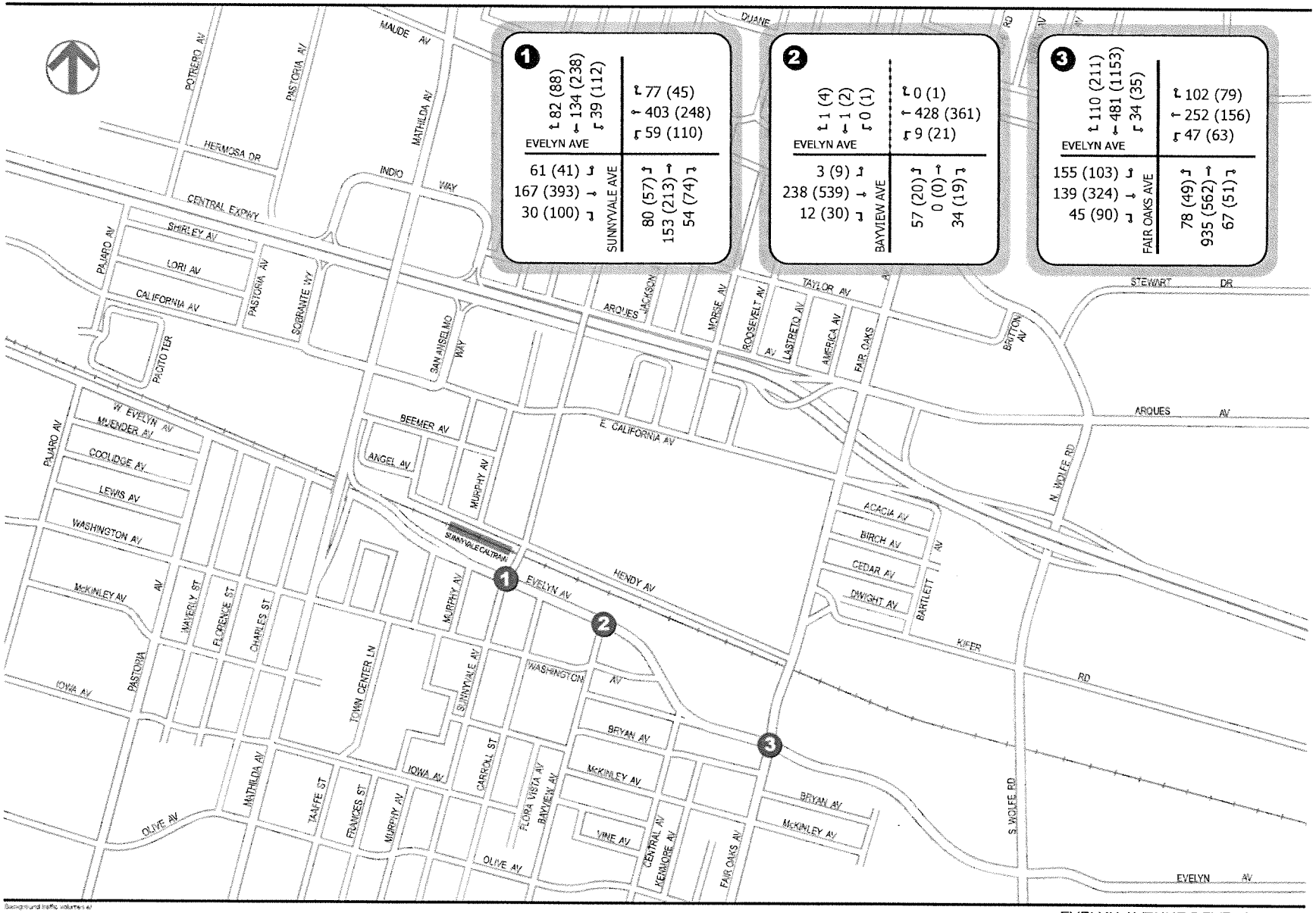


XX (YY) = AM (PM) Peak Hour Volumes

EVELYN AVENUE DEVELOPMENT

Figure 6

BACKGROUND TRAFFIC VOLUMES

Project trip generation was based on the rates presented in Institute of Transportation Engineer's (ITE) Trip Generation Manual, 8th Edition. ITE Land Use Code 223 was used for the mid-rise apartment building. ITE Land Use Codes 710, 320, 210 and 918 were used for the existing land uses that consists office building, a motel, a duplex and retail land use. Table 5 presents the trips generated by the proposed Project and the existing land use. The difference of trips generated by the proposed project and the existing land use provides the net new trips generated, also provided in Table 5.

As the Project is located within 2,000 feet of a CalTrain station (Evelyn Station), VTA allows a trip reduction of 9 percent towards transit usage for residential developments. This reduction **has not been applied**, to evaluate the worst case traffic conditions.

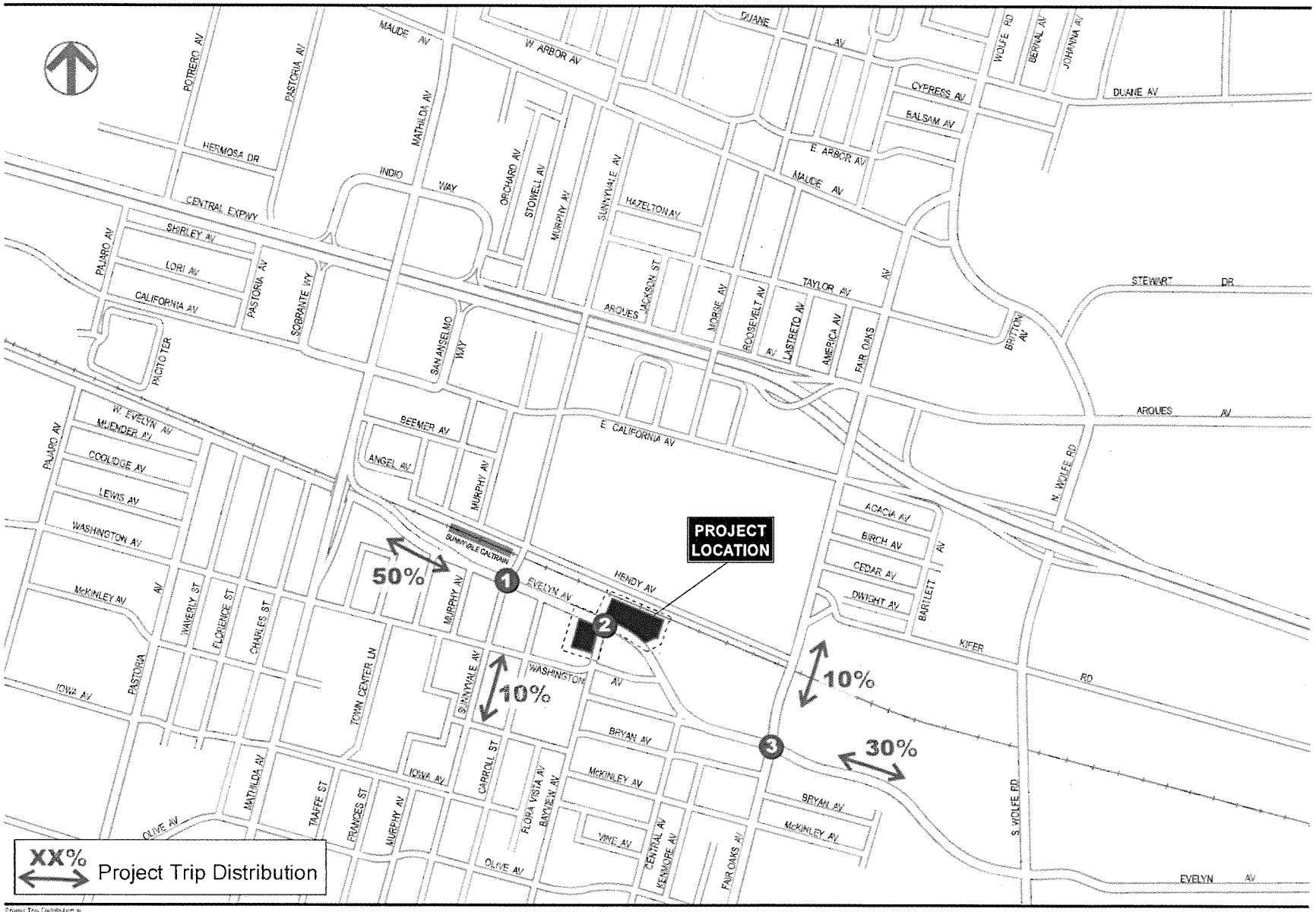
Table 5 Project Trip Generation

Land Use	ITE Code	Units / Area No. / SQFT	AM Peak Hour				PM Peak Hour			
			Rate	Total	In	Out	Rate	Total	In	Out
Proposed Land Use										
Residential (457-475 East Evelyn)	223	158	0.35	55	16	39	0.44	70	41	29
Residential (Hotel Site)	223	67	0.35	24	7	17	0.44	29	17	12
Existing Land Use										
General Office Building (457-475 East Evelyn Site)	710	30,352	1.55	47	41	6	1349	45	8	37
Motel (Hotel Site)	320	34	0.44	15	6	9	0.53	18	10	8
Duplex (Hotel Site)	210	2	0.77	2	1	1	1.02	2	1	1
Retail (Hotel Site)	918	3,900	1.21	5	5	0	1.93	8	3	5
Net New Trips generated	-	-	-	**10**	**-30**	**40**	-	**26**	**36**	**-10**

4.2 Trip Distribution

Project trip distribution is illustrated on Figure 7. Based on the trip generation presented in Table 5 and trip distribution presented in Figure 7, Project trips at each intersection were determined. Project trips for the AM and PM peak hours at each of the study intersections are also presented in Figure 7.

AECOM



EVELYN AVENUE DEVELOPMENT

Figure 7

PROJECT TRIP DISTRIBUTION

5.0 Impact analysis

This section presents the assessment of traffic impacts due to the proposed Project. The transportation conditions were assessed for background and future year 2014 Cumulative Conditions.

5.1 Intersection Analysis Significance Criteria

A traffic impact would be considered to be significant in this analysis when the Project results will:

- Cause a local intersection to deteriorate below Level of Service (LOS) D; or
- Cause a local intersection already operating at LOS E or F to deteriorate in the average control delay for the critical movements by four seconds or more, and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more; or
- Impede the development or function of planned pedestrian or bicycle facilities; or
- Create an operational safety hazards.

5.2 Existing plus project conditions

The project trips presented in Figure 7 were added to the existing traffic volumes presented in Figure 4 to obtain existing plus project traffic volumes. These traffic volumes were used to perform intersection level of service analysis for the existing plus project conditions. Table 6 presents the results of this analysis. LOS calculation sheets are presented in Appendix B.

Table 6 Intersection Level of Service - Existing plus Project Conditions

No	Intersection	Existing Conditions				Existing + Project Conditions			
		LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)	LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)
1	Evelyn Avenue / Sunnyvale Avenue	B	15.8	0.503	15.5	B	15.8	0.518	15.4
		B	17.9	0.573	18.1	B-	18.2	0.595	18.4
2	Evelyn Avenue / Bayview Avenue	C	22.2	0.313	22.2	C	20.4	0.304	20.4
		D	25.9	0.194	25.9	C	23.6	0.193	23.6
3	Evelyn Avenue / Fair Oaks Avenue	C	23.1	0.584	23.2	C	23.3	0.589	23.4
		C+	20.4	0.686	20.6	C+	20.7	0.691	20.8

LOS and delay reported for worst approach for unsignalized intersections
Source: AECOM, 2012

It can be noted from Table 6 that all the study intersections continue to operate at acceptable conditions (LOS D or better) under this scenario.

5.3 Background plus project conditions

The project trips presented in Figure 7 were added to the background traffic volumes presented in Figure 6 to obtain background plus project traffic volumes. These traffic volumes were used to perform intersection level of service analysis for the background plus project conditions. Table 7 presents the results of this analysis. LOS calculation sheets are presented in Appendix C.

Table 7 Intersection Level of Service - Background plus Project Conditions

No	Intersection	Background Conditions				Background + Project Conditions			
		LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)	LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)
1	Evelyn Avenue / Sunnyvale Avenue	B	17	0.528	16.6	B	17.1	0.549	16.7
		B	19	0.62	20.3	B-	19.4	0.648	21
2	Evelyn Avenue / Bayview Avenue	C	22.2	0.313	22.2	C	20.4	0.304	20.4
		D	25.9	0.194	25.9	C	23.6	0.193	23.6
3	Evelyn Avenue / Fair Oaks Avenue	C	23.2	0.601	23.4	C	23.3	0.589	23.4
		C	20.9	0.715	21.4	C+	20.7	0.691	20.8

LOS and delay reported for worst approach for unsignalized intersections
Source: AECOM, 2012

It can be noted from Table 7 that all the study intersections continue to operate at acceptable conditions (LOS D or better) under this scenario.

5.4 2014 cumulative plus project conditions

The 2014 Cumulative plus project condition volumes were developed by increasing the traffic volumes from the background conditions by the growth factors indicated in Table 8 for the next two years and then adding the project generated traffic to it. With City Council approval, this project is anticipated to be constructed and occupied in 2014.

Table 8 Growth Factors

Roadway Classification	AM Peak Hour	PM Peak Hour
Arterial	2.00%	1.75%
Collector	2.28%	2.34%
Local	0.50%	0.50%
Source: City of Sunnyvale, 2008; Fehr & Peers, 2008		

The Cumulative plus project volumes are illustrated in Figure 8. Based on the volumes presented in Figure 8, level of service analysis was performed at all the study intersections. Table 9 presents the results of analysis. LOS calculations are presented in the Appendix D.

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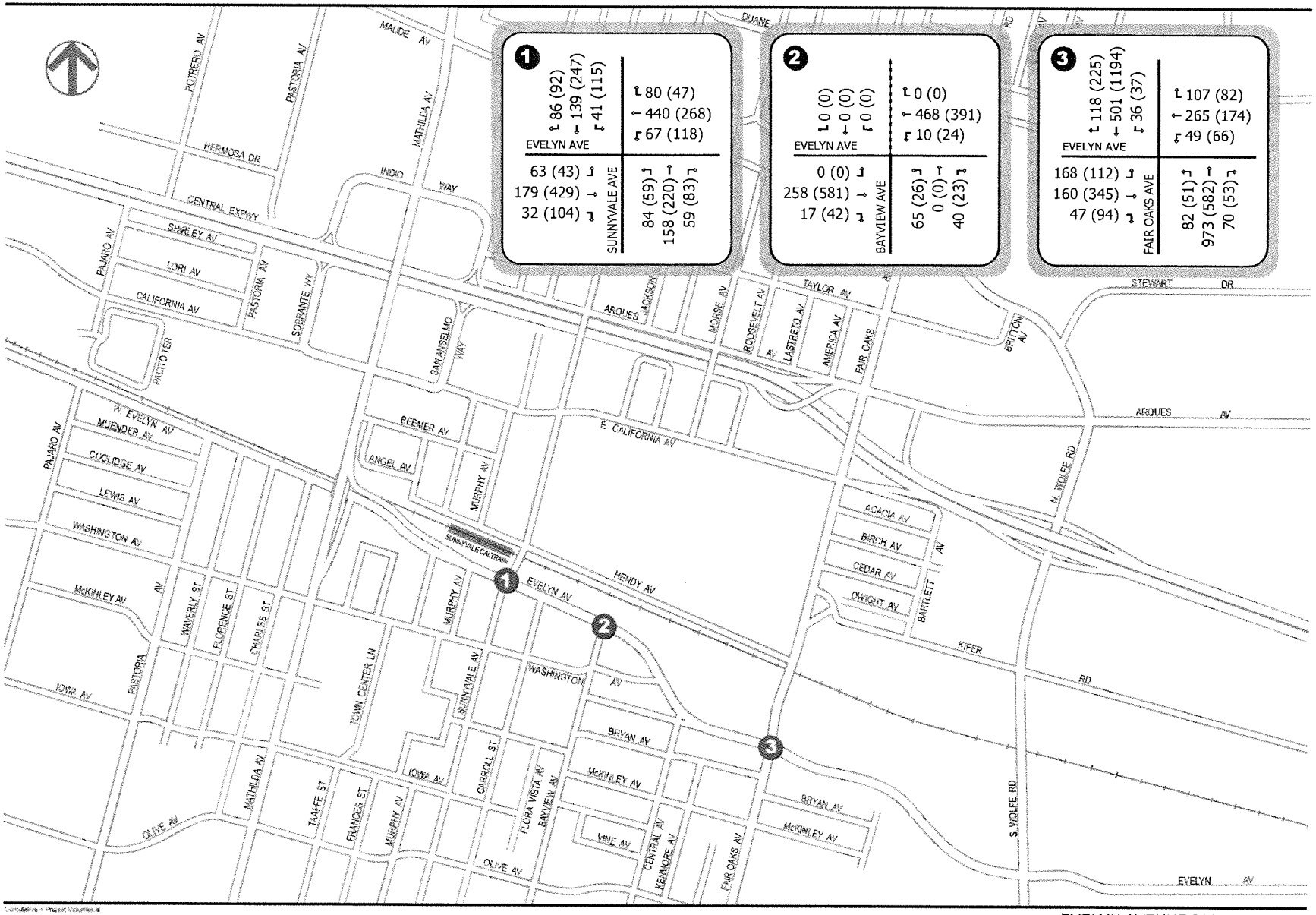

XX (YY) = AM (PM) Peak Hour Volumes

EVELYN AVENUE DEVELOPMENT

Figure 8

CUMULATIVE PLUS PROJECT VOLUMES

Table 9 Intersection Level of Service – Cumulative plus Project Conditions

No	Intersection	2014 Cumulative Conditions				2014 Cumulative + Project Conditions			
		LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)	LOS (AM/PM)	Average Delay (sec)	Critical V/C	Critical Delay (sec)
1	Evelyn Avenue / Sunnyvale Avenue	B	17.3	0.557	17.1	B	17.4	0.571	17.1
		B-	19.6	0.647	21.1	B-	19.9	0.669	21.6
2	Evelyn Avenue / Bayview Avenue	C	24.5	0.345	24.5	C	21.8	0.327	21.8
		D	28.7	0.224	28.7	D	25.3	0.213	25.3
3	Evelyn Avenue / Fair Oaks Avenue	C	23.5	0.609	23.7	C	23.7	0.614	24
		C+	21	0.712	21.4	C+	21.3	0.717	21.6

LOS and delay reported for worst approach for unsignalized intersections
Source: AECOM, 2012

It can be noted from Table 9 that all the intersections continue to operate at acceptable conditions (LOS D or better) under cumulative plus project conditions during both peak hours. Therefore, the proposed developments would not have an adverse traffic impact on streets serving the area.

5.5 Neighborhood Concerns

At recent meetings for this project some residents have raised a concern about increased traffic on Bayview Avenue from this project and the previously approved redevelopment of the medical buildings on the southern section of Bayview Avenue at Old San Francisco Road. The Sunnyvale Hotel site has previously been approved for a development of 48 2-bedroom apartment units. This development proposes 45 1-bedroom apartment units and 22 2-bedroom apartment units.

Bayview Avenue between Evelyn Avenue and Old San Francisco Road is a local residential street with primarily single-family homes. The curb-to-curb roadway width of most of Bayview Avenue varies from 32' to 36' with parking allowed on both sides of the street. The peak hour traffic volume for the AM and PM peak hours on Bayview Avenue between Evelyn Avenue and Washington Avenue is 202 vehicles total. Based on traffic studies performed throughout the area, the sum of the peak hour traffic volumes is approximately 18% of the total average daily traffic (ADT) (AM peak hour traffic is 9% of the average daily traffic and PM peak hour traffic is 9% of the average daily traffic). Therefore, the ADT on Bayview Avenue between Evelyn Avenue and Washington Avenue is approximately 1122 vehicles per day.

The Institute of Transportation Engineers (ITE) Trip Generation Manual indicates the daily trip generation rate for an apartment building is 6.65 trips per unit (the daily trip rate for a single family detached home is 9.52 trips per unit). Therefore, the Sunnyvale Hotel site is expected to generate 446 daily trips. As indicated on Figure 7, it is estimated that 10% of the trips from this development would use Sunnyvale Avenue south of Evelyn Avenue. If all of the trips from the Sunnyvale Hotel site used Bayview Avenue, traffic on Bayview Avenue could increase by approximately 45 trips per day. Assuming the majority of the trips occur over an 18-hour period of the day, there would be 2.5 additional trips per hour on Bayview Avenue between Evelyn Avenue and Washington Avenue.

While it is possible some of the vehicles may travel beyond Washington Avenue, an increase of less than 3 vehicles per hour on any block of Bayview Avenue would not be noticeable.

Residents from the portion of the development on the north side of Evelyn Avenue (between Evelyn Avenue and the railroad tracks) are not expected to use Bayview Avenue because the parking driveway access is offset from the Evelyn Avenue/Bayview Avenue intersection. Accessing Evelyn Avenue from the driveway to this portion of the development, then maneuvering into the left turn lane at Bayview Avenue and waiting for a gap in traffic to access Bayview Avenue would be inconvenient and at times difficult. Accessing Evelyn Avenue and traveling to Sunnyvale Avenue and Fair Oaks Avenue where traffic signals make access to these major roadways easier and more convenient is more logical.

If traffic volumes or speed increases to an unacceptable level along any section of Bayview Avenue, the City has neighborhood traffic calming measures, such as radar feedback signs and speed humps, which could be installed to discourage through traffic from using Bayview Avenue.

Appendices A-D are available at

One Stop Permit Center

City Hall - 456 W. Olive Avenue

EXCERPT

Chair Larsson said the presentations and discussions of Agenda Item 3 (Project 2012-7990), Item 4 (Project 2012-7460) and Item 5 (Project 2012-7462) would be heard together as they are related projects. (The motions were provided separately for the three projects.)

3.	**File #:**	**2012-7990**
	Proposed Project:	**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 9 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.
	Applicant/Owner:	Prometheus Real Estate Group / Evelyn Ave. Associates
	Environmental Review:	Mitigated Negative Declarations
	Staff Contact:	Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov
	Notes:	***Continued from February 25, 2013. Scheduled to be considered by City Council on March 19, 2013.***

Comm. Melton, Comm. Chang, Comm. Kolchak and Chair Larsson disclosed that they had spoken to, or met with the applicant at different times regarding the projects.

Ryan Kuchenig, Associate Planner, presented the staff report for project 2012-7990. He said supplemental information related to all three projects has been provided on the dais including a memo from staff with a letter from the applicant and emails and letters from interested parties.

Mr. Kuchenig presented the staff report for project 2012-7460 providing several modifications and recommended modifications to the conditions of approval including: modifying condition GC-9 allowing 67 apartment units based on revised calculations; modifying condition BP-23.b revising number of the guest parking spaces to a minimum of 12 and maximum of 35; and reducing the required storage per unit from 300 cubic feet to 200 cubic feet for the one-bedroom

apartments only. Mr. Kuchenig said that staff cannot offer expedited permit review as the applicant requested in the letter on the dais.

Mr. Kuchenig presented the staff report for 2012-7462. He said staff is recommending modifying condition BP-23.b that a minimum of 28 spaces to a maximum of 84 spaces be required for guest parking.

Chair Larsson asked about the California Density Bonus Law. **Kathryn Berry**, Senior Assistant City Attorney, provided a summary of the California Density Bonus Law.

Vice Chair Dohadwala referred to the Mitigated Negative Declaration (MND) for all three reports and discussed with staff the project descriptions.

Comm. Olevson discussed with staff the proposed changes to the zoning commenting that he approaches zoning changes with great caution. He discussed with staff the amending of the downtown boundaries, streetscape requirements, the current process for changing zoning, and what standards the proposed sites would be subject to. Comm. Olevson referred to page 7 of the report for project 2012-7990 and discussed different sites listed and conformance or compatibility with the zoning. Comm. Olevson commented that in this case the request is to change the zoning for a prospective project, with staff saying it was a directive from Council.

Comm. Melton said that the MND applies to all three projects this evening commenting that depending on which project, that he read the MND from a different view point. He discussed the MND with staff with Ms. Berry saying that the MND could be adopted by City Council, yet Council might not approve a related project. Staff confirmed that if Council does not adopt the MND that Council would not be able to take action on anything related that follows. Comm. Melton asked about the noise component of the MND. Comm. Melton asked about the Balanced Growth Profile in Attachment I of project 2012-7990. **Hanson Hom**, Director of Community Development, provided a summary of the Balanced Growth Profile confirming that it is a long term balancing tool for the City.

Comm. Hendricks outlined the policy piece of the projects with staff confirming that he provided a good summary of the policy specific proposals. Comm. Hendricks discussed the mixed use component with staff and added that the area should be both an on-boarding area for Caltrain and a destination location. He discussed with staff whether the proposed policy changes are where we want to be down the road or do we want to preserve some of the zoning, possibly the office zoning. Mr. Hom commented that staff recommends the flexibility of mixed use zoning, however the Commission could recommend to keep the area zoned for office. Comm. Hendricks asked why the City is not looking at the north side of the tracks also. Mr. Hom said that the areas included in tonight's projects make a logical boundary for the Downtown Specific Plan (DSP).

Comm. Olevson referred to page 15 of report 2012-7990 and asked staff if the increased taxes would support the needs for services that new residential would require. Mr. Kuchenig said no comprehensive analysis has been completed. Comm. Olevson asked about the CEQA (California Environmental Quality Act) analysis. Staff discussed the CEQA analysis and also the density bonuses and how they were calculated. Comm. Olevson asked about park service for the new residents. Mr. Hom discussed the park fees and that City Council would soon be discussing the prioritization of the use of park fees. Mr. Hom discussed some of the potential park upgrades planned for the City.

Comm. Melton asked staff about the noise requirements in the MND and the concern about an alternate methodology being suggested by a consultant as the consultant indicated the noise standards were very stringent. Staff discussed the City noise requirements adding that there are

even stricter standards required by the State in Title 24. Comm. Melton expressed concern about residents not being able to open their windows due to noise.

Comm. Hendricks referred to the MND, page 16 regarding the deficiency in parking standards and the State Density Bonus Law and discussed the parking with staff. Staff said that the applicant does not need to provide stackers. Ms. Berry discussed parking incentives, concessions, State law requirements of developers, and parking calculations.

Vice Chair Dohadwala discussed with staff the definitions of high density, and previous development projects as examples of high density and whether State Density Bonuses were used.

Chair Larsson discussed with staff the project data tables for projects 2012-7460 and 2012-7462 commenting that "stars" are used to indicate deviations from municipal code requirements. Chair Larsson suggested that it would helpful to use different symbols on the data tables for different deviations such as concessions or waivers. Chair Larsson discussed with staff concerns expressed by neighbors about cut through traffic to the proposed sites. Chair Larsson discussed crosswalks with staff saying there are no crosswalks across Evelyn Ave. and said crosswalks would help create a more pedestrian friendly environment. Staff confirmed that there are no crosswalks currently required in the proposals.

Chair Larsson opened the public hearing.

Jon Moss, with Prometheus Real Estate Group, said he agrees with the staff report and the conclusion. Mr. Moss provided a background of Prometheus Real Estate Group and said their long term strategy for projects and management. Mr. Moss discussed the reasoning for selecting this location, and the value of higher density housing close to transportation corridors. He discussed the green building aspect of the project and that the proposed projects are consistent with other sites in the area. He commented that the success that downtown retail environment only improves with residential and would improve the downtown area. Mr. Moss discussed that the City would be receiving a significant increase in park fees for these projects versus what was required of nearby properties due to changes in park fee calculations. Mr. Moss discussed specific aspects and features of the projects. Mr. Moss discussed design changes that have been made since the August 2012 study session and other changes made to the proposal based on neighborhood and outreach meetings. Mr. Moss discussed the affordable housing units and that they would be built within the new projects. He discussed the outreach they have had and mentioned various groups that are in support of the projects. He mentioned that several of the residents in the Sterling Place development across the street are concerned about headlights shining on their homes as cars come out of garage saying that they are willing to do what needs to be done to mitigate this concern. Mr. Moss discussed traffic and that there are no significant adverse impacts as a result of the projects. Mr. Moss discussed a Historical Plaque to be included on the side of the hotel building that they are volunteering to provide and that they would provide three options for staff and Council's feedback. Mr. Moss discussed parking stackers. **Chek Tang**, architect with Studio T-SQ., Inc. discussed substantial changes made to the plans since the study session. He said that this is a unique opportunity to provide a gateway into the downtown area. He discussed the architecture and said that a goal was to create a pedestrian walkable area with a variety in the massing. He said they tried to be sensitive to the adjacent property.

Comm. Hendricks discussed with Mr. Moss the request to expedite permit review. Comm. Hendricks asked about the recreation facilities in the vicinity across Evelyn Ave. and whether they would be open to including a crosswalk with lights. Comm. Hendricks confirmed with the applicant and staff that both agree on the calculations for the number of units. Comm. Hendricks discussed with the applicant the height of both projects and that they are asking for deviations

on height. Comm. Hendricks discussed the request from the applicant to decrease the size of the storage units. Comm. Hendricks discussed noise mitigation related to building design and materials; that interior noise levels would be measured with the windows closed; and that the developer would provide proper ventilation for closed windows. Comm. Hendricks discussed the setbacks with Mr. Tang.

Comm. Kolchak asked staff about a corner vision triangle deviation.

Comm. Melton asked about the relocation program table in Attachment I of project 2012-7460, expressing concern that it was approved in 2007 and does not seem to be adjusted for inflation. Mr. Hom confirmed that the table in Attachment I is still current and that residents from about six units would be affected by the project.

Comm. Hendricks discussed with staff the vision triangle and that the DSP allows more flexibility.

Chair Larsson discussed with Mr. Moss that the affordable housing units would be located on the proposed project sites.

Josie MacElroy, a neighbor residing in Sterling Place which is across the street from the proposed sites, said the applicant has been good to communicate with her. She said she is concerned about the driveway location across the street from her home, the effect on traffic and the headlights of vehicles coming out of the driveway shining on her home and several other units. She said she would like the driveways to be located elsewhere. She said in general she is excited to see the additional units. She said mitigation for headlights has been discussed however it will not eliminate the problem and she is concerned it will impact the value of their homes.

Madhavi Dalmia, a neighbor residing in Sterling Place, said she thinks this is a good project, however she has concerns. She asked what benefit will this development be to the current residents of Sunnyvale? She said she is concerned about an increase in traffic congestion with these developments combined with other nearby approved complexes that will eventually be occupied. She said she is also concerned about street parking and extra strain on infrastructure and urged the Commission to not recommend approval at this time until impacts can be further studied.

Mark Sabin, a Sunnyvale resident, commented about jobs, the average salaries of jobs in this area, and the housing costs in Sunnyvale. He said a person with a job in the average salary range cannot afford the average price of a home in Sunnyvale which puts more pressure on the rental units. He spoke in favor of these projects and said they would help meet a critical need by increasing rental housing stock for this community. He said it is also good that these projects are close to public transit.

Jackie Nicoli, a neighbor residing at Sterling Place said her biggest concern is the ingress and egress of the driveway for the project across the street and that she would like to see the driveway at the ends of the project rather than in the middle. She said she agrees with Ms. MacElroy that this project will impact their homes.

Bena Chang with the Silicon Valley Leadership Group, spoke in support of the project saying there is a need for housing in the area. She said she is supportive of the developer using the State Density Bonus and said it is a great way of ensuring affordable housing.

Suchit Jhunjhunwala, a Sunnyvale resident, expressed his concern of the effect of the projects on the Caltrain commute. He said he rides Caltrain every day and usually stands on the train.

He said there are other apartments in the area that are still under construction that will also probably increase ridership. He said he would like to see more train cars added. Comm. Melton discussed with Mr. Jhunjhunwala that maybe the City needs to reach out to Caltrain and see if more trains cars could be added. Chair Larsson asked staff if the City is engaged with Caltrain and could ask about increasing capacity. Mr. Hom discussed the City's communication to Caltrain which includes information about development and said that hopefully with electrification the distance between trains can be reduced.

Edward Jones, a Sunnyvale resident, said he noticed that the City has approved a lot of permits to build condominiums and apartments, commenting that nothing has been built for entertainment for kids. He said he would like to see movie theaters again and a focus on entertainment for kids. He also commented that no one is talking to anyone about development on the other side of the train tracks to see what we think and that area is just as close to the transit. Chair Larsson confirmed with Mr. Jones that when he says "kids" he is talking about teenagers.

Chair Larsson asked staff about movie theatres. Mr. Hom said that a multi-screen theater and other entertainment has been approved for the downtown area however with the Towncenter project stalled in legal issues no building has occurred yet.

Kristin Munday, a property owner west of the hotel site, asked about information on prioritizing park fees. She said that she has been in touch with the applicant with questions about the project and that they have been very accommodating.

Mr. Moss responded to some of the comments from members of the public discussing the driveway location, vehicle headlight mitigation measures, Caltrain ridership increase capacity issues, and infrastructures in place for the project.

Comm. Melton asked the applicant further about the details regarding vehicle headlights on the Sterling Place residences. **Jonathan Stone**, with Prometheus, commented that part of the concern is the varying angles of the light as vehicles come up out of the parking area further discussing mitigation options. Comm. Melton asked the applicant, hypothetically, about doubling the relocation plan numbers. Mr. Moss said they had not thought about that. Comm. Melton discussed the height of the projects with the applicant. Comm. Melton asked about noise and the MND expressing his concerns about the noise for these projects with the applicant saying that they are required to conform to the City's acoustical requirements. Mr. Hom clarified that the Housing Element was adopted as part of the consolidation of the General Plan, and that the noise and air quality requirements in the Housing Element could possibly be from 20 years ago.

Comm. Olevson asked about the spacing of the trees on the project with the landscape architect, **Zach Tanner**, saying that trees should be, on the average, 30 feet apart. Comm. Olevson asked the applicant who pays to keep the apartment's ventilation running all the time if the residents are to keep the windows closed. Mr. Moss said the tenant would pay for this, which would be disclosed at the time of the lease.

Comm. Hendricks asked about possibly removing three paragraphs from the MND regarding noise. Ms. Berry said that the MND is a disclosure document, and removing paragraphs would be not be disclosing so staff would have concern about any removal. Staff said, bottom line, the must meet the restrictions on noise. Ms. Berry commented that noise contours for City are higher around the train station, as it is difficult to mitigate piercing noise.

Comm. Melton commented about rewriting the noise page and that it will need to be clear to potential residents that windows will need to be closed at all times.

Vice Chair Dohadwala asked further about noise. She commented anyone renting near a train station should expect higher exterior and interior noise and may not want to rent there if the noise is a concern for them. Mr. Moss added that newer construction materials can help reduce noise levels.

Comm. Hendricks confirmed with the applicant and staff the unit counts. Staff said that condition GC-9 for project 2012-7460 should be modified to be 67 units. Comm. Hendricks confirmed with staff the numbers for guest parking with staff saying that condition BP-23.b on 2012-7460 should be modified to be a minimum of 12 spaces to a maximum of 35 spaces; and on project 2012-7462 the numbers should be a minimum of 28 spaces to a maximum of 84 spaces. Comm. Hendricks asked whether a condition could be added requiring a crosswalk with flashing lights on Evelyn Ave. assuming the Traffic staff approves. Mr. Hom said Planning staff would need to confer with traffic staff. Mr. Moss said he would like to know the cost of the crosswalks; however, they are willing to study it.

Vice Chair Dohadwala addressed some of concerns from the members of the public including traffic congestion in the downtown, and increased ridership on Caltrain. Vice Chair Dohadwala commented that the goal of much of the policy for the downtown area is to develop higher density housing and office space. Mr. Hom commented that the way this development benefits the City, is that state requires communities to plan for a certain number of housing units in their Housing element and tonight's projects work towards that housing effort. Staff said for more information regarding the downtown efforts; please see the dedicated webpage on the City website at Downtown.InSunnyvale.com

Comm. Olevson commented about the parking requirements confirming with staff that State law trumps our City parking requirements.

Chair Larsson asked about the driveway issue with Mr. Stone commenting that Public Works staff determined that have the driveway in the center would be best. Chair Larsson discussed the use of parking stackers with Mr. Moss.

Comm. Hendricks asked further about adding a condition to reconsider the location of the driveway with Mr. Moss saying he would prefer to implement mitigation measure for the headlight concerns as this issue has been reviewed extensively with staff. Staff said they are fairly confident that the Traffic Division would say to leave the location of the driveway as proposed.

Chair Larsson closed the public hearing.

Comm. Melton asked staff about providing a condition regarding headlight mitigation with staff suggesting options and saying the condition could be worded to include that the applicant be required to work with City staff and the neighbors on a mitigation measure.

Chair Larsson commented that tonight's motions would be provided to Council as a recommendation next week. Chair Larsson discussed with staff the affordable housing units.

Comm. Hendricks moved on Project 2012-7990 for Alternative 1:

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.**

Comm. Olevson seconded the motion.

Comm. Hendricks said being able to try and have additional density near the downtown and the railroad is a good direction to go. He said unfortunately the original proposal with the higher density darkened the project and the density levels had to become more consistent with the area. He said he thinks this proposal is a good direction, and though he would like to preserve some of the office space that he would defer to wisdom and go with the mixed use. He commented that he would have liked to have seen the properties to the north of the train use space in context with public transit.

Comm. Olevson said he would be supporting the motion. He said he approaches changing zoning with great trepidation, however it makes sense to include these sites in the DSP. He said he thinks the proposals make good sense for Sunnyvale.

Comm. Melton said he would be supporting the motion and he thinks logical arguments have been provided. He said he echoes Comm. Olevson's concerns about rezoning. He thanked the members of the public who came to speak. He said he still has concerns about the noise portion of the MND and said that he advised that it be looked at. He said he agrees with Vice Chair Dohadwala that residents choosing to live by a train station can expect noise.

Vice Chair Dohadwala said she would be supporting the motion and confers with staff's findings. She said she wanted to better understand densitys on the parcels. She said she agrees with Comm. Olevson's statement that the parcels being added look like they belong in the DSP.

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Comm. Kolchak said he would be supporting the motion and echoes some of Comm. Hendricks' comments.

Chair Larsson said he would be supporting the motion and that this development would help make this Caltrain station more of a destination station, especially when more entertainment finally happens in the Downtown. He said this is a good location for more housing and making this development more residential helps protect the existing neighborhood (single family residential).

ACTION: Comm. Hendricks made a motion on 2012-7990 for Alternative 1 to recommend to City Council to 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.

Comm. Olevson seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 19, 2013 City Council meeting.

4.	**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 merge four lots into one lot.
	Applicant/Owner:	Prometheus Real Estate Group / Des Nolan
	Environmental Review:	Mitigated Negative Declarations
	Staff Contact:	Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov
	Notes:	***Continued from February 25, 2013. Scheduled to be considered by City Council on March 19, 2013.***

Comm. Melton moved for Alternative 2 on project 2012-7460 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: to modify the relocation bonus in Attachment I doubling the numbers across the board. The motion died for lack of a second.

Comm. Hendricks moved for Alternative 2 on project 2012-7460 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: to modify condition BP-23.b that "a minimum of 12 spaces to a maximum of 35 spaces be required for guest parking"; to modify condition GC-9 that the Total Unit Count be 67 units. Comm. Chang seconded the motion and offered a Friendly Amendment that the motion include that the applicant provide to City Council for consideration which of the three designs of the proposed historical plaque be included on the hotel. The Friendly Amendment was acceptable to the maker of the motion. Comm. Kolchak offered a Friendly Amendment regarding the possibility of adding a crosswalk as discussed, with staff offering the following wording: That a condition be added that, "The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective." The Friendly Amendment was acceptable to the maker and the seconder.

Comm. Hendricks said overall, this is a good project and a nice entryway for the downtown on Evelyn. He said the architecture was covered at length in the previous study session. He said these will be quality units and integrate well with the concept of the downtown, and the train station.

Comm. Chang said he could make the findings. He said this will be a nice gateway to downtown, and thanked the applicant for including the historical plaque on the hotel.

Chair Larsson confirmed with staff the four modifications in the motion and asked if there was anything missed from the discussion. Mr. Kuchenig said staff had suggested a modification to the conditions regarding the lockable storage units.

Comm. Melton said he would support the motion. He said this is a good quality project and that he could make the findings for the Special Development Permit and cannot make the findings

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for the Tentative Map which is what is desired. He said it would be interesting to see the parking stackers as a possible way how to handle parking in the future.

Comm. Olevson said he thinks this is going to be a great project. He said it makes a nice transition from the downtown to the area with lesser density homes.

Comm. Kolchak said he would be supporting the motion. He said this is a quality project with nice architecture. He said he highly recommends the applicant work with staff to include the crosswalk as a safety measure for the public.

Comm. Hendricks said he could make the findings for the Special Development Permit, and cannot make the findings for the Tentative Map piece (which is what is desired). He requested that the applicant make sure the lettering on the historical plaque is easy to read. He confirmed with staff that the applicant is not required to provide the parking stackers.

Vice Chair Dohadwala said she would be supporting the motion. She said she can make findings, that this is a good project, and a good addition and entryway to the downtown.

Chair Larsson said he would be supporting the motion. He said this is a great project with quality architecture and that this was a complex project. Chair Larsson commended those involved, thanked the applicant for their outreach to the public, and thanked the members of the public for their input and for staying for the long meeting.

ACTION: Comm. Hendricks made a motion on 2012-7460 for Alternative 2 to recommend to City Council: to modify condition BP-23.b that "a minimum of 12 spaces to a maximum of 35 spaces be required for guest parking"; to modify condition GC-9 that the Total Unit Count be 67 units; that the motion include that the applicant provide to City Council for consideration which of the three designs of the proposed historical plaque be included on the hotel; and that a condition be added that, "The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective." Comm. Chang seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 19, 2013 City Council meeting.

5.	**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 merge two lots into one lot.
	Applicant/Owner:	Prometheus Real Estate Group / Evelyn Ave. Associates
	Environmental Review:	Mitigated Negative Declarations
	Staff Contact:	Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnvyale.ca.gov
	Notes:	***Continued from February 25, 2013. Scheduled to be considered by City Council on March 19, 2013.***

Comm. Melton moved for Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Maps proposed with modified conditions: to modify the conditions to include measures that mitigate impacts of headlights from the center driveway to the adjacent property (Sterling Place). Hanson Hom, Director of Community Development, suggested that whatever measures are agreed upon that the **language should include that the measures be installed prior to approval of occupancy. Comm. Hendricks seconded the motion and offered two Friendly Amendments: to modify condition BP-23.b that "a minimum of 28 spaces to a maximum of 84 spaces be required for guest parking"; and that a condition with the same language regarding a crosswalk from project 2012-7460 be added that, "The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective." The Friendly Amendments were acceptable to the maker of the motion. Comm. Chang offered a Friendly Amendment that a condition be added that a 200 cubic foot lockable storage unit be required for each one bedroom unit** (rather than the 300 required). **The Friendly Amendment was acceptable to the maker and the seconder of the motion.**

Comm. Melton said that this is a high quality project and thanked the efforts of all involved including the members of the public in attendance. He said he could make the findings for the Special Development Permit and not make the findings for the Tentative Map which is the desired outcome.

Comm. Hendricks said he would be supporting the motion. He said overall this is a good project. He said he thinks this project started with a bad cloud over it due to the super high density efforts; however this is better with the affordable housing units on the site. He said he hopes the concerns with the headlights are eliminated rather than just mitigated.

Comm. Olevson said he would be supporting the motion. He said he especially likes that the project adds another gateway in the City. He said initially he was against the height and density being proposed, however after the discussion, he said he can support the project.

Comm. Kolchak said he would be supporting the motion. He said he appreciates tonight's discussion, that he hopes the neighbor's concerns about the headlights are well-mitigated, and that he thinks this is a nice gateway project.

Chair Larsson said he echoes the comments of Comm. Hendricks about the affordable housing units and said that he is glad this in a transit oriented area.

ACTION: Comm. Melton made a motion on 2012-7462 for Alternative 2 to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Maps proposed with modified conditions: to modify the conditions to include measures that mitigate impacts of headlights from the center driveway to the neighboring property (Sterling Place) and that the measures be installed prior to approval of occupancy; to modify condition BP-23.b that "a minimum of 28 spaces to a maximum of 84 spaces be required for guest parking"; that a condition (with the same language regarding a crosswalk from project 2012-7460) be added that, "The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective"; and that a condition be added that a 200 cubic foot lockable storage unit be required for each one bedroom unit. Comm. Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 19, 2013 City Council meeting.