

**Council Meeting:** October 22, 2013

SUBJECT: **2013-7468 - Discussion and Possible Action on the Appeal by a Councilmember of a decision of the Planning Commission Approving related applications by Classic Communities (Applicant/Owner) For a Special Development Permit, Vesting Tentative Map and Mitigated Negative Declaration; 822-830 East Evelyn Avenue in the M3/ITR/R-3/PD Zoning District (APN: 209-14-007 & 209-14-011)**

REPORT IN BRIEF:

Existing Site Conditions Two one-story light industrial buildings partially occupied with light industrial and commercial land uses.

Surrounding Land Uses

North	Residential, Apartments (across East Evelyn Avenue)
South	Residential, Single Family Detached
East	Commercial
West	Residential, Multiple Family

Issues Neighborhood Compatibility and Deviations for building separation distances and distance to the trash enclosure.

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

Motions: Mitigated Negative Declaration

Special Development Permit to allow 31 townhome units, including the removal of two existing light industrial buildings.

Vesting Tentative Map to subdivide two properties into 31 condominium lots and one common lot.

Planning Commission Action Adopted the Mitigated Negative Declaration; and approved the Special Development Permit and Vesting Tentative Map subject to the attached Conditions of Approval.

Staff Recommendation Uphold the decision of the Planning Commission by adopting the Mitigated Negative Declaration and approving the Special Development Permit and Vesting Tentative Map subject to the attached Conditions of Approval.

DISCUSSION:

Project Description

The proposed project includes the demolition of the two existing structures and the construction of 31 three-story, three-bedroom townhouse units. All of the units will have a two-car garage. Access to the garages is provided via a private access drive that loops around the site and connects to East Evelyn Avenue via a single driveway. The Vicinity Map is located in Attachment A. The Data Table for the project is located in Attachment B.

The northwestern corner of the project site (north of Unit 26 and west of Unit 8) is affected by groundwater that is contaminated with Trichloroethene (TCE). The source of the TCE was a computer chip manufacturing facility previously located on the property to the west. Because of the TCE in the groundwater, no units can be constructed over that part of the site. The approximate location is shown on an exhibit in Attachment G. As a result, the project has space constraints that further support the requested deviations. These deviations are discussed later in the staff report.

Requested Permit(s)

- **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review to allow the development of 31 residential units located within the M3/ITR/R-3/PD Zoning District. A SDP also allows flexibility with and deviations from Zoning Code requirements. As part of this project the applicant is requesting the following deviations:

- Separation distances between buildings;
- Maximum distance to the solid waste/recycling enclosure; and
- Solar Access (for the adjacent site to the west).

- **Vesting Tentative Map**

The purpose of the proposed Vesting Tentative Map is to allow the subdivision of the site into 31 residential lots and one common lot. The Vesting Tentative Map vests the developer's right to build the project for the life of the map. It also protects the approved project against future Sunnyvale Municipal Code changes that might otherwise affect an approved project. The Vesting Tentative Map is valid only in conjunction with the approved Special Development Permit and approved Conditions of Approval.

ANALYSIS:

Site Layout

The proposed project includes the development of eight residential buildings, landscaping, and uncovered guest parking. The number of units per building varies from two to six. Six of the units will have private fenced rear yards and

eight will have semi-private fenced front yards along East Evelyn Avenue. The remaining units are clustered around a turfed central courtyard. Most of the units have rear-entry garages, except for the six west side units that have the front oriented garage entrances adjacent to the front doors.

Pedestrian access from the public sidewalk is provided via a network of pedestrian pathways along the front and/or rear of the units. The pedestrian path network includes a central pathway to the turfed courtyard and a series of stamped concrete paths around the edge of the access drive (level with the roadway) to connect the residents to the sidewalk. The site and architectural plans are located in Attachment E.

Architecture

The proposed development consists of 8 three-story townhouse buildings. Each unit contains a ground floor entrance and garage, second floor contains the living and kitchen areas, while the third floor contains the bedrooms. The buildings are designed in a modern Craftsman style typical of many townhouse and apartment units being designed today. All of the structures have four-sided architecture (architectural details on all building elevations) and incorporate varying wall plains and projections, window treatments, surface textures and colors. The ground floors also have a stone wainscoting to emphasize the base of the buildings. Some of the end units also have useable balconies which further reduce the potential “bulkiness” of the buildings and create additional unit variety within the project.

Development Standards

The proposed project complies with most of the applicable Development Standards as set forth in the Sunnyvale Municipal Code. Compliance with the requirements of the Zoning Code is demonstrated in the Project Data Table located in Attachment B. The following items are those in which the applicant is requesting a deviation from the requirements of the code.

- **Requested Deviations**

- Separation Distances Between Buildings

- The Municipal Code requires a building separation of 26 feet between buildings. The proposed project will require a deviation from this standard for many of the distances between buildings around the central courtyard. The requested deviations would reduce the required separation distance between buildings from 26 feet to between 10 feet to 20 feet. Additional information on the requested deviations is located in Attachment I. Staff finds that the requested deviations are reasonable and typical for townhome style projects on irregularly shaped parcels.

- Distance to Solid Waste/Recycling Enclosure

- The zoning code requires that all residential units be located within 150 feet of a trash enclosure. While most of the project complies with this requirement, two of the proposed residences, Units 21 and 22, do not meet this requirement. These units are approximately 170 feet from the nearest

trash enclosures. A deviation from this standard is being requested, staff supports this request.

Solar Access Shading

The Solar Access Analysis for the project indicates that the roofs of three of the one-story garages located on the adjacent apartment project will be shaded by shadows from the building located along the west side of the project. The adjacent project consists of 8 three-story apartment buildings and a one-story leasing/recreation building located in the center of site, and over a dozen one-story carports located around the periphery of the site. The proposed project would block the solar access to three of the adjacent carport structures. The roof top shading constitutes about 9.5% of the total carport roof top area and about 2.6% of the total roof area of the entire adjacent residential project. The project would not affect the existing solar access to the remaining structures. There are currently no roof mounted solar energy or solar water heating systems on the affected carport roofs. Consequently the proposed project will not eliminate or substantially reduce the ability of the adjacent property to have solar energy access.

- **Circulation/Parking**

Project access from East Evelyn Avenue will be provided via a 26 foot wide private drive that will provide the access to the private garages, the guest parking spaces, as well as provide access for emergency vehicles. The eight buildings are located around the circular access drive. Two enclosed parking spaces are provided for each unit along with 16 uncovered guest parking spaces. The guest spaces are located in three areas of the project, near the project entrance, and in the southeast and southwestern portions of the site. The project will also install new curb, gutter and sidewalk improvements along East Evelyn Avenue.

- **Landscaping and Tree Preservation**

The project meets the code requirements for landscape and useable open space. The Landscape Plan indicates plans to plant 25 36-inch box trees (including 8 in the right-of-way), 22 24-inch box trees, 57 15-gallon trees, and landscape 35% of the site. A tree inventory was prepared by a consulting arborist. The survey identified 20 trees onsite. Six of these meet the definition of a protected tree having circumferences of 38 inches or greater, four feet above the ground surface. Two of the trees are redwoods, one is a coast live oak, another one is a callery pear, and two are California fan palms. The callery pear is growing under the canopy of the coast live oak and will be removed. The two fan palms are located in an area where the screening/privacy trees are proposed to be planted and will also be removed. The project as designed would protect the redwood and coast live oak trees in place and remove all of the other trees. These requirements are included in the conditions of approval.

As a result of meetings with the adjacent neighbors along Ajax Road, the applicant is proposing to enhance the landscaping along the southern property line by planting 36-inch box trees spaced 20 feet apart to provide additional privacy and screening between the proposed units and the rear yards of the existing single family homes. The conceptual landscape plan identifies three species, Strawberry Tree ('Marina'), Japanese Blueberry Tree and/or Flax Leaf Paperbark, as the possible screening trees. These are shown on the Conceptual Landscape Plan. Final species will be determined during the landscape construction plan process.

- **Open Space**

The project satisfies the code requirement for useable open space. The functional private and public open space areas include: the semi-private fence front yards for the eight units adjacent to East Evelyn Avenue (though this area is not be counted as part of the Useable Open Space) and the six units with private fenced rear yards. In addition, seven of the proposed units also have private balconies that are approximately five feet by twenty feet in size; these balconies are not counted in the useable open space calculations. The remaining units face onto the turfed courtyard area in the middle portion of the project site.

ENVIRONMENTAL REVIEW

The Planning Division prepared and noticed an Initial Study for a Mitigated Negative Declaration for the project. A copy of the environmental review document was available for public review at City Hall from July 15, 2013 to August 12, 2013. No comments were received on the document. A copy of the Mitigated Negative Declaration is contained in Attachment F.

The proposed project is below the thresholds to require a traffic study or air quality analysis. The applicant provided an acoustical analysis which indicated that with standard building techniques interior levels meet the City's adopted levels. Stormwater quality will be treated through on-site retention (per an approved stormwater management plan). There was the potential for some noise impacts on the residential units facing the street from traffic along East Evelyn Avenue. However the impacts are expected to be less than significant with the incorporation of the noise mitigation measures contained in the project Noise Study.

The key environmental issue relates to the existing groundwater contamination beneath the northwestern corner of the property. The groundwater in this area was contaminated with Trichloroethene (TCE) and other contaminants from an industrial use formerly located on the residential property to the west of the project site. The source of the contamination has gone through remediation and is no longer a major concern. However, some residual levels of TCE remain in the groundwater below the site. At this time, the residual concentrations in the groundwater are slowly migrating northward away from the project site. These residual concentrations are currently being monitored

by the County Health Department and several State agencies. Additional information on the history and status of the groundwater contamination from the adjacent site is located in Attachment G.

No “Potentially Significant” impacts were identified in the Initial Study and staff recommends that a Mitigated Negative Declaration be adopted for these applications.

CITY COUNCIL APPEAL

Councilmember Whittum appealed the Planning Commission’s approval of the project on September 10, 2013. In his letter, Councilmember Whittum expressed concerns about the groundwater contamination from adjacent properties. In his letter of appeal the Councilmember concluded with the following summary: “The presence of contamination raises doubts as to whether the site is physically suitable for this type of development, and whether the health of future residents is at issue. A review of the record in this matter raises additional General Plan and CEQA issues that merit review, including safety and traffic.” The letter stating the Councilmembers reasons for the appeal is contained in Attachment J.

COMMENTS ON THE APPEAL

The appeal letter from Councilmember Whittum raised several issues. The issues from the appeal letter, with additional discussion on each of the issues, are provided below.

- 1) Does the groundwater contamination beneath the former Beacon Service Station (east of the proposed project) prevent the safe development of the project site?

According to the information provided in the Phase I/Phase II Environmental Assessment, none of the residual groundwater contamination from the service station is affecting the project site. This is because contaminants in groundwater move with the groundwater in the direction of flow. The direction of flow for the groundwater in this area is toward the north-northeast. The former leaking underground storage tanks were located near the northeast corner of the service station site. Consequently the groundwater beneath the former service station site is moving northward under East Evelyn Avenue not toward the project site. To confirm that no contamination had migrated westward under the project site, a monitoring well was installed near the northeastern corner of the project. Water samples taken from that monitoring well did not identify any of petroleum-related contaminants identified underneath the former service station site. For this reason, staff is not concerned that the residual groundwater contamination from the previous leaking underground storage tanks would affect the safety of the future residents.

- 2) Does the groundwater contamination beneath the former Philips Semiconductor site (west of the project) prevent the safe development of the project site?

According to the information provided in the Phase I/Phase II Environmental Assessment, the groundwater remediation consisted of a pump and treat system that began in 1987. Initially several extraction wells were used to remove and treat contaminated groundwater. This was eventually reduced to a single extraction well. Groundwater extraction was discontinued in 2009 and the residual groundwater plume is currently being monitored. The former Philips Semi-Conductor site is now occupied by the Bristol Commons Apartment project. The Regional Water Quality Control Board (RWQCB) considers the current residual groundwater contamination to be low risk.

The area of the residual groundwater contamination is located underneath the northwestern corner of the project site. The outline of the residual contaminated area is shown on Exhibit C-2 in Attachment E. According to the monitoring results, the top of the residual contaminated groundwater plume is located between 25 and 30 feet below the ground surface. Groundwater in this area is also flowing toward the north-northeast (away from the proposed residential units).

Even though the RWCQB indicated low risk to potential residents, the applicant has chosen to avoid construction of units in the area where the proposed entry driveway is located. For this reason, and combined with the direction of flow of the groundwater (away from proposed units), staff is not concerned that the residual groundwater contamination would adversely impact the safety of future residents of the project.

- 3) Will the proposed residential project adversely affect local traffic conditions?

During the review of the project application, staff evaluated the potential for the change in peak hour vehicle trips. According to the City's impact fee calculation methodology the existing light industrial buildings generate more peak hour vehicle trips than the proposed 31 townhome units. For that reason, staff finds that the proposed project would not exacerbate local traffic conditions.

FISCAL IMPACT

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

PUBLIC CONTACT

The applicant has conducted a series of group and individual outreach meetings with the neighbors along Ajax Road. The primary design concerns were related to noise impacts from three-story units and lack of rear yard privacy (from the balconies facing their homes and the minimal rear yard setback). As a result of these meetings, the applicant has reduced and/or screen the balconies facing the single family homes, removed one unit from the project (to reduce the massing of the units facing the single family homes), altered the orientation and size of many of the south-facing windows, and enhanced the landscaped buffer along the southern property line. The City has received one letter from a resident along Ajax Road, a copy of the letter is contained in Attachment H.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper. • Posted on the site. • 538 notices mailed to the property owners and tenants within 300 feet of the project site. 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website. • Provided at the Reference Section of the City of Sunnyvale's Public Library. 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board. • City of Sunnyvale's Website.

PLANNING COMMISSION MEETING

The Planning Commission considered this project at its August 26, 2013 meeting. The Commission's discussions focused on the groundwater contamination issues, the orientation and proximity of some of the proposed balconies, solar access for the adjacent site, the distance to the trash enclosure, and the compatibility with the adjacent single family homes.

During the public hearing, one resident living in the adjacent single family homes addressed the Commission on the project. The speaker stated that he appreciated the applicant's efforts to modify the project design to be a better neighbor, emphasized the importance of having evergreen, fast growing and dense screening trees to protect the privacy of his backyard, and requested that Brisbane Box trees be used along the southern property line. The Commission agreed with this request.

Following their discussion of the project the Planning Commission voted 5-1 to approve the project, with Commission Larsson dissenting and Commissioner Kolchak absent, with revised Conditions of Approval regarding the privacy landscaping along the southern property line (Condition BP-15.b) and modifications to the balconies between units 20 and 21 and 22 and 23 (Condition PS-1.b). Commissioner Larsson indicated that he did not support

the requirement to modify the proposed balconies and would be voting against the motion. The Commission's revised Final Conditions of Approval are incorporated into Attachment D. The minutes from the Planning Commission meeting are contained in Attachment K.

STAFF CONCLUSION

The proposed project is consistent with the General Plan and is compatible with the surrounding area. The project will build 31 attached single family homes with two-car garages. The requested deviations are reasonable and are necessary for the following reasons: to meet the City requirement for 75% minimum density and to address several unique physical limitations of the property (i.e. the irregular shape of the property and the groundwater contamination issues from an adjacent property). The applicant has worked with the neighbors and City staff to address any potential neighborhood compatibility issues and to protect to the privacy of the residents of the single family homes located along Ajax Road.

Staff was able to make the required Findings based on the justifications for the Permit. Recommended Findings of consistency with the General Plan Goals and Policies and with the requirements for a tentative map are located in Attachment C. The recommended Conditions of Approval are contained in Attachment D. The Conditions of Approval in Attachment D include the two additional requirements placed on the project by the Planning Commission.

ALTERNATIVES

1. Deny the Appeal and uphold the decision of the Planning Commission to Adopt the Mitigated Negative Declaration, and Approve Special Development Permit and Vesting Tentative Map with the attached conditions of approval.
2. Grant the Appeal and modify the decision of the Planning Commission to Adopt the Mitigated Negative Declaration, and Approve the Special Development Permit and Vesting Tentative Map with modified conditions of approval.
3. Grant the Appeal and Adopt the Mitigated Negative Declaration, Deny the Special Development Permit and Vesting Tentative Map, and provide additional direction to City staff and the applicant.
4. Grant the Appeal and Reject the Mitigated Negative Declaration, Deny the Special Development Permit and Vesting Tentative Map, and provide additional direction to City staff and the applicant.

STAFF RECOMMENDATION

Staff concurs with the decision of the Planning Commission and recommends Alternative 1, to deny the Appeal and uphold the decision of the Planning Commission to Adopt the Mitigated Negative Declaration, and Approve Special Development Permit and Vesting Tentative Map with the attached conditions of approval.

Reviewed by:

Hanson Hom, Director, Community Development
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: David Hogan, Senior Planner

Approved by:

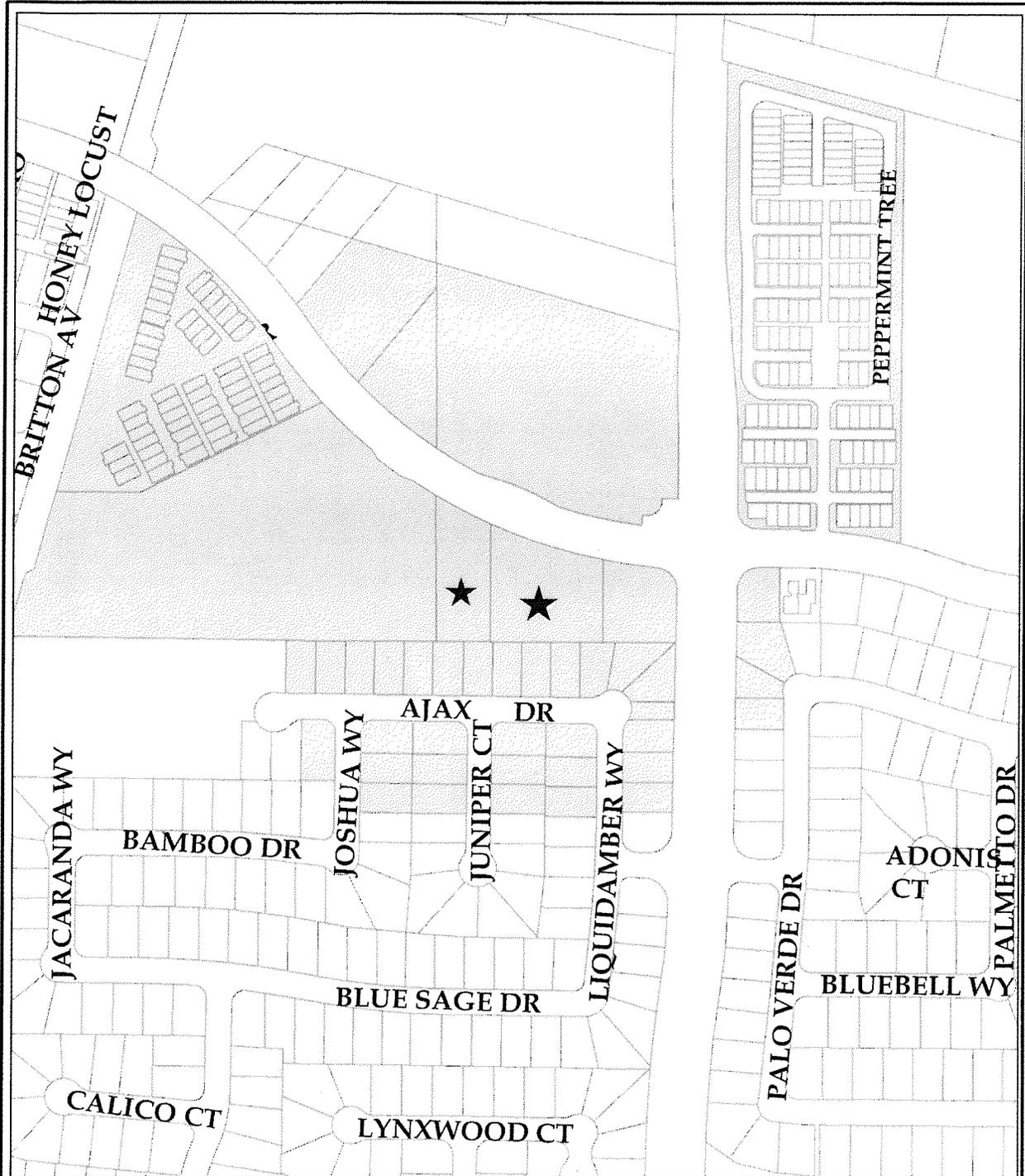
Gary M. Luebbers
City Manager

Attachments

- A. Vicinity Map
- B. Data Table
- C. Recommended Findings
- D. Recommended Conditions of Approval (as modified by the Planning Commission on August 26, 2013)
- E. Site and Architectural Plans
- F. Initial Study for Negative Declaration
- G. Excerpt from the Phase I/II Report on Groundwater Contamination
- H. Letters from Interested Parties
- I. Analysis of Building Separation Deviation Request
- J. Letter Appealing the Planning Commission Approval
- K. Minutes from the August 26, 2013 Planning Commission Meeting

Attachment A

VICINITY MAP



2013-7468
822-830 E. Evelyn Ave
Special Development Permit
Tentative Map

0 35 70 140 Feet
[Scale bar]



Attachment B

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
SITE CHARACTERISTICS			
General Plan Land Use Designation	Industrial-to-Residential (Medium Density)	Same	Same
Zoning District	M-S/ITR/R-3/PD	Same	Same
Lot Area	Two parcels totaling 74,650 sq. ft. (1.71 ac)	31 residential lots ranging from 819 to 1,554 sq. ft. and a common lot of 41,822 sq. ft.	Special Development Permits allow lot sizes smaller than the 1,800 sq. ft. in the R-3 Zone
Gross Floor Area	28,775 sq. ft.	18,897 sq. ft.	No requirement
Lot Coverage	38.4%	25.3%	40% maximum
Floor Area Ratio (FAR)	0.38	0.76	No requirement
RESIDENTIAL DENSITY			
Number of Units	None	31 Townhomes	41 units maximum
Density	N/A	18.1 d.u./ac	24 d.u./ac max.
Meets 75% min?	N/A	Yes	At least 18 d.u./ac
BUILDING CHARACTERISTICS			
Number of Buildings On-Site	N/A	8	No requirement
Separation Distances Between Buildings	N/A	Six locations from 10 ft. to 20 ft.	26 ft. minimum
Building Height Northern Half of Site	N/A	39 ft. 2 in.	40 ft. maximum with a GPR* >110
Within 75' of Southern PL	N/A	33 ft. 4 in.	35 ft. maximum with a GPR* >110
No. of Stories	N/A	3	3 maximum (for Townhomes)
Bedrooms/Unit	N/A	31 Three-bedroom	No requirement
Unit Sizes (including the garages)	N/A	7 Floor plans, from 1,782 sq. ft. to 1,983 sq. ft.	No requirement
Lockable Storage	N/A	In 2-car garages	300 cu. ft. minimum
Maximum Distance to Trash Enclosure	N/A	170 ft. +/-	150 ft. maximum

GPR* = GreenPoint Rating

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
BUILDING SETBACKS			
Street Front (North)	N/A	15 ft.	15 feet minimum
	N/A	23 ft.	20 feet average
Left Side (East)	N/A	15 ft.	12 feet minimum
Right Side (West)	N/A	12 ft.	12 feet minimum
Rear (South)	N/A	20 ft.	20 feet minimum (next to R-0 Zone)
LANDSCAPE REQUIREMENTS			
Landscaping per Unit	N/A	850 sq. ft./unit (26,375 sq. ft.)	425 sq. ft. min./unit (13,175 sq. ft.)
Usable Open Space per Unit	N/A	404 sq. ft./unit (12,510 sq. ft.)	400 sq. ft. min./unit (12,400 sq. ft.)
Parking Lot Area Shading	N/A	51%	50% minimum (after 15 years)
Width of Street Frontage Landscape	N/A	15 ft.	15 ft. minimum
Water Conserving Plants	N/A	86%	80% + limit turf, or provide water budget
Areas Planted with Turf	N/A	9.6% (1,815 sq. ft.)	No more than 25% total landscaping
PARKING REQUIREMENTS			
Total Parking Spaces	N/A	78	78
Resident / Guest Parking Spaces	N/A	62 resident (in garages) and 16 unassigned	62 resident and 16 unassigned
Covered Spaces	N/A	62 (Enclosed)	62 minimum
Standard Spaces	N/A	78	78
Compact Spaces (Percent of Total)	N/A	0 (0%)	Up to 10% of uncovered spaces
Accessible Spaces	N/A	1	Per ADA requirements
Bicycle Parking	N/A	31 (Located in the private garages)	8 (1 secured space for every four units)
STORMWATER			
Impervious Surface Area	67,975 sq. ft.	55,780 sq. ft.	No requirement
Impervious Surface (%)	92%	74.7%	No requirement



Starred items indicate Deviations from Sunnyvale Municipal Code requirements.

Attachment C

RECOMMENDED FINDINGS

Special Development Permit

In order to approve a Special Development Permit, the proposed project must meet the following findings.

- 1. The proposed project attains the objectives and purposes of the General Plan, or other specialized plan for the City of Sunnyvale (SMC 19.90.050(a)). [Finding Met]**

Staff can make the finding that the project meets General Plan Policies, as listed below. The project is located in an area designated for the transition from industrial to residential land uses. The project has been designed to meet most of the required development standards, provides for additional homeownership, and provides two below market units.

Land Use and Transportation Element

Policy LT-2.1: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

Policy LT-3.2 Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.

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

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

Community Character Element

Policy CC-2.1 Maintain and provide attractive landscaping in the public right-of way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.

Policy CC-3.1 Place a priority on quality architecture and site design, which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

Policy CC-3.2 Ensure site design is compatible with the natural and surrounding built environment.

2. **The proposed project ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties (SMC 19.90.050(a)). [Finding Met]**

The design and appearance of the proposed project will contribute toward the general improvement of the surrounding Industrial-to-Residential area. The quality of the architecture and the design is a positive contribution to the character of the surrounding area. The design is consistent and/or compatible with the design of other recently constructed projects. The proposed project incorporates design features that maintain the quality of life for the adjacent single family residences.

Vesting Tentative Map

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

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

Attachment D

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS**

OCTOBER 22, 2013

Planning Application 2013-7468
822 - 830 East Evelyn Avenue

**Special Development Permit for the development of 31 townhouse units
and a Vesting Tentative Map**

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. PERMIT EXPIRATION:

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

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

GC-3. 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]

GC-4. ON-SITE AMENITIES:

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

GC-5. BMR UNITS (OWNERSHIP):

The approved project is subject to the City's Below Market Rate (BMR) requirements as set forth in Sunnyvale Municipal Code Chapter 19.66, pursuant to the procedures established in the Administrative Procedures, as may be amended. The project will provide at least 3.85 three-bedroom Below Market Rate dwelling units, or pay the in-lieu fee, in compliance with the BMR requirements set forth in the SMC and the Administrative Procedures (SMC 19.66.020(c)). [SDR][HOUSING]

GC-6. TEMPORARY TRAILERS:

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

- a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;
- b) Trailer entrances shall be oriented toward the nearest building;
- c) Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]

GC-7. CULTURAL RESOURCES.

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. [COA] [PLANNING]

GC-8. 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 design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC WORKS] (SMC 18.08, SMC 18.12)

GC-9. 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] (SMC 13.08.030, SMC 13.08.60 and SMC 13.08.070)

GC-10. FINAL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a tentative map and recordation of a final map. The submittal, approval and recordation of the Final Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit issuance. [COA] [PUBLIC WORKS] (SMC 18.38)

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The appropriate project plans shall be revised to address as follows:

- a) Add an additional fire hydrant between Units 17 and 18 in a location to be determined by the Fire Marshal.
- b) **Modify or remove one or more of the adjacent balconies between Units 20 and 21 and Units 22 and 23 to achieve a separation distance between the balconies for these units of about 20 feet.** (Added by Planning Commission 8/26/13)
[COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit.
[COA] [PLANNING]

PS-3. BMR STANDARD PERMIT CONDITION:

The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines]

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 FEE AND CODE APPLICABILITY:

Building permit fees and applicable building codes will be based on the fee resolution and building codes effective at the time of building permit submittal. [BUILDING]

BP-2. 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-3. 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-4. 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-5. NOISE MITIGATION RECOMMENDATIONS:

The noise impact mitigation measures contained in the February 22, 2013 Noise Study, as may be amended or updated, shall be incorporated into final building plans. [COA] [PLANNING]

BP-6. NOISE MITIGATION:

The following mitigation measure has been included for the project to reduce the potential impact to a less than significant level.

WHAT: To meet the City's DNL 45 dB indoor noise goal, it will be necessary to use sound-rated windows for the units facing East Evelyn Avenue. All windows that have a view to East Evelyn Avenue shall require installation of windows rate minimum Sound Transmission Class of between 28 and 32, as determined by the Noise Study, for noise impacted spaces. The windows and doors shall be installed in an acoustically-effective manner, including attaining an air-tight seal when in the closed position and the window frames caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Mechanical ventilation may be required to ensure compliance with the indoor noise goal.

WHEN: All improvements shall be completed prior to occupancy.

WHO: The developer is responsible for completing the mitigation measure.

HOW: These measures shall be clearly marked and demonstrated in the plans submitted for building permits. The applicant shall provide a compliance verification letter from the project noise consultant at building permit. Construction shall be verified during periodic inspection by the City building inspectors. [COA] [PLANNING] [MITIGATION MEASURE]

BP-7. 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-8. FINAL MAP:

This project is subject to, and contingent upon, the approval of a tentative map and recordation of a final map prior to any permit issuance. The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [COA] [PUBLIC WORKS]

BP-9. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:

A detailed recycling and solid waste disposal design plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for residential/multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-10. SOLID WASTE AND RECYCLING ENCLOSURES:

The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The solid waste disposal and recycling facilities within the enclosure area or within buildings shall be designed with adequate size, space and clearance based upon city's latest guidelines. The required enclosures shall:

- a) Match the design, materials and color of the main buildings;
- b) Be of masonry construction;
- c) Be screened from view;
- d) All gates, lids and doors shall be closed at all times;
- e) Shall not conflict with delivery/receiving areas; and
- f) Shall be consistent with the approved Solid Waste and Recycling Management Plan. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-11. ROOF EQUIPMENT:

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

BP-12. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of a building permit. The final fee amounts shall be based upon the fees in effect when the building permit is issued or when the final map is recorded (as applicable). The estimated fees (as of August 12, 2013) are as follows:

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$0.00 prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU FEE- Pay Park In-lieu fees estimated at \$587,001.49, prior to approval of the Final Map. (SMC 18.10). This application was deemed complete on June 28, 2013.[SDR] [PLANNING]

BP-13. 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-14. BMR DEVELOPMENT AGREEMENT:

Before issuance of building permits for the project, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR 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 Below Market Rate 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 BMR 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/BMR Administrative Guidelines]

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 and shall substantially conform to the approved Landscape Plans. 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 walkways, parking, driveways or structures shall be landscaped.
- b) **Provide Brisbane Box trees planted at 15 foot intervals along the southern property line from the Live Oak Tree to the detention basin. These trees shall be 36-inch box size or larger.** (Modified by Planning Commission 8/26/31)
- c) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- d) 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.
- e) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- f) Comply with provisions of the water efficient landscape requirements (as contained in SMC 19.37). [COA] [PLANNING]

BP-16. LANDSCAPE MAINTENANCE PLAN:

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

BP-17. TREE PROTECTION PLAN:

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

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).

- b) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-18. STORMWATER MANAGEMENT CALCULATIONS:

Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

BP-19. STORMWATER MANAGEMENT PLAN:

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

BP-20. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

BP-21. BEST MANAGEMENT PRACTICES - STORMWATER:

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-22. CITY STREET TREES (SUBDIVISION):

At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

BP-23. EXTERIOR LIGHTING PLAN:

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

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

BP-24. PHOTOMETRIC PLAN:

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

BP-25. WATER METERS:

Separate metering shall be provided for domestic and irrigation water systems. [SDR] [PLANNING]

BP-26. UNDERGROUND UTILITIES:

All proposed utilities shall be undergrounded. [SDR] [PLANNING/
PUBLIC WORKS]

BP-27. AIR CONDITIONING SYSTEMS:

All units shall install air conditioning units as indicated in the approved plans and shall be screened from view of public streets and common areas. [COA] [PLANNING]

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

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:

A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]

EP-2. UTILITY CONNECTION:

This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS] (SMC 18.08.030, SMC 12.08.010)

EP-3. UTILITY ABANDONMENT/RELOCATION:

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-4. DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, 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. Separate encroachment permits shall be required for various dry utility constructions. [SDR] [PUBLIC WORKS]

EP-5. MODIFICATIONS TO EXISTING PUBLIC 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. [COA] [PUBLIC WORKS] (SMC 18.20.250)

EP-6. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:

Each lot/parcel shall have separate and independent utility service lines. [COA] [PUBLIC WORKS] (SMC 12.24.090)

EP-7. WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. For water line, install public master water meter(s) in the public right-of-way. For each public master water meter installation, install a double check detector assembly. For private sanitary sewer and storm drain, install a manhole or cleanout at the right-of-way line. Install a separate irrigation water service line and meter with a backflow prevention device. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS] (SMC 12.24.080(c))

EP-8. PUBLIC FIRE HYDRANTS:

Install two (2) new fire hydrants at project frontage per current City standard Clow-Rich 865. New fire hydrant locations 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/PUBLIC SAFETY-FIRE PROTECTION]

EP-9. DUAL CONNECTION WATER SERVICE SYSTEM:

Provide two domestic water and two fire service points of connections, with two separate radio-read domestic master water meters and two separate double check detector assemblies (DCDA) with fire service meter(s) in accordance with current City standards. [COA] [PUBLIC WORKS/ENVIRONMENTAL SERVICES]

EP-10. WATER METER:

Install new radio-read domestic water meter(s) at each point of connection to the water main. For water meter size three (3) inch or larger, provide meter sizing calculations to Public Works Department for approve of meter size.

Or,

The existing water meter shall be upgraded to radio-read water meter and meter size shall be in accordance with City approved fire protection plans. [SDR] [PUBLIC WORKS]

EP-11. BACKFLOW PREVENTORS:

Install new and/or upgrade existing backflow prevention devices on the discharge side of the irrigation, domestic and fire service lines in accordance with the City current standards and specifications. Install enclosure per city standards, if applicable. [SDR] [PUBLIC WORKS] (SMC 12.28.240 and SMC 12.28.260)

EP-12. SANITARY SEWER ANALYSIS:

This project site has been identified by the City's preliminary "Wastewater Collection Master Plan", 2002 to have potential sewer capacity issues. Therefore, concurrent with the off-site improvement plan review, submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day;
- b) 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. The subject analysis shall be consistent with the analysis stipulated in the 2007 East Sunnyvale ITR EIR. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow data may be required as needed. [COA] [PUBLIC WORKS]

EP-13. UTILITY TRIBUTARY PATTERN:

This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS] (SMC 18.12.110 (e))

EP-14. SEWER CLEANOUT:

Install new sanitary sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals. [SDR] [PUBLIC WORKS]

EP-15. UTILITY METER/VAULT AT DRIVEWAY APPROACH:

No existing or new utility meters or vaults shall be located within the new driveway approach or access ramp areas. [COA] [PUBLIC WORKS]

EP-16. STREETLIGHTS:

Replace existing street light pole with new marbelite pole along the project frontage on E. Evelyn. Install new LED light bulbs for streetlights along the project frontage on E. Evelyn.

Provide photometric analysis to confirm if the street lighting along the project frontage is in accordance with the City's roadway lighting design criteria. If new streetlights need to be installed or existing streetlights need to be relocated to comply with City's design criteria, the following items are required:

- Replace existing streetlight conduits, wires and pull boxes with new ones per City's current standards.
- Submit electrical loading calculations to the City for review and approval as part of the off-site improvement plans. [SDR] [PUBLIC WORKS]

EP-17. DRIVEWAY APPROACHES:

Replace existing driveway approaches with new driveway approaches per current City standard details and specifications. All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-18. CURB AND GUTTER:

Replace existing curb and 2-foot gutter with new curb and 1-foot gutter along entire project frontage. [SDR] [PUBLIC WORKS]

EP-19. PUBLIC SIDEWALK:

Install a 10-foot wide sidewalk with 4-foot by 5-foot tree wells (approximately 35 feet apart) along entire project frontage.

EP-20. CURB RAMP:

Replace the existing curb ramp(s) located at the northwest corner of the property along the Evelyn Avenue frontage in accordance to the latest City standard details and specifications if there is conflict or interference with proposed surrounding project construction. Final approval is required by Public Works, Engineering. [COA] [PUBLIC WORKS]

EP-21. CITY STREET TREES:

Submit landscape plans, including existing and proposed City street trees for review and approval by the City prior to issuance of encroachment permit. The street tree shall be 15 gallon (or 24-inch box) of Cinnamaomum Camphora - Camphor on Evelyn Avenue. The City tree spacing should be approximately 35 feet apart. No street trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-22. PROTECTION OF EXISTING TREES:

No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to adjusting locations of utility lines. [SDR] [PUBLIC WORKS]

EP-23. UNDERGROUND UTILITIES:

Underground the existing overhead lines along project frontage in accordance with the SMC 19.38.090. [COA] [PLANNING/PUBLIC WORKS] (SMC 18.08.030 and SMC 19.38.090 (a))

EP-24. DEFICIENT PUBLIC IMPROVEMENTS:

Any and all existing minor deficient public improvements (such as curb and gutter, sidewalk, backflow preventer, etc.) which are not in accordance to the latest city standards, and are not specifically identified in the project conditions, shall be upgraded to current city standards as required by the Director of Public Works as part of the off-site improvement plan review and approval. [COA] [PUBLIC WORKS]

EP-25. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-26. RECORD DRAWINGS:

Stamped and signed record drawings, including all off-site improvements shall be submitted to the city prior to encroachment permit sign-off. [COA][PUBLIC WORKS] (SMC 13.08.160(a))

EP-27. DECORATIVE PAVEMENT

Any and all proposed decorative pavement and vertical curb pertaining to on-site development shall not be located within the City right-of-way.

EP-28 SLURRY SEAL

Developer shall be responsible to slurry seal E. Evelyn Avenue to centerline along project frontage.

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. [COA][PLANNING/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. [COA][PUBLIC WORKS]

TM-3. 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 delineated on the final map or recorded concurrently with the map with a separate instrument. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements) 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. [COA][PUBLIC WORKS]

TM-4. EMERGENCY VEHICLE ACCESS EASEMENT:

This project requires a minimum 26'-wide dedication of an emergency vehicle ingress and egress easement on and over private roadways. [COA][PUBLIC SAFETY/PUBLIC WORKS]

TM-5. APPROVAL FROM PUBLIC UTILITY COMPANIES:

Developer shall contact the utility companies for their review/approval requirements and/or procedures for site development. Submit approval letters from all public utility companies for any existing easements to remain and for any proposed utility easements to be established. [COA][PUBLIC WORKS] (Subdivision Map Act §66475 and §66499.20-1/2)

TM-6. PUBLIC WORKS DEVELOPMENT FEES:

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility

frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The incremental sewer connection fee is estimated at \$92,425.12 and the incremental water connection fee is estimated at \$10,365.49 based upon available project data and fiscal year 2013-14 rate. The actual fee amount would be based upon the fee structure/rate at the time of fee payment. Water consumption calculations and analysis are to be provided. [COA] [PUBLIC WORKS] (SMC 18.16)

TM-7. SUBDIVISION AGREEMENT AND IMPROVEMENT 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. [COA][PUBLIC WORKS] (SMC 18.20.250 and 18.20.260)

TM-8. PUBLIC/PRIVATE STREETS:

All streets, both public and private, shall be shown on the Final Map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS] (SMC 18.12.190)

TM-9. COVENANTS, CONDITIONS AND RESTRICTIONS:

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 Homeowners Association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
- c) 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. (Subdivision Agreement)
- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. [COA] [PUBLIC WORKS] (SMC 12.60.200)

TM-10. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):

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

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
- d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #2013-7468, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
- e) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following provisions:
 - i) The owners association shall maintain parking strip landscaping in perpetuity along the public street fronting the project site.
 - ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- g) The CC&Rs shall contain the following language:
 - i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and

through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.

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

subject Property.” [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-11. HOA CREATION:

The developer/Owner shall create a Homeowner’s Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-12. HOA TRANSFER:

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

TM-13. COMMON LOT:

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

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

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-2. COMPACT SPACES:

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

PF-3. PARKING LOT STRIPING:

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

PF-4. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) RECORDATION:

The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded

CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release of utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-5. HOA ESTABLISHMENT:

The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

PF-6. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]

PF-7. BMR COMPLETION 60 ADVANCE DAY NOTICE:

The Developer/Owner must provide a written "Notice of Intent to Sell" to the Affordable Housing Manager for each BMR unit(s) to be provided in the development sixty days (60) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the Administrative Procedures and updated annually. The developer must also request and pass a site inspection by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-8. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA][PUBLIC WORKS]

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

All tree protection measure 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] [ENVIRONMENTAL SERVICES]

AT-3. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-4. 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-5. 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-6. OFF-STREET PARKING:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-7. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

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

AT-8. RECREATIONAL VEHICLE STORAGE PROHIBITED:

Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft shall be prohibited on the premises, except that attached camper bodies and motor homes not exceeding 18 feet in length may be parked on the premises. [COA] [PLANNING]

AT-9. HOA REVIEW AND APPROVAL:

In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-10. HOA RESPONSIBILITIES:

The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA][PLANNING/NEIGHBORHOOD AND COMMUNITY RESOURCES]

AT-11. BMP MAINTENANCE:

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

AT-12. BMP RIGHT OF ENTRY:

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

END OF CONDITIONS

Attachment F

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

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



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

ATTACHMENT F
 Page 1 of 25



Document No.: 689
 Number of Pages: 25
 Filed and Posted On: 7/12/2013
 Through: 8/02/2013
 CRO Order Number:
 Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk-Recorder,
 by **Veronica Aguirre, Deputy Clerk-Recorder,**

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Special Development Permit.
3. APPLICANT NAME: Classic Communities PHONE: 408-730-7440
4. APPLICANT ADDRESS: 822-830 E. Evelyn Avenue, Sunnyvale, CA 94068
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|---|-------------|----------------|
| <input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152) | \$ 2,995.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,156.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 850.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u> | \$ 1,018.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

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

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

- | | | | |
|--|--|--------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
|--|--|--------|------------------|

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 0.00

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

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

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

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

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



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

**NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

PROJECT TITLE:

Application for a **Special Development Permit and Tentative Map** filed by Classic Communities.

PROJECT DESCRIPTION AND LOCATION (APN):

FILE #: 2013-7468
Location: 822-830 E. Evelyn Ave. (APN: 209-14-007 & -011)
Proposed Project: **Special Development Permit** to allow 31 townhome units, including the removal of two existing light industrial buildings.
Tentative Map to subdivide one property into 31 condominium lots and one common lot.
Applicant / Owner: Classic Communities / Scott Ward
Environmental Review: Negative Declaration
Staff Contact: David Hogan, (408) 730-7659, dhogan@sunnyvale.ca.gov

WHERE TO VIEW THIS DOCUMENT:

The **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 **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, August 12, 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 **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, August 12, 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 July 12, 2013

Signed 
Gerri Caruso, Principal Planner

CITY OF SUNNYVALE

Project Title	Classic Communities - East Evelyn Avenue
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	David Hogan, Senior Planner
Phone Number	408-730-7659
Project Location	Southside of East Evelyn Avenue, west of Fair Oaks Avenue, in the City of Sunnyvale, CA
Applicant's Name	Classic Communities
Project Address	822-830 E. Evelyn Ave. Sunnyvale, CA APNs: 209-14-007 and 209-14-011
General Plan	Industrial to Residential, Area 4a (ITR Medium Density)
Zoning	MS/ITR/R-3 (Industrial and Service/Industrial to Residential/ Medium Density Residential)
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT:

The proposed project includes the demolition of two existing light industrial/commercial buildings, site preparation and grading, and the construction of 31 three-bedroom townhouse units on 1.71 acres. The buildings will be three-stories in height. Each unit will have a 2-car garage. The project will include uncovered guest parking spaces, drainage improvements, landscaping, new curb, gutter and sidewalk improvements, privacy walls, and street trees. The two large redwood trees and the coast live oak currently on the site will be incorporated into the project landscaping.

REQUESTED PERMITS

Special Development Permit for the site layout and architecture.

Vesting Tentative Map to establish 31 residential (condominium) lots and one common lot.

SURROUNDING USES AND SETTING:

The project is located on the south side of East Evelyn Avenue west of Fair Oaks Avenue. The surrounding land uses are neighborhood serving commercial to the east, single family residential to the south, and medium density apartments to the west and north. The project is located in an area identified to transition from industrial to residential land uses in the General Plan. The site is one of the last properties in this area south of the Caltrain tracks to undergo this transition (the remaining parcel is the existing commercial center east of the project site).

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 checked="" 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.

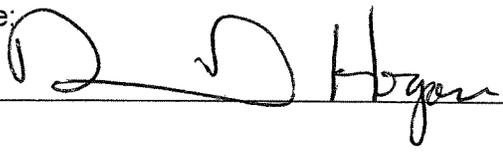
Checklist Preparer: David Hogan

Date: 7/12/2013

Title: Senior 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 Project Architectural Plans
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 checked="" type="checkbox"/>	<input type="checkbox"/>	General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan Project Photometric Study
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 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
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
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&frames=off

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
10. For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field Air Installations Compatible Use Zones (AICUZ), Sunnyvale Zoning Map, Sunnyvale General Plan Map 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 Comprehensive Land Use Plan (CLUP)
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 Project Noise Study, dated 02/22/13
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Description Project Noise Study, dated 02/22/13
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Noise Study, dated 02/22/13
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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Description and Project Plans

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Description
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Description
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance, Sunnyvale Inventory of Heritage Trees, and Project Tree Survey, dated 02/05/13
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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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 www.sunnyvaleplanning.com , Sunnyvale Inventory or Heritage Resources Criteria of the National Register of Historic Places
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District.

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
25. Air Quality - Conflict with or obstruct implementation of the <u>BAAQMD</u> air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines AB 32
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GHG Analysis January 8, 2013 BAAQMD CEQA Guidelines AB 32
28. Air Quality -Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Environmental Management Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Environmental Management Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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 Environmental Management Chapter of the Sunnyvale General Plan 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 checked="" type="checkbox"/>	<input 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 project proposes to replace two one-story light industrial buildings with eight three-story townhouse structures containing a total of 31 units. The current light industrial buildings are surrounded with minimal landscaping mostly concentrated in front of the along East Evelyn Avenue. The proposed project will be comprehensively landscaped as required by the Zoning Ordinance (Title 17 of the Sunnyvale Municipal Code). In addition, the project includes enhanced tree plantings along the southern property line adjacent to the existing single family homes. However, the enhanced landscaping and increased height of the buildings will partially or completely block the existing view from some of the upper floors of the adjacent single family homes. The project will change but not degrade the visual character or quality of the site and its surroundings. The architectural design, massing/scale, and site layout are in general conformance with the adopted design guidelines. As a result, the impacts are expected to be less than significant.

3. Aesthetics (Less than Significant) – New sources of light which replace the existing security lighting will be introduced with the project. The new sources include new streetlights, new freestanding and building mounted drive aisle street lights, low mounted walkway lighting, and lights associated with the new residences. The Photometric Study submitted with the application indicates that off-site illumination will be minimal. As a result, no significant impacts are anticipated.

4. Population and Housing (Less than Significant) – The project will construct 31 townhouse units in an area identified for residential land uses in the General Plan. Based upon the typical persons per household from the 2010 Census, the project will bring approximately 78 additional residents to the area. This additional increment of population growth is anticipated in the General Plan. As a result, no significant impacts are anticipated.

14. Noise (Less than Significant with Mitigation) – The proposed project will be located along a Class 2 Arterial, East Evelyn Avenue. The applicant submitted a Noise Study prepared by Charles M. Salter & Associates, Inc. (dated February 22, 2013) analyzing exterior and interior noise levels at the site, both short term and long term. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

Current noise levels at the northeastern corner of the site (adjacent to E. Evelyn Avenue) were 69 dB DNL. The primary source of noise is vehicular traffic along E. Evelyn Avenue and to a lesser degree from Fair Oaks Avenue. The noise exposures at the site were evaluated against the standards of the City of Sunnyvale Safety and Noise Chapter of the General Plan, which utilizes the Day-Night Level (DNL) descriptor, and the State of California Code of Regulations. The Sunnyvale General Plan specifies an interior exposure limit of 45 dB DNL and exterior exposure limit of between 62.5 and 77 dB DNL are considered to be conditionally acceptable.

The study found that the projected interior noise levels at the most impacted units facing E. Evelyn Avenue will comply with the 45 dB DNL requirement through the use of enhanced dual pane windows. The building elevations facing E. Evelyn Avenue, Units 1 through 9, 17, 25, 26 and 27, will require Sound Transmission Class (STC) ratings of between 28 and 32 to meet the 45 dB DNL standard. Ensuring that interior noise levels comply with the 45 dB DNL standard will be achieved through the implementation of the mitigation measure described below.

Exterior noise levels in the outdoor recreational space in the center of project will not be exposed to excessive noise levels because the area is surrounded by three-story units. The shielding provided by the buildings and the distance from the street will reduce road noise to acceptable levels. As a result, no significant impacts are expected to occur.

The following mitigation measure has been included for the project to reduce the potential impact to a less than significant level.

WHAT: To meet the City's DNL 45 dB indoor noise goal, it will be necessary to use sound-rated windows for the units facing East Evelyn Avenue. All windows that have a view to East Evelyn Avenue shall require installation of windows rate minimum Sound Transmission Class of between 28 and 32, as determined by the Noise Study, for noise impacted spaces. The windows and doors shall be installed in an acoustically-effective manner, including attaining an air-tight seal when in the closed position and the window frames caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Mechanical ventilation may be required to ensure compliance with the indoor noise goal.

WHEN: All improvements shall be completed prior to occupancy.

WHO: The developer is responsible for completing the mitigation measure.

HOW: These measures shall be clearly marked and demonstrated in the plans submitted for building permits and verified during the periodic inspection by the City building inspectors.

16. Noise (Less than Significant) – The project may introduce short-term and temporary additional sources of noise to the project area during site development and construction. Compliance with the standard requirements of SMC Section 16.08.110 which limit the hours of construction to 7 a.m. to 6 p.m. will ensure that these short term impacts are less than significant.

20. Biological Resources (Less than Significant) – A Tree Survey was prepared by Barrie D. Coate (dated February 5, 2013). The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The study identified 20 trees onsite. Six of these trees are considered to be "protected" under the provisions of the Tree Preservation Ordinance (Chapter 17.94). Protected trees are trees which have circumferences greater than 38 inches in circumference as measured 4½ feet from the ground. The protected trees include two redwoods (*Sequoia sempervirens*), one coast live oak (*Quercus agrifolia*), one Callery Pear (*Pyrus calleryana*), and two Date Palms (*Phoenix dactylifera*). According to the Tree Survey the Callery Pear is in poor condition with a severe fire blight infestation. The two date palms are located within a few feet of each other and are located in an area where a privacy wall and enhanced 24-inch box screening trees are proposed to be located. The project's landscape plan proposes to retain the two redwood trees and the coast live oak. The standard code requirements contained in Chapter 19.94 establishes how the removed trees will be replaced or relocated. As a result, no significant impacts are anticipated.

23. Historic and Cultural Resources (less than Significant) – The project site has been previously graded and developed with buildings, landscaping, access driveways, and parking and loading areas. Although there are no 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. Although the discovery of cultural resources on these sites is not anticipated, 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. This standard requirement addresses any potential impacts to previously unidentified cultural resources.

33. Seismic Safety (Less than Significant) – The project site is located within a seismically active region of California and may experience strong seismic ground shaking in the event of an earthquake. Prior to the issuance of a building permit, the proposed project will be evaluated by an engineer to ensure structural integrity and compliance with the Uniform Building Code requirements. The proposed project will be designed according to the engineer's recommendations and the project will be reviewed by the City for conformance with the Uniform Building Code. This standard requirement will ensure that the seismic safety issues will be reduced to a less than significant level.

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 non-motorized 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 type="checkbox"/>	<input checked="" type="checkbox"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan, and AASHTO: A Policy on Geometric Design of Highways and Streets.
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds).
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan including the Land Use and Transportation Element.
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or non-motorized 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 non-motorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for non-motorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual, and Sunnyvale Neighborhood Traffic Calming Program.
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.

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

None.

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
46. Geology and Soils - Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual
47. Geology and Soils - Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

None.

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"/>	Environmental Management Chapter of the Sunnyvale General Plan
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 Environmental Management Chapter of the Sunnyvale General Plan
51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan
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 Environmental Management Chapter of the Sunnyvale General Plan
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 Environmental Management Chapter of the Sunnyvale General Plan
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"/>	Environmental Management Chapter of the Sunnyvale General Plan
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

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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 Environmental Management Chapter of the Sunnyvale General Plan
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects
60. Utilities and Service Systems: Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in 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"/>	Environmental Management Chapter of the Sunnyvale General Plan

FURTHER DISCUSSION IF "LESS THAN SIGNIFICANT" WITH OR WITHOUT MITIGATION:

None.

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.

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map Project description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phase I/II Study, dated May 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 I/Screening Level Phase II Environmental Site Assessment, dated February 15, 2012 was prepared by TetraTech. The study is available for review at the City of Sunnyvale’s Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

According to the Environmental Site Assessment, there are a number of hazardous waste sites within one mile of the project site. However there are only two of these hazardous waste sites with the potential to affect the site of the proposed project. The first is the former service station to the east (at the corner of E. Evelyn and Fair Oaks Avenues) and the second is the former industrial property to the west. No other release sites were close enough to be considered a potential concern to the project site.

The former Beacon gasoline station located at 848 East Evelyn Avenue (adjacent to and east of the project site) experienced a gasoline release from a leaking underground storage tank. Benzene, Total Petroleum Hydrocarbons from gasoline (TPHg), and Methyl Tertiary Butyl Ether (MTBE) were the compounds of primary

concern and all were found beneath the property. The highest concentrations for these chemicals were found in the central portion of the service station site. Contaminant concentrations were measured at the following levels: 7,100 ug/L for benzene, 49 mg/L for TPHg, and 130 ug/L for MTBE. In contrast, the Maximum Contaminant Level allowed in drinking water for Benzene is 5 ug/L (5 ppb). No MCL standards have been established for TPHg and MTBE. The groundwater plume maps for all three pollutants has a consistent shape and extends to the north and northwest from the gasoline station site. In 2006 a monitoring well was installed on the project site in the landscaping adjacent to East Evelyn Avenue. No detectable levels of these pollutants were detected under the project site and the monitoring well was subsequently sealed and abandoned. Because no contaminants were identified beneath the site, no impacts are expected to occur.

A former microprocessor manufacturing facility located immediately west of the project site historically released Trichloroethene (TCE) into the soil and groundwater. The former Signetics (later Philips Semiconductor) facility had a leaking underground waste solvent storage tank. The TCE contaminated the groundwater under the northeastern corner of their adjacent site and the northwestern corner of the project site. The TCE plume currently extends approximately 1,200 feet north northeast. TCE concentrations in groundwater were originally as high as 2,200 ug/L in 1996, but have been reduced to less than 100 ug/L or less today.

The closest monitoring well to the project site, the original extraction/source area well, contained 40 ug/L TCE in October 2010. Another well located north of East Evelyn Avenue, approximately 200 feet north/northeast of original well, contained 100 ug/L TCE in October 2010, the highest TCE concentration reported that month. The State of California has set a Maximum Contaminant Level for TCE in drinking water of 5 ug/L (5 ppb). The groundwater remediation system consisted of a pump and treat system which began in 1987. Initially several extraction wells were used, but by 2005 only a single source area extraction well was used. Groundwater extraction was discontinued in 2009. At the present time the groundwater plume is currently being monitored.

In addition to the monitoring well on the former Philips Semiconductor (located near the property line) four soil boring samples were taken on the three of the borings were in the northwestern corner of the site while the remaining site was in the driveway between the two existing industrial buildings. The samples were taken 25 and 30 feet below the ground surface. All of the sites were contaminated with concentrations of TCE ranging from 1.2 ug/L to 100 ug/L.

According to the California Environmental Protection Agency TCE rapidly volatilizes (changes to a gaseous form) when exposed to air. To prevent the indoor accumulation of volatilized TCE, none of the proposed townhome units are being constructed over the top of the TCE contaminated groundwater plume. This modification to the project design is expected to minimize the potential for public exposure and protect the health and safety of the future residents. Because of the lowered TCE levels from the previous remediation efforts, the continued northward movement of the TCE plume, and design modification to not place any proposed townhome units above the contamination plume, no significant impacts are anticipated to occur.

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.

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City of Sunnyvale General Plan:

Sunnyvale General Plan Consolidated in (2011)
generalplan.InSunnyvale.com

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

City of Sunnyvale Municipal Code:

- Title 8 Health and Sanitation
- Title 9 Public Peace, Safety or Welfare
- Title 10 Vehicles and Traffic
- Title 12 Water and Sewers
- Chapter 12.60 Storm Water Management
- Title 13 Streets and Sidewalks
- Title 16 Buildings and Construction
- 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 19.94 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
- Comprehensive Land Use Plan (CLUP)
- 2010 Noise Conditions Map
- Alquist-Priolo Special Study Zone Map
<http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>

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>

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- 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

Building Safety:

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

OTHER :

Project Specific Information

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans
- Project Draft Storm Water Management Data Form
- Project Tree Inventory by Barrie D. Coate, dated 02/05/13
- Noise Study by Charles M. Salter Associates, Inc., dated 02/22/13
- Phase I and Screening Level Phase II Environmental Site Assessment by TetraTech, dated 02/15/12

Attachment G

4.0 SITE PHYSICAL CONDITIONS

4.1 Site Geology

Sunnyvale is located within the western portion of the Santa Clara Valley, a northwest trending structural basin. The valley is bounded on the west by the San Andreas Fault and the Santa Cruz Mountains, to the east by the Hayward and Calaveras Faults and mountains of the Diablo Range, and to the north by the San Francisco Bay. The Santa Clara Valley is composed of water-bearing Plio-Pleistocene and Upper Quaternary sediments, which are underlain by older non-water bearing rocks. The Upper Quaternary sediments consist of up to 1,000 feet of poorly sorted gravel, sand and clay, which were deposited in alluvial fan and deltaic depositional environments.

Soil samples collected during Tetra Tech GEO's Phase II sampling (Section 6.0) indicate sediments consisting predominantly of fine-grained clays and silts are present beneath the Property to a depth of approximately 8 feet, with coarser material consisting of sands and sandy gravel with silt below.

4.2 Site Hydrogeology

Based on Tetra Tech GEO's field observations made during the screening level Phase II sampling at the Property, depth to groundwater is approximately 25 feet. Shallow groundwater flow direction in the vicinity of the Property is to the north/northeast, as documented by on-going groundwater monitoring programs for two sites located adjacent to the Property - the former 730 E. Evelyn Ave. TCE release site west of the Property and the former gasoline station leaking UST site at 848 E. Evelyn Ave. east of the Property.

4.3 Site Topography

The 1991 U.S. Geological Survey 7.5-minute topographic map of Cupertino, California was used to identify geographic features in the vicinity of the Property. According to the topographic map, the elevation of the Property is approximately 85 feet above mean sea level and the ground surface in the vicinity of the Property slopes gently to the northeast. The Property is depicted as a developed area on the map. No significant surface drainage features are noted on the map in close proximity to the Property.

5.0 REGULATORY AGENCY DATABASE SEARCH

To help assess potential on- or off-site environmental concerns relevant to the Property, Tetra Tech GEO retained Environmental Data Resources (EDR) to perform a search of federal, state, and local regulatory agency databases. These environmental databases contain listings of facilities that use or store hazardous substances, as well sites that are known or suspected to have contaminated soil or groundwater due to releases of a hazardous materials. The database search also lists landfills, other disposal sites, and properties with registered underground storage tanks. Regulatory agency databases, which report hazardous substance use or storage, were searched for sites within a half-mile radius of the Property. Databases that report hazardous substance release sites were searched out to a one-mile radius. The database search report is included in Appendix F.

The Property was listed under the RCRA-NonGen and FINDS databases for HNL Inc. at 824 E. Evelyn Ave. The listings date from 1987, and pertain to transportation of a hazardous waste, but no details are provided and the listing appears to be from a one-time only event, as the facility is listed as a non-generator of hazardous waste. The owner/operator name is "HNL Inc. & Ken Daniels". The listing does not suggest a release of hazardous materials occurred.

A total of four NPL (Superfund) sites are listed within a 1-mile radius of the Property, one between $\frac{1}{4}$ and $\frac{1}{2}$ mile from the Property and three over $\frac{1}{2}$ mile away. All four are well studied sites with groundwater impact located down-gradient and northwest, north and northeast of the Property, and as a result are not expected to impact the Property. The listed NPL sites are:

- Northrup Grumman Corp., 401 East Hendy Ave., 0.4 mile northwest;
- National Semiconductor Corp., 2900 Semiconductor Drive, 0.5 mile northeast;
- TRW Inc., 825 Stewart Drive, 0.7 mile north/northeast; and
- Advanced Micro Devices Inc., 901 Thompson Place, 0.8 mile north/northeast.

A total of four CERCLIS sites are listed within $\frac{1}{2}$ mile of the Property, all located between $\frac{1}{4}$ mile and $\frac{1}{2}$ mile down-gradient the Property, as follows:

- Northrup Grumman Corp., 401 East Hendy Ave., 0.4 mile northwest;
- Philips Semiconductors, 860 Kiefer, 0.3 mile northeast;
- Royal Auto Body and Towing, 150 N. Wolfe Road, 0.3 mile north/northeast; and
- Icore International, 180 N Wolfe Road, 0.4 mile north/northeast.

These sites are not expected to impact the Property based on distance from the Property and down-gradient location with respect to the Property.

One CERC-NFRAP site is listed within 1/8 mile of the Property, the Philips Semiconductors facility at 730 E. Evelyn Ave., adjacent to and west of the Property. This listing indicates that the facility does not qualify for an NPL (Superfund) listing "based on existing information". This facility experienced a TCE release to soil and groundwater, and impacted groundwater has migrated beneath a portion of the Property. This facility is described in more detail below. A total of 8 other CERC-NFRAP sites are listed between 1/4 and 1/2 mile from the Property, and due to distance from the Property and location with respect to the north/northeast direction of shallow groundwater flow, are not expected to impact the Property.

A total of four leaking underground storage tank sites (leaking UST sites) are located within 1/8 mile of the Property; there are actually 7 listings within 1/8 mile of the Property, but three sites are listed twice. The four sites are:

- Beacon #543, 848 E. Evelyn Ave., adjacent to eastern Property boundary. This is an active leaking UST site (gasoline release to soil and groundwater from a former gasoline station) that is discussed in more detail below.
- Philips Semiconductor, 440 N. Wolfe Road, located <1/8 mile southeast of the Property, up-gradient to cross-gradient. The listing pertains to a diesel fuel release to soil, and the site received **Closure** in October 1995.
- Independent Electric Supply, 755 E. Evelyn Ave., <1/8 mile northwest of the Property, cross-gradient to down-gradient. This listing pertains to a gasoline release to soil, and the site received **Closure** in June 2005.
- Cupertino Electric Inc., 712 E. Evelyn Ave., < 1/8 mile northwest of the Property, cross-gradient to down-gradient. This listing pertains to a diesel fuel release to soil and groundwater, and the site received **Closure** in December 1996.

A total of two SLIC sites (release sites not typically associated with a UST) are listed within 1/8 mile of the Property. The two sites are actually one site under the same address:

- Philips Semiconductors, 730 E. Evelyn Ave., and also listed under "Signetics Evelyn" at 730 Evelyn Ave. (the Signetics facility was purchased by Philips). This site is located adjacent to and west of the Property. This site experienced a TCE release to soil and groundwater that has impacted groundwater beneath a portion of the Property. This site is discussed in more detail below.

No other release sites were listed close enough to the Property to be considered a potential concern to the Property.

Tetra Tech GEO screened the database listing for off-site facilities that have the most potential to impact the Property. The screening criteria used were the nature and extent of the listed hazardous substance release, regulatory status of the site, distance from the Property, and reported local groundwater flow direction (north/northeast). Based on this screening, two sites were identified for additional evaluation. Copies of documents reviewed are provided in Appendix G.

- 1) Former Beacon gasoline station at 848 E. Evelyn Ave., adjacent to and east of the Property. This site experienced a gasoline release to soil and groundwater and is currently in a post-remedial groundwater monitoring phase. Tetra Tech GEO reviewed several documents prepared for the site obtained from the State's GeoTracker website, including the most recent available groundwater monitoring report and a recent remedial action report (Appendix G):
 - *Third Quarter 2011 Groundwater Monitoring Report* dated October 4, 2011, prepared by Trinity Source Group Inc. for Ultramar, Inc. The report presents recent groundwater sample results and groundwater plume maps. Benzene, total petroleum hydrocarbons as gasoline (TPHg), and MTBE are the compounds of most concern; the plume maps for benzene, TPHg and MTBE have a consistent shape and extend to the north and northwest from the gasoline station site. Maximum concentrations of benzene, TPHg and MTBE are found in the central portion of that parcel, and were recently found to be 7,100 ug/L benzene, 49 mg/L TPHg, and 130 ug/L MTBE. Groundwater monitoring well PMW-4, located in the northeast portion of the 830 E. Evelyn Ave. Property, has been non-detect for gasoline constituents since the well was installed in 2006. The western extent of the gasoline plume appears to not extend west beneath the eastern portion of the Property.
 - *Remedial Action Report* dated January 13, 2011, prepared by Trinity Source Group, Inc. for Ultramar, Inc. and the County of Santa Clara Department of Environmental Health. The report describes recently completed dual-phase extraction with air sparging (DPE/AS) designed to reduce gasoline concentrations in groundwater and soil vapor. As a result of the brief DPE/AS event, an estimated 81 pounds of gasoline were removed from the subsurface in September and October 2010. The report states that a total of 419 pounds of gasoline had been removed as a result

of the 2010 DPE/AS event, and an earlier DPE/AS event in 2009. The report recommends pursuing a low-risk closure for the site.

- 2) Philips Semiconductors site at 730 E. Evelyn Avenue, adjacent to and west of the Property. This facility experienced a release of TCE from a waste solvent UST. Information about this TCE release site was obtained from review of documents from the State's on-line GeoTracker website, in addition to interviews described in Section 3.4. Several documents obtained from the GeoTracker website were reviewed (Appendix G), including:
- *Cleanup and Abatement Order No. 96-036* dated March 1996, prepared by the RWQCB;
 - *Fact Sheet, Status of Site Cleanup* dated January 2008, prepared by the RWQCB;
 - *Annual Groundwater Monitoring Report, January to December 2005, 730 East Evelyn Avenue Site, Sunnyvale, California*, dated January 30, 2006 and prepared by Locus Technologies for Philips Semiconductors; and
 - *Annual Groundwater Monitoring Report, January to December 2010, 730 East Evelyn Avenue Site, Sunnyvale, California* dated January 28, 2011 and prepared by Locus Technologies for Philips Semiconductors.

The Philips site was originally occupied by Stewart Warner Company prior to 1975, and then by Signetics Corporation, which operated a semiconductor manufacturing operation from 1975 to 1984. Signetics vacated the site in 1986. Signetics was owned by Philips Semiconductors, which is now the responsible party for the cleanup and groundwater monitoring activities. The site has since been redeveloped with an apartment complex (Bristol Commons Apartments).

According to the documents reviewed, Signetics used an underground waste solvent tank, an acid waste tank, and an acid neutralization system. Sampling performed in 1982 identified VOC releases from the tanks and neutralization system. The waste solvent and acid waste USTs were removed in 1983, along with VOC-impacted soil. The neutralization system was demolished in-place and backfilled. Replacement tanks were installed, and were later removed in 1986.

The TCE plume currently extends approximately 1,200 feet northeast from the 730 E. Evelyn Avenue site. TCE concentrations in groundwater were as high as 2,200 ug/L in 1996, but have been reduced to less than approximately 100 ug/L today. The closest well to the Property, former extraction well and source area well S114A, contained 40 ug/L TCE in October 2010. Well S099A, located north

of E. Evelyn Ave. and approximately 200 feet north/northeast of well S114A, contained 100 ug/L TCE in October 2010, the highest TCE concentration reported from the sampling round. The TCE plume figure in the latest groundwater monitoring report (January 2011) shows the plume extending beneath the northwest portion of the Property, beneath the northern portion of the 822/824 E. Evelyn Ave. Property.

Groundwater remediation consisting of a pump and treat system began in 1987. Initially several extraction wells were used, but by 2005 a single source area extraction well was used, well S114A. Groundwater extraction was discontinued in 2009 and the groundwater plume is currently being monitored.

Based on review of the documents, and interviews with the RWQCB case manager and the Locus Technologies project manager, it appears that groundwater monitoring will continue for some time, and then the site will be considered for closure under the RWQCB's low-threat closure criteria for VOC sites.

A total of 27 "Orphan" sites (sites that cannot be plotted based on available address information) are identified in the database report. Three of the sites are listed as leaking UST sites, and one is listed as an historical leaking UST site. Based on the available address and site name information presented, the Orphan sites are not expected to impact soil or groundwater conditions beneath the Property.

6.0 SCREENING LEVEL PHASE II ASSESSMENT

Tetra Tech GEO conducted screening level Phase II assessment activities on January 13, 2012 to assess soil and groundwater conditions in the northern portion of the 822/824 E. Evelyn Avenue parcel in response to the known TCE groundwater impact at and down-gradient of the adjacent former Signetics/Philips Semiconductor facility at 730 E. Evelyn Avenue (current location of the Bristol Commons Apartments at 730 and 732 E. Evelyn Avenue). Groundwater monitoring reports prepared on behalf of Philips Semiconductors show a TCE plume extending beneath the northern portion of the 822/824 Property. The plume is shown to extend across E. Evelyn Avenue in a northeast direction.

A total of four direct push Geoprobe soil borings, labeled SB-1, SB-2, SB-3 and SB-4, were completed to between 25 and 30 feet in depth on the 822/824 Property. The boring locations are shown on Figures 5 and 6. The borings were located to assess the degree of TCE impact to groundwater in the northwestern portion of the Property. Borings SB-1 through SB-3 were located in areas considered to be within the TCE plume. Boring SB-4 was located farther south, in a location expected to be outside of the TCE plume.

Date of Work: January 13, 2012.

Drilling Method: The four soil borings were completed using a direct push Geoprobe 7720DH track rig using dual tube cores. The GeoProbe borings were sealed with neat cement to ground surface following sampling.

Soil Sampling Method: GeoProbe soil samples were collected using a 60-inch macro core sampler fitted with new acetate sample sleeves. Soil cores were collected continuously in 5-foot intervals. Selected depth intervals from the soil cores were cut, capped and labeled in the field for laboratory analysis. Soil was also field screened using an organic vapor monitor (OVM). The proposed sampling scope of work consisted of extending the four soil borings to first encountered groundwater, expected to be encountered at approximately 25 feet in depth, and collecting soil samples at 6 feet in depth for laboratory analysis in the absence of field evidence of impact. Saturated conditions were encountered in SB-1 at 20 to 25 feet in depth; however, at SB-2, saturated conditions were deeper at 25 to 30 feet. Discolored (greenish-colored) soil was observed at 27 feet in depth at SB-2. In order to observe conditions at 27 feet in subsequent borings, SB-3 and SB-4 were extended to 30 feet. The 6-foot soil samples were submitted for laboratory analysis from each of the four borings. The

deeper soil samples (27 to 28 feet in depth) from borings SB-2, SB-3 and SB-4 were also submitted for laboratory analysis.

Lithology: The lithology across the Property was found to generally consist of 0.5 to one foot of road base material at borings SB-1 through SB-3 and 4 feet of fill at SB-4 (gravelly silty sand textured soil), underlain by sandy silty clay to silty clay to depths of 8 feet, underlain by sands and sandy gravels with silty clay and clayey silt to about 19 feet in depth. Saturated gravelly sands and sandy gravels were encountered at approximately 21 to 22 feet at borings SB-1, SB-3, and SB-4. SB-2 was extended to 30 feet and saturated conditions were encountered between 25 and 27 feet. Discolored (blue-green color), non-saturated soil was encountered at SB-2 at 27 feet extending to the total depth of 30 feet. Borings SB-3 and SB-4 were therefore subsequently extended to 30 feet. Slightly discolored soil material was observed at 28 feet at SB-3, but was not observed at SB-4.

Depth to Groundwater: Depth to first groundwater was encountered between 20 to 25 at borings SB-1, SB-3, and SB-4 and between 25 and 27 feet at SB-2.

Groundwater Sampling Method: Groundwater samples were collected from borings SB-1 through SB-4 using polyethylene tubing with a check valve (positive displacement method) through temporary PVC well screen and casing placed down the open borehole once the GeoProbe dual-tube rods were removed.

Groundwater Flow Direction: Groundwater flows to the north/northeast beneath the Property, based on past groundwater studies associated with the former Signetics (later Philips Semiconductor) site, 730 E. Evelyn Avenue, west of the Property; review of groundwater monitoring reports prepared for the former Beacon gasoline station site located immediately east of the Property at 848 E. Evelyn Ave.; and on Tetra Tech GEO's experience in the Sunnyvale area.

Soil Cuttings, Decon/Purge Water: Soil cuttings generated from hand augering the first 5 feet of each soil boring, and excess soil from the GeoProbe soil cores, was placed within the landscaped areas located between the parking area and E. Evelyn Avenue, and along southern fence line. Decon water from the drilling program was used to mix the grout used to abandon the soil borings.

Laboratory Analyses:

- The 6-foot soil samples from borings SB-1 through SB-4 were analyzed for VOCs using EPA Method 8260B. The deeper soil samples collected from borings SB-2

(27 feet), SB-3 (28 feet), and SB-4 (27 feet) were analyzed for VOCs, and for TPH as diesel range organics (TPH-DRO), using EPA Method 8015. The TPH-DRO analyses were preceded by a silica gel treatment (SGT) to remove naturally occurring organic matter that could cause false positive results. The TPH-DO analysis included analyzing the samples for five different ranges of petroleum hydrocarbons – diesel fuel, motor oil, hydraulic oil, mineral oil and kerosene.

- Groundwater samples from borings SB-1 through SB-4 were analyzed for VOCs, including TCE and related chlorinated solvents, BTEX compounds, and MTBE using EPA Method 8260B.

Field Investigation Summary Table

Boring ID	Total Depth (feet)	Soil Sample Depth (feet, bgs)	Field PID Reading (ppmv)	Soil Sample Analyzed	Groundwater Sample Analyzed
SB-1	25	6	0.0	6-foot	YES
SB-2	30	6 27	0.2 0.4	6-foot 27-foot	YES
SB-3	30	6 28	0.0 0.0	6-foot 28-foot	YES
SB-4	30	6 27	0.0 0.4	6-foot 27-foot	YES

Results and Discussion

Soil and groundwater analytical results are presented in Tables 1 and 2, respectively. Copies of laboratory analytical data sheets and chain-of-custody forms are presented in Appendix H.

The laboratory analytical sample results were compared to appropriate agency screening levels, including Environmental Screening Level (ESL) values published by the Regional Water Quality Control Board (RWQCB), San Francisco Bay region.

As shown in Table 1, no VOCs were detected in the soil samples, with one exception - TCE was detected at a trace concentration of 40 ug/kg (parts per billion, ppb) in the 28-foot soil sample from boring SB-3. The 40 ug/L concentration is below the corresponding ESL value of 460 µg/Kg, and is likely related to the presence of TCE in groundwater. VOC and/or TPH impact associated with the discolored zone at depth was not detected. No on-site source of VOCs, including TCE, to soil was found.

As shown in Table 2, TCE, toluene and xylenes were detected in the groundwater samples collected from each of the four soil borings. All toluene and xylenes concentrations were well below corresponding California Department of Health Services, Maximum Contaminant Level (MCL) drinking water standards, and Vapor Intrusion ESL values. TCE was detected in groundwater below the MCL of 5 µg/L at SB-2 (1.2 µg/L) and SB-4 (4.9 µg/L). TCE was detected above the MCL value at SB-1 (28 µg/L) and SB-3 (100 µg/L). The TCE detections were all below the current Vapor Intrusion ESL value of 530 µg/L for residential land use.

TCE concentrations in groundwater were also evaluated with respect to the latest available (October 2010) groundwater monitoring data from wells monitored as part of the Signetics/Philips Semiconductor facility at 730 E. Evelyn Avenue. Two monitoring wells completed in the shallow groundwater flow zone (A zone) are located along the eastern boundary of the 730 E. Evelyn site: former extraction well S114A, and monitoring well S022A located approximately 25 feet south-southwest and up-gradient of well S114A. In October 2010, TCE was detected at 40 µg/L at well S114A and at 6.1 µg/L at well S022A. SB-1 is closest to well S114A and the detection of 28 µg/L is comparable to the well S114A TCE detection. The TCE result of 100 µg/L at boring SB-3 is elevated compared to well S114A, but is comparable to a result from well S099A located approximately 250 feet down gradient of well S114A, north of E. Evelyn Ave.

In summary, the TCE plume was confirmed to be present beneath the central and northern portions of the 822/824 Property. The TCE-impacted groundwater may extend to the northwestern portion of the 830 E. Evelyn Ave. Property.

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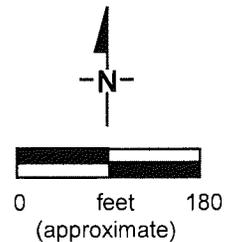


SOURCE: Google Earth, 2011.

E. Evelyn Ave

- 848 7-11 Store, Taqueria, Dry Cleaners (Send Out)
- 825 Windsor Ridge Apts
- 730, 732 Bristol Commons Apts
- 777 American Peptide Co.
- 755 Electrical Supply
- 822 Debbie Lyn's Costumes
- 824 St. Jude Medical (Storage)
- 830 First Place Awards
- 830 Folcatron Corp. (Golf Software)

- ① Leaking UST Site, Former Beacon Gas Station (current 7-11), 848 E Evelyn Ave
- ② City of Sunnyvale "Wolfe-Evelyn Plant" Water Treatment Plant
- ③ Condos
- ④ Several Groundwater Monitoring Wells
- ⑤ TCE release site, former Signetics (later Philips Semiconductor) site, 730 E. Evelyn Ave
- ⑥ Former Waste Solvent UST



TCE Plume, October 2010, Locus Annual Groundwater Monitoring Report dated January 28, 2011



Measured groundwater Flow Direction

TITLE:		Site Vicinity Map	
LOCATION:		822, 824 and 830 E Evelyn Ave Sunnyvale , California	
	CHECKED:	TC	FIGURE: 2
	DRAFTED:	GK	
	FILE:	117-4960061.0	
	DATE:	12-20-11	

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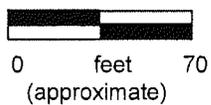
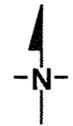


SOURCE: Google Earth, 2011.

Legend:

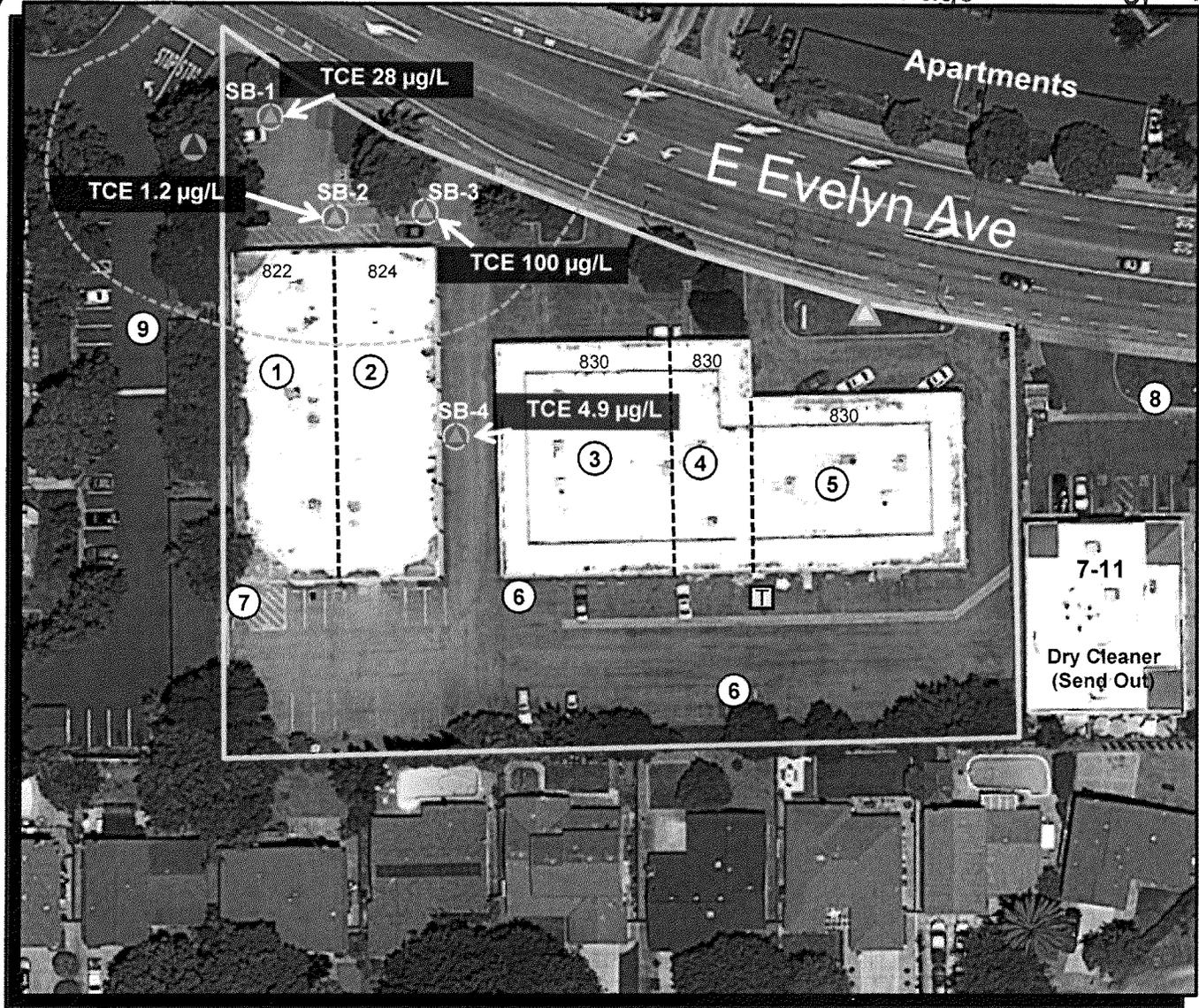
- 1. Debbie Lyn's Costume Shop
- 2. St Jude Medical (Equipment Storage)
- 3. First Place Awards Shop
- 4. Vacant Lease Space
- 5. Folcatron Corp – Golf Software
- 6. Dumpster
- 7. Debris
- 8. Several Groundwater Monitoring Wells
- 9. Former Signetics (later Philips Semiconductor) Waste Solvent (TCE) leaking UST location (approx), 730 E. Evelyn Ave.

-  Pad Mounted Transformer (T-6238)
-  Groundwater Monitoring Well PMW-4 (for adjacent leaking UST site, 848 E. Evelyn Ave, current 7-11 store)
-  Extraction/Monitoring well S114A (for Philips Semiconductor TCE release site)



TITLE:		Plot Plan	
LOCATION:		822, 824 and 830 E Evelyn Ave Sunnyvale , California	
	CHECKED:	TC	FIGURE: 3
	DRAFTED:	GK	
	FILE:	117-4960061.0	
	DATE:	12-20-11	

PROJECT: ClassicSumvale822 and 830 E. Evelyn 117-4960061.01\Figures.ppt

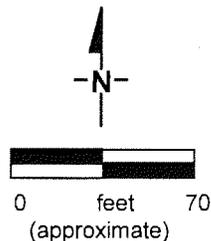


SOURCE: Google Earth, 2011.

Legend:

- 1. Debbie Lyn's Costume Shop
- 2. St Jude Medical (Equipment Storage)
- 3. First Place Awards Shop
- 4. Vacant Lease Space
- 5. Folcatron Corp – Golf Software
- 6. Dumpster
- 7. Debris
- 8. Several Groundwater Monitoring Wells
- 9. Former Signetics (later Philips Semiconductor) Waste Solvent (TCE) leaking UST location (approx), 730 E. Evelyn Ave.

- SB-1** Soil Boring Location – January 2012
- TCE 28 µg/L** TCE Concentration in Grab Groundwater Sample
- TCE Plume, October 2010, Locus Annual Groundwater Monitoring Report dated January 28, 2011



- Pad Mounted Transformer (T-6238)
- Groundwater Monitoring Well PMW-4 (for adjacent leaking UST site, 848 E. Evelyn Ave, current 7-11 store)
- Extraction/Monitoring well S114A (for Philips Semiconductor TCE release site)

TITLE: Soil Boring Locations and TCE Concentrations		
LOCATION: 822, 824 and 830 E Evelyn Ave Sunnyvale , California		
	CHECKED: TC	FIGURE: 6
	DRAFTED: GK	
	FILE: 117-4960061.0	
	DATE: 12-20-11	

Attachment H

783 Ajax Drive
Sunnyvale, CA 94086
(408) 736-8135

RECEIVED

MAY 13 2013

PLANNING DIVISION

May 7, 2013

Mariya Hodge
Associate Planner
City of Sunnyvale
Department of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088-3707

Dear Ms. Hodge,

Purpose of this letter is to express our family's deep concern of the proposed town home development at 822-830 E Evelyn. Our home is directly behind the proposed buildings. The town homes will be over 30 feet high and only 30 feet from our property line resulting in a total loss of backyard privacy and increase in noise.

Although the proposed development is zoned for R3, medium density housing, our neighborhood is in R0. We believe there should be a buffer zone between the two.

On April 22 we met with Vice President of Classic Communities, Adam Kates, in our home. He went over the revised plan of April 16th with us.

We strongly support the builder's recommendation for the construction of a 9-foot sound wall and planting of 20-30 foot tall trees along our property line. We applaud the removal of the rear facing decks and the reduction in size of the third floor rear facing windows.

Possible nighttime light pollution is also a concern. We asked that any streetlights within 50 feet of our property line be dark-sky-friendly full-cutoff lights where all the light is directed down at the street.

Please keep us advised of when any plans are submitted or amended and any public hearings regarding this project.

Sincerely,



Walter J Strach, Jr.
Property owner

Attachment I

EVALUATION OF BUILDING SEPARATION DISTANCE DEVIATIONS
(Zoning Code Section 19.48.030 requires 26' between 3-story buildings)

Deviation Location	Requested Deviation#	Explanation / Justification
Between Units 4 and 5	15'	<p>The space is located between Buildings 1-4 and 5-8 and is occupied by the primary pedestrian pathway into the center of the project. They are also located between a retained redwood tree and two stormwater detention basins.</p> <p>The passage is situated between the narrow ends of the buildings, has non-parallel sides, and helps break up the mass of the units facing the street. This area also provides a centrally located pedestrian connection to the public sidewalk</p>
Between Units 13 and 14	15'	<p>The space is located between Buildings 9-13 and 14-17 and is occupied by the continuation of the primary pedestrian pathway into the center of the project.</p> <p>The passage is situated between the narrow ends of the buildings and has non-parallel sides. This area is the continuation of the direct pedestrian connection to the central courtyard.</p>
Between Units 16 and 18	20'	<p>The space is located between Buildings 14-17 and 18-20 and provides a pedestrian connection to nearby guest parking.</p> <p>The passage is a corner condition measure between the closest points and will have limited impact.</p>
Between Units 20 and 21	10'	<p>Originally created by removing one unit from the project to reduce the mass of the building facing the existing single family residences along Ajax Road.</p> <p>The passage is a landscaped area and is between the adjacent balconies.</p>
Between Units 22 and 23	11.5'	<p>The space is located between Buildings 21-22 and 23-25 and provides a pedestrian connection to guest parking.</p> <p>The passage is an off-set corner condition between balconies and will have limited impact.</p>
Between Units 9 and 25	15'	<p>The space is located between Buildings 9-13 and 23-25 and provides a pedestrian connection to nearby guest parking and the trash enclosure.</p> <p>The passage is a corner condition measure between the closest points and will have limited impact.</p>

- The distance between the buildings requested by the Applicant.

Attachment J

To: Gary Luebbers, City Manager
Hanson Hom, Director, Community Development
City of Sunnyvale, City Council

September 10, 2013

Re: *Appeal of Planning Commission Decision, August 26, 2013, PC 2013-7468, 822-830 E. Evelyn, Special Development Permit, Vesting Tentative Map, Mitigated Negative Declaration, etc.*

This is to appeal the Planning Commission approvals in the matter of this development consisting of 31 three-story, three-bedroom townhouse units on 1.7 acres on an existing industrial site zoned M3/ITR/R-3/PD, with deviations from code and on-site contamination.

As the staff report notes, the project site has been found to suffer from groundwater contaminated with trichloroethane (TCE), referencing a 1200 foot plume, that is “confirmed to be present beneath the central and northern portions of the 822/824 property.”

The report also notes contamination from the adjacent site of the former Beacon gasoline station, and cites detection of benzene, TPHg, and MTBE and references removal of 500 lbs of gasoline. Based on non-detection at one monitoring well at the corner of the property (PMW-4) the report asserts that “the gasoline plume appears to not extend west beneath the eastern portion of the Property.” The discussion does not provide a rationale for relying on old data from one now-capped well to reach this conclusion. An Appendix H (data sheets) is referenced that is not included in the material provided.

The report also notes “discolored (blue-green color)” soil, but does not indicate what the source of the discoloration was found to be. Evidently “acid-waste” underground storage tanks were once leaking nearby. It is acknowledged that the neutralization system was demolished in place, and subsequently built-over. It would be helpful to have more facts to confirm that there is not a lurking problem here in the soil of this site.

Meanwhile the mitigated negative declaration appears to rely on a theory that “to prevent indoor accumulation of volatilized TCE, none of the proposed townhome units are being constructed over the top of the TCE contaminated groundwater plume.” No relation is asserted connecting the location over the plume to the potential for venting of TCE. It would seem that it

would take only one gopher who likes to dig sideways to vent TCE into living units. If additional assumptions are made or additional conditions intended to prevent TCE venting, they should be stated and connected to their role as mitigations of the hazard.

Also, the consequences of contamination for proposed open space are not explored. In recent analysis of another site in the City, contamination was judged to preclude use of open space. Clarification is needed as to what level of contamination is consistent with usable open space. Meanwhile, the document does not discuss this topic and simply assumes that open space is consistent with contamination.

The presence of contamination raises doubts as to whether the site is physically suitable for this type of development, and whether the health of future residents is at issue. A review of the record in this matter raises additional General Plan and CEQA issues that merit review, including safety and traffic. Accordingly, I respectfully request that this matter be heard by Council.

Sincerely yours,



Dave Whittum

Attachment K

4. **File #:** 2013-7468
Location: 822-830 E. Evelyn Ave. (APN: 209-14-007 & -011)
Proposed Project: SPECIAL DEVELOPMENT PERMIT to allow 31 townhome units, including the removal of two existing light industrial buildings.
TENTATIVE MAP to subdivide one property into 31 condominium lots and one common lot.
Applicant/Owner: Classic Communities / Scott Ward
Environmental Review: Negative Declaration
Staff Contact: David Hogan, (408) 730-7659, dhogan@sunnyvale.ca.gov
Note: This item was continued from the August 12, 2013 Planning Commission meeting.

David Hogan, Contract Planner, presented the staff report.

Comm. Hendricks and **Trudi Ryan**, Planning Officer, discussed solar access requirements and why staff could support a deviation. Ms. Ryan said the project is a multifamily development with three-story buildings except for the carports on the perimeter near the trees, and are thus not the best location for solar panels. She said that because 98% of the roof area on-site has the ability to accept solar panels, staff does not anticipate damage to the property owner.

Comm. Hendricks asked staff to discuss groundwater contamination. Mr. Hogan explained the history of contamination of the groundwater and the remediation. Mr. Hogan explained that the area met the Regional Water Quality Control Board (RWQCB) standards and the applicant voluntarily chose to avoid development in that area. Mr. Hogan clarified that the area runs from near the trash enclosure up to the recreation sign. **Comm. Hendricks** and **Kathryn Berry**, Senior Assistant City Attorney, discussed soil and groundwater remediation.

Comm. Olevson noted that mitigation measures have allowed builders to construct on top of contaminated areas. He said this project requires the contaminated area to remain open and asked why the same efforts cannot be utilized. Mr. Hogan said the builder proposed to take this approach.

Comm. Larsson asked how many BMR units will be provided on site. Mr. Hogan said the project is required to have 3.85 unit equivalents, and suggested asking the applicant if they will be building the units or paying the in-lieu fee.

Vice Chair Melton asked staff for historical context to understand how an R-3 zone is next to an R-0 zone on Ajax. Ms. Ryan provided history on the zoning. Vice Chair Melton confirmed with staff that the developer is meeting the minimum zoning requirement to fill 75% of the development with the proposed 31 units. Vice Chair Melton noted that there is only a distance of 10 feet between the balconies of units 20

and 21, noting that the minimum required distance between buildings is 20 feet. Mr. Hogan said one option would be to add a condition to eliminate one balcony.

Comm. Hendricks asked why staff thinks it is okay that the applicant does not have the trash enclosure within the 150 feet maximum distance. Mr. Hogan said moving it to the property line would place it closer to the homes on Ajax and trash trucks would create a lot of noise for those homes.

Chair Dohadwala opened the public hearing.

Scott Ward, of Classic Communities, described the proposed project within the context of Sunnyvale's General Plan, trends in the job and housing markets and proximity to transit. He said they are proposing the minimum number of units. He said they will not be building over the area of the site previously affected by plume from the neighboring property, and that they will also be installing vapor barriers in all of the homes. Mr. Ward said their Environmental Consultant, Tim Costello, was available to answer questions. He said the project casts shadows on a neighboring single-story carport that is already in shade, and that the project will not have a functional impact on the roofs except for 2% of total roof area. He said multiple building types add to the architectural variety of the community, and the layout allows more light to enter the units and reduces the impact of buildings amassing on properties to the south. Mr. Ward said they are open to changing the tree species to Brisbane boxes along one edge of the property, setting those 15 feet apart rather than 20.

Comm. Hendricks and Mr. Ward discussed the changes made after the study session. Comm. Hendricks said all non-guest parking is in garages and that he is concerned residents will use their garages for something else and then use guest spaces for parking. Mr. Ward said there is a restriction on parking use established in Homeowners Association (HOA) documents and they have experienced groups managing HOA responsibilities.

Comm. Larsson confirmed with the applicant that they will be building four BMR units on-site.

Vice Chair Melton and the applicant discussed the balcony placement and the tree species placement.

Walter Strach, a resident of Sunnyvale, said he wants to stress the importance of screen trees and their maintenance, and that they should be evergreen, fast growing and dense. He asked for the 15 foot distance between the trees.

Comm. Larsson confirmed with Mr. Strach that the glare shield condition of approval addressed his concern about glare from street lights.

Comm. Hendricks confirmed with Mr. Strach that changing the tree species to Brisbane box addresses his concern regarding screen trees.

Comm. Hendricks said that if the applicant offsets the balconies, we still end up with 11 feet between the kitty corners, and asked if they would just eliminate one of the balconies. Mr. Ward said that he thinks it is important to provide a visual interest on at least one building.

Vice Chair Melton confirmed with Mr. Ward that it is not feasible to have same-level balconies set at different heights. Mr. Ward said they have proposed privacy screens to south to obscure the visual connection from the rear balcony to the forward balcony.

Chair Dohadwala closed the public hearing.

Vice Chair Melton moved for **Alternative 2** to adopt the **Negative Declaration**, to approve the **Special Development Permit and Vesting Tentative Map with modified conditions of approval: the Brisbane box trees should be 15 feet apart and to work with staff on testing different scenarios to either offset the balconies or potentially remove one with the aim of achieving a minimum balcony separation of 20 feet.** **Comm. Hendricks** seconded.

Vice Chair Melton said he thinks this is a wonderful project and that he appreciates the flexibility of the applicant regarding landscaping and balcony separation. He said he is looking forward to seeing the project come to fruition and that he can make the recommended findings.

Comm. Hendricks said he would be supporting motion. He said he would give the applicant the 20 feet on the trash enclosure, but that the applicant has continuously submitted projects that cannot seem to fit the trash enclosure requirements into the equation. He said that he would have a different perspective on internal deviations if the applicant was building rental units. He said he was glad that Mr. Strach was satisfied with the changes, and that he can make the findings.

Ms. Ryan suggested phrasing the condition on the balconies to: redesign balconies on units 21-20 to achieve a minimum balcony separation of 20 feet, removing one balcony if needed.

Vice Chair Melton said he would like to include units 22 and 23 which has a balcony separation of 18½ feet.

Chair Dohadwala confirmed with **Comm. Hendricks** that he will accept the friendly amendment.

Comm. Olevson said he can make the findings. He said this project fits in with the General Plan, that he likes the design and is appreciative that the applicant decided to refrain from building over the contaminated area. He said he supported the motion when **Vice Chair Melton** said the applicant would work with staff on achieving the balcony separation minimum, but he no longer supports the motion with a hard and fast

rule to obtain separation. Comm. Olevson said that is designing on the fly and is not a good idea and that if the applicant and staff decide to have two walls, it is a greater negative than having the balconies as proposed in the design. He said he will not support the motion if the hard and fast rule remains.

Comm. Larsson said he agrees with everything in the motion except the balconies, which he also views as designing on the fly. He said he does not think the Planning Commission needs to be involved in the balcony issue if it is only in a couple of spots. He said that for some people, the 10 foot separation may be an issue, but for others it may not. He commended the applicant for the outreach efforts and design changes, and said he wanted to make it clear that he is only objecting to the balcony issue.

Comm. Chang said he can make the findings and will be supporting the motion. He said the changes made from the study session to today make this project better and that he is looking forward to the project's completion.

Chair Dohadwala said she likes the project very much and believes the applicant has worked hard trying to make an effort to listen to the Planning Commission and make suggested changes. She said she does not like balcony aspect of the current motion, and will not be supporting it.

Comm. Olevson asked if the motion is to review balcony design and if no agreement is reached to continue with both balconies as originally designed.

Ms. Ryan explained that reviewing the design of the balconies to consider reducing the distance to 20 feet does not give staff direction. She said she heard Comm. Olevson suggest continuing with original balcony design if no compromise is reached, while she heard Vice Chair Melton suggest removing balconies.

Comm. Hendricks said what he thinks he seconded was the offsetting of balconies to keep both, and if that did not work to remove one.

Vice Chair Melton said that was his motion.

ACTION: Vice Chair Melton moved to adopt the Negative Declaration, to approve the Special Development Permit and Vesting Tentative Map with two modified conditions of approval: a distance of 15 feet between Brisbane box trees along the southern property line; and a redesign of the balconies on units 21-20 and 23-22 to either offset them to achieve a minimum balcony separation of 20 feet, or remove one balcony. Comm. Hendricks seconded. Motion carried 5-1 with Comm. Larsson dissenting and Comm. Kolchak absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than September 10, 2013.