

Attachment D

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JULY 9, 2013**

Planning Application 2013-7313
457-475 E. Evelyn Avenue

**Special Development Permit for a 117-unit Apartment Building and
Vesting Tentative Parcel 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 final inspection of the final unit is sold; **(modified to reflect rental project)**
 - 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. 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 9 units shall be provided on site, based on the recommended density of 36 units per acre (83 units for a 2.31 acre site). [COA] [PLANNING]
- GC-9. TOTAL UNIT COUNT – The project shall maintain a total of 117 units. [COA] [PLANNING]

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- 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 36 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:

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 \$73,619.24 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 \$1,752,889.25 prior to approval of the Final Map (SMC 19.74). [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 DENSITY 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 for the units facing E. Evelyn Avenue shall not be higher than four feet (***clarified which patio walls***).

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

- d) 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 15 and maximum of 43 spaces shall be designated as guest parking.
- 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:

Final construction drawings shall incorporate all mitigation measures related to air quality resources as set forth under "Mitigation Measures" in the approved environmental document and as noted below. [COA] [PLANNING] **Mitigation Measure:**

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 California airborne toxics control measure Title 13, Section 2485 of

- California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 8. A publically visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted at the site. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

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

BP-30. BIOLOGICAL RESOURCES – TREE PROTECTION MEASURES

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

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 have 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]~~ **(This Condition of Approval is no longer recommended due to newly added Condition of Approval BP-34)**

BP-33. LOCKABLE 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]

BP-34 DRIVEWAY LOCATION: The main vehicular driveway entrance shall be relocated approximately 15 feet to the west, subject to review and approval by the Director of Public Works. [COA] [PLANNING] **(Condition of Approval has been added since the Planning Commission action of 6-10-13, upon consultation with the applicant.)**

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 service points of connections, with two separate radio-read domestic master water meters in accordance with current City standards. [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.

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 \$114,238.54 and an incremental water connection fee estimated at \$37,057.71 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

Attachment E



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

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

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

PROJECT TITLE:

Application for a **Special Development Permit** filed by **Prometheus Real Estate**.

PROJECT DESCRIPTION AND LOCATION (APN):

FILE #: 2013-7313
Location: 457-475 E. Evelyn Ave. (APN: 209-04-053 & 054)
Proposed Project: Special Development Permit to allow a 117-unit apartment building (revised proposal).
 Vesting Tentative Map to create one lot pursuant to a lot line adjustment.
Applicant / Owner: Prometheus Real Estate / Preg Evelyn Properties, LP
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

WHERE TO VIEW THIS DOCUMENT:

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, June 10, 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:

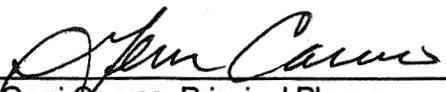
A public hearing on the project is scheduled for:

Monday, June 10, 2013 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

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

Circulated On May 20, 2013

Signed: 
 Gerri Caruso, Principal Planner

Project Title	2013-7313 – Special Development Permit for 117 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	457-475 E. Evelyn Ave.
Zoning	Downtown Specific Plan – Block 23 (DSP- Block 23) for 457– 475 E. Evelyn Ave
General Plan	Downtown Specific Plan
Other Public Agencies whose approval is required	None

DETAILED PROJECT DESCRIPTION:

2013-7313

The project is for the redevelopment of the site at 457-475 E. Evelyn Avenue with a 117 apartment units. 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. The zoning (DSP-23) and prescribed density of up to 36 units per acre was recently established for the site by City Council action as part of an associated application (2012-7990) that expanded the Downtown Specific Plan. An application (2012-7462) for a more intensive development of the project site was considered at the same time, but was referred back to the Planning Commission for redesign since the adopted density for the site was reduced from the previously proposed project. A project (2012-7460), by the same applicant, for the redevelopment of a nearby site at 388-394 E. Evelyn Avenue was approved by previous Council action. This environmental document includes revised project information for the site at 457 – 475 E. Evelyn Avenue only. The proposed development has been modified for 158 to 117 units. No further modifications have been made to the site layout or architectural design. The building has only been modified to incorporate a different mix of one and two bedroom units. To achieve 117 units for the 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.

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 at 457-475 E. Evelyn encompasses two parcels totaling 2.31 acres. The site is bounded by E. Evelyn Ave. to the south, multi-family residential (Villa Del Sol) to the west, multi-family residential and Marshall Ave. to the east, and the Union Pacific railroad to the north. The immediate neighborhood is composed of a mix of commercial and residential uses. The site was recently rezoned to be within the Downtown Specific Plan area as part of Block 23.

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

7. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
8. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

Checklist Preparer: Ryan Kuchenig

Date: May 17, 2013

Title: Associate Planner

City of Sunnyvale

Signature:



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

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&frames=off
10. For a project located in the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
11. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Air Installations Compatible Use Zones (AICUZ) Study Map
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
18. Biological Resources -Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Tree Survey
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Plans Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Character Chapter of the Sunnyvale General Plan, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places The Ryan Hotel at 394 E. Evelyn

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Ave. was removed by the Heritage Preservation Commission from the City's "Heritage Resource" inventory (Project: 2006-0505 - July, 2006).
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description. Planned grading will disturb the site and may affect sub-surface resources if they exist.
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. See discussion for information about school impacts
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Geier & Geier Consulting, Inc. report, June 19, 2012
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description Geier & Geier Consulting, Inc. report, June 19, 2012 AB 32
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Geier & Geier Consulting, Inc. report, June 19, 2012 AB 32
28. Air Quality -Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
releasing emissions which exceed quantitative thresholds for ozone precursors)?					
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

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

4. Population and Housing (Less than Significant): The proposed 117 apartment units for the project meets the established density for this block (Block 23) of the newly expanded Downtown Specific Plan while utilizing the 15% density bonus through state law by providing affordable units. The projects is also utilizing five percent density bonus allowed through a green building incentive per Municipal Code. 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.

9. Transportation and Traffic (Less than Significant): Parking is provided for the proposed project through a structured parking garage slightly below grade. As proposed, the project would be deficient in parking according to Downtown Specific Plan standards by 5 spaces. 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. 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, the project would meet parking standards.

14. Noise (Less than Significant with Mitigation): A Noise and Land Use Compatibility Assessment was prepared for the project by Edward L. Pack Associates Inc. (June 2012). A copy of the report 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.

MITIGATION for 457-475 E. Evelyn Ave

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 21 trees on the 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 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. Although there are no known recorded archeological sites in the immediate area of the proposed building locations,

there still remains the possibility of discovery of Native American remains during grading since there are archeological sites in the greater vicinity. In the event of a discovery, project grading could result in potential disturbance of subsurface cultural resources which would result in a significant impact unless mitigated. There are no surface historic resources currently known to be on the project sites. Although the discovery of cultural resources on these sites is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level:

WHAT:

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

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

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

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

WHEN:

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

WHO:

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

HOW:

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

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

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

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

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

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

The following mitigation measures shall apply to each project:

WHAT: Permits must be obtained from the City of Sunnyvale (grading permit and Storm Water Pollution Prevention Plan) and BAAQMD (J-Permit) prior to demolition or new construction. The City of Sunnyvale permit shall, amongst others, specifically include the following mitigation measures:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in uses or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publically visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted at the site. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

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

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: May 17, 2013

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

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

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

35 & 36. Transportation (Less than Significant) – An analysis of the previously proposed project at the site which included a greater number of units (158) combined with the recently approved development at 388-394 E. Evelyn determined that 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. Since the project has been reduced in unit count to 117, a similar justification was made. 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.

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: May 17, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map www.abag.ca.gov , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
46. Geology and Soils -Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual Project Description
47. Geology and Soils -Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, www.sunnyvaleplanning.com California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code
48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

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

46. Geology and Soils (Less than Significant): The proposed project will have a significant amount of grading intended to clear the existing site prior to construction. During the time the existing topsoil is exposed 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: May 17, 2013

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

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description Water Resources Sub-Element www.sunnyvaleplanning.com
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
60. Utilities and Service Systems: Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

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

51. and 58. Utilities and Service Systems & Hydrology and Water Quality (Less than Significant): The project 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. The project qualifies as a "special project" 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

Date: May 17, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

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

Responsible Division: Department of Public Safety

Completed by: Ryan Kuchenig

Date: May 17, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map Project description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project Environmental Site Assessment by PII Environmental, March 2012
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

67. Hazards and Hazardous Materials (Less than Significant): A Phase 1 soil analysis was completed by PII Environmental for both sites in March, 2012. This assessment has revealed no recognized environmental conditions at the subject property. 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: May 17, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
71. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

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

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/cnndb/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
- Sanitary Sewer Master Plan
- Water Master Plan

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

Miscellaneous Agency Plans:

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

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

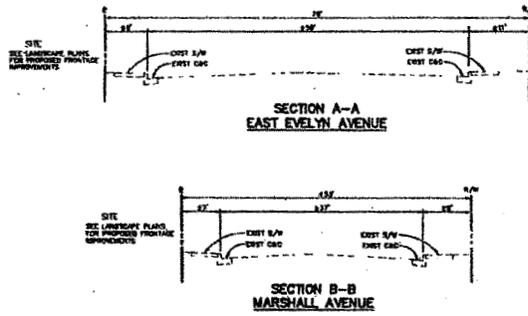
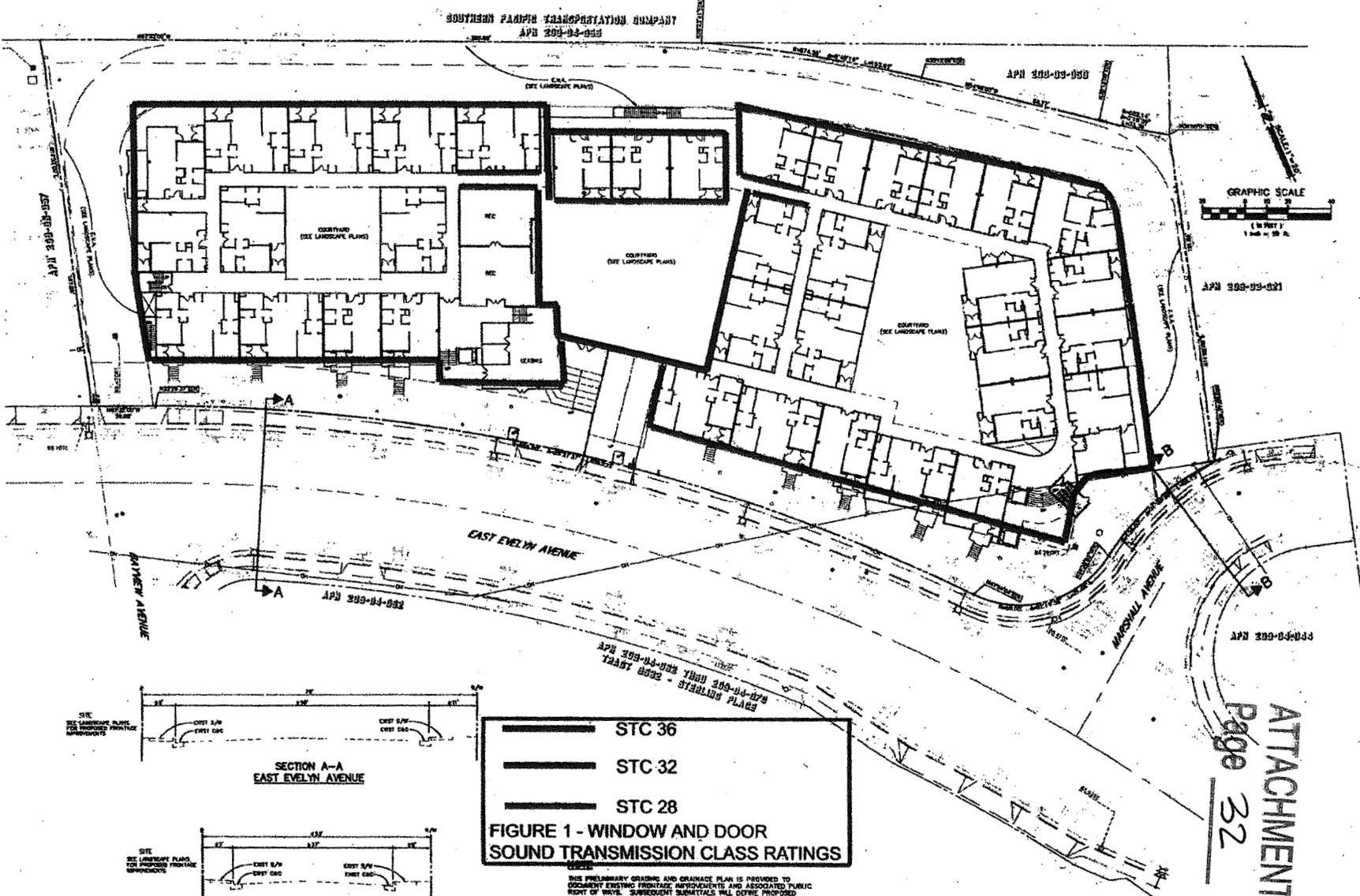
Building Safety:

- California Building Code,
- California Energy Code
- California Plumbing Code,

Other

Project Specific Information

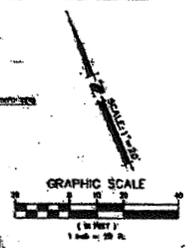
- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 11/13/12
- Field Inspection
- Project Site Plan dated 11/13/12
- Project construction schedule
- Project Draft Storm Water Management Plan
- Project Tree Inventory by Barry D. Coate & Associates,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



	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 WAY. SUBSEQUENT SUBMITTALS WILL DEFINE PROPOSED GRADING, FIRST FLOOR ELEVATIONS AND ASSOCIATED DRAINAGE DESIGN.



ATTACHMENT E
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File#: 671 5/20/2013

Studio SO

Architecture
Planning
Urban Design

415 25th Street #300
Oakland, California 94612
(415) 431-2000

Civil Engineering Associates
Civil Engineers - Planners - Surveyors

224 West 19th Street
San Jose, CA 95131
Tel: (408) 431-1022

EVELYN AVE APARTMENTS
SUNNYSIDE, CALIFORNIA

PROMETHEUS REAL ESTATE GROUP
1840 S. MARSHALL ST., #100
SAN MATEO, CALIFORNIA

Sheet Title:
PRELIMINARY GRADING AND DRAINAGE PLAN

Job No.: 12-105
Date: 3/8/2012
Scale: 1"=20'
Drawn By: CH

Sheet No.: **C1**