**REPORT TO CITY COUNCIL** **NO: 13-276**

**City Council Hearing Date:** November 19, 2013
**File Number:** 2013-7448

**SUBJECT:** **2013-7448** Discussion and Possible Action on an application by Christensen Holdings, LP for a Mitigated Negative Declaration and:
**USE PERMIT** to construct two new office buildings on a 9.27-acre site located at **433 N. Mathilda Avenue** in an M-S and an M-S/POA Zoning District (APN: 165-28-13 and 165-28-23) with a total of 213,126 square feet of floor area, and a Floor Area Ratio of 52.8%.

**REPORT IN BRIEF:**

| | |
|---|---|
| **Existing Site Conditions** | Vacant Industrial Building |
| **Surrounding Land Uses** | |
| North | Religious Assembly (Trinity Church of Sunnyvale) |
| South | R&D/Office Park |
| East | Multi-family development (across Mathilda Avenue) |
| West | Industrial R&D/Office (GTE MobileNet) |
| **Issues** | Floor area ratio |
| **Environmental Status** | A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines. |
| **Planning Commission Recommendation** | Approve with modified conditions |
| **Staff Recommendation** | Approve with conditions |

**Issued by the City Manager**

## BACKGROUND

### Description of Proposed Project

The proposed project involves the construction of two new office buildings in Peery Park (see Attachment A, Vicinity Map). Building A is three stories in height and contains 91,254 square feet (s.f.) of gross floor area. Building B is four stories in height and contains 121,872 s.f. of gross floor area. The existing site is currently occupied by one vacant, single-story industrial building with a total floor area of 90,669 s.f. The existing site was built at 22.4% Floor Area Ratio (FAR) and the proposed project will result in a 52.8% FAR. Projects exceeding 35% FAR (or 45% with Green Building incentives) require Use Permit approval by the City Council. This application is a request for approximately 72,000 s.f. above 35% FAR (project data sheet is Attachment B).

### Previous Actions on the Site

A number of industrial uses occupied the project site dating back to the 1970s. Building Department records show a tank farm was permitted on the site in 1972. Since then, ownership of the property changed several times and numerous Use Permits, Variances and miscellaneous planning permits were issued. In July 2010, the parcel fronting on Mathilda was rezoned and the Place of Public Assembly (POA) combining district was added.

On June 25, 2013 the City Council approved a contract for the preparation of the Peery Park Specific Plan (PPSP) and EIR and requested staff to return to discuss a possible ordinance for future development applications within the PPSP area to be utilized during the specific plan development process. Completion of the PPSP and EIR for City Council public hearing and adoption is scheduled for fall 2014.

City Council introduced an ordinance on October 8, 2013 which will not be effective until after November 19, the scheduled City Council hearing date for this project; however, this project would require City Council action under both the existing regulations and the regulations in the new ordinance. The Planning Commission held a public hearing on October 28, 2013 and recommended City Council approve the Use Permit.

## EXISTING POLICY

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

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

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

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

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

1. A Use Permit or Special Development Permit may be granted by the City Council for projects proposed to exceed 35% FAR (unless #2 below applies).
2. A 10% FAR bonus (up to 45% FAR) may be granted if LEED certification at a Gold level is achieved; subject to a staff-level approval (no public hearing).
3. Properties can be rezoned to raise the standard FAR level, which also requires City Council action.

The proposed project is utilizing option #1. To assist the decision makers in considering approval of higher FAR developments, *Review Criteria for Projects Greater than 35% FAR* were developed by the City Council in 2000. These criteria are required as part of the findings to approve the Use Permit or Special Development Permit. A list of the review criteria is provided in Attachment G.

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

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

In 2008, at the sunset of the five-year CD Strategy, the City Council directed staff to study preparation of a Specific Plan for Peery Park to incentivize reinvestment in the area by considering higher FARs, establishing a Development Reserve, and planning for public improvements. This study was postponed until funding was obtained, but is now in progress with public hearings scheduled for summer 2014.

In 2012, the City Council approved three projects within Peery Park. A Use Permit was approved in February 2012 to allow redevelopment of the former post office site at 580 N. Mary Avenue for a new office building at 55% FAR.

City Council approved a Rezoning from M-S 70% FAR to M-S/100% FAR in June 2012 for a 14.2-acre office/R&D campus located at the northwest corner of Mathilda Avenue and Maude Avenue (DiNapoli/LinkedIn). That development resulted in a total of 99.4% FAR. In October 2012 the Council approved an additional building of about 107,000 s.f. for the Legacy Partners site at 600 W. California Avenue.

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

## DISCUSSION AND ANALYSIS

### Present Site Conditions

The project site is 9.27 acres in size and is located in an area with older industrial operations. The property is generally located between Maude Avenue to the north, Central Expressway to the south, N. Mathilda Ave. to the east, and N. Pastoria Ave. to the west. The site is currently occupied by one industrial building.

### Use Permit

**Use:** The applicant proposes the construction of two Class A office buildings, one three-story and one four-story, intended for Corporate Office uses. Multiple smaller professional office tenants could also be accommodated within the buildings. Future tenants would be subject to zoning requirements for permitted uses.

**Floor Area Ratio:** The existing site was built at 22.4% FAR. The proposed project will result in 52.8% FAR for the site. The *Review Criteria for Projects Greater than 35% FAR* are located in the Recommended Findings in Attachment C along with staff's discussion of the criteria. Key project features meeting these criteria include high-quality architecture and site design, green building certification, and a Transportation Demand Management (TDM) Program to reduce trips generated by the project.

**Site Layout:** The buildings existing on-site will be completely demolished and the site layout will be completely reconfigured (See Attachment F for site plans.) The following Guidelines were considered in analysis of the site design:

| Industrial Design Guidelines (Site Design) | Comments |
|---|---|
| *A1. New development shall enhance the character of its surrounding area through quality architecture, and landscaping and appropriate site arrangement.* | The existing site design features a prominent driveway entry on N. Mathilda Ave., mature landscaping to be retained, additional street trees along the frontages and buildings that complement and upgrade the surrounding area. The proposed project will enhance the site and surroundings with the introduction of high-quality architecture, substantial landscaping and public art. |
| *A2. New development in an area with an established character shall be compatible with its surrounding development in intensity, design, setback, building form, scale, material, color and landscaping unless there are specific planning goals to change the character of an area.* | The proposed project is consistent with the character of other sites in the area that have been redeveloped with buildings that achieve a higher FAR. Redevelopment with Class A buildings in Peery Park is consistent with City policy. |
| *B1. Site components such as structures, parking, driveways, and out-door functions shall be arranged and located to emphasize the aesthetically pleasant components of the site such as existing mature trees and views, or superior architectural features, and disguise its less attractive scenes such as service facilities, outside storage and equipment areas, and trash enclosures through placement and design of structure and landscaping.* | The proposed buildings are located toward the center of the site and will significantly enhance the current streetscape along both Mathilda and Pastoria Avenues. The 68 ft. building setback will reduce visibility to residential properties to the east across Mathilda Avenue. |

**Architecture:** Existing structures on-site consist of one large concrete tilt-up building, typical of Class B industrial buildings in built in Peery Park during the 1970s and 1980s. The proposed buildings are comparable in mass and scale to more contemporary buildings constructed in recent years in Peery Park. Design features include tinted glass panels and windows, metal awnings over prominent entrances on the east and north elevations, and light-colored vertical stone elements that frame doorways and office windows around the buildings (See Attachment F for architectural plans). The project architecture was evaluated according to the following:

| Industrial Design Guidelines (Building Design) | Comments |
|---|---|
| *B1. New buildings shall maintain diversity and individuality in style while improving aesthetic character of their surrounding area* | The proposed architecture is compatible with more recent buildings in the vicinity and reflects a high quality contemporary design. |
| *B2. Roof equipment shall be fully screened by parapets, roof screens or equipment wells.* | The proposed design includes integrated roof screens that will effectively shield all roof-mounted equipment from view. |
| *B5. Main entrances of the buildings shall be well defined* | Building entries along the east and north elevations are enhanced with vertical stone textured elements that complements the architecture of the building. |
| *B6. New buildings shall have at least one major focal point and minor focal point. Focal points should be achieved through horizontal and vertical lines, change in material, change in color, changing the form and shape of a portion of the building, etc. Combining the main entrance and the focal points is encouraged.* | The enhanced building entries provide the primary focal points to the buildings, with glass and metal accents providing strong horizontal lines through the building mass. Architectural elements are well-integrated into the design and compliment the design of the surrounding properties. |
| *E1. A comprehensive material and color scheme shall be developed for each site.* | The proposed buildings' exteriors consist of high quality materials that incorporate alternating horizontal spans of dark grey and blue tinted glass panels, with light colored vertical elements of stone around entries. Windows and metal accents provide a unified color palette. |
| *E3. Large expanses of high reflective surface and mirror glass exterior walls shall be avoided to prevent heat and glare impacts on the adjacent public streets and properties.* | The proposed office building will utilize darkly tinted glass to minimize reflection and glare onto adjacent properties and rights-of-way. |

**Landscaping:** Approximately 36% of the lot area is devoted to landscaping in excess of the 20% minimum required. The two buildings are arranged in an 'L' shaped configuration connected by a central courtyard with enhanced pavers and large planter areas interspersed between the two buildings. A substantial amount of landscaping is provided in an area approximately 68 feet in width between the three-story building and the new sidewalk on N. Mathilda Ave.

SMC Chapter 19.94 prohibits the removal of any tree that is 38 inches or more in circumference as measured 4.5 feet from the ground, unless a tree removal permit is first obtained. An estimated 63 protected trees and 38 non-protected trees are proposed to be removed. Another 65 trees are proposed to be retained, which may be damaged by site work as the project is constructed. As a

condition of approval, the applicant will be required to replace all of the protected trees that are removed with a minimum of 36" boxed specimen trees. In addition, a tree protection plan is needed to minimize damage to trees during construction.

SMC section 19.37.070 states that at least 50% of the parking areas must be shaded within 15 years after the establishment of the lot. Since the Planning Commission hearing the applicant has submitted revised plans that demonstrate that this requirement is met. The condition of approval regarding parking lot shading has been modified to reflect this change.

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

| **Industrial Design Guidelines (Landscaping)** | **Comments** |
|---|---|
| *General*<br>*A2. All areas not in use by structures, driveways, and parking spaces shall be properly landscaped.* | The project will retain 65 of the existing trees, which will be supplemented by additional new trees. Any existing trees that are compromised during construction will be replaced with boxed specimen trees. All areas not utilized by structures, parking, and driveways will be landscaped with live plant materials, walkways, and patios. |
| *General*<br>*A5. Walls and fences shall be integrated into landscape design.* | Design guidelines illustrate low screen walls/fencing between on-site parking areas and the public sidewalk. Staff recommends incorporating low walls or additional planting into the final landscape plan.to increase screening along street frontages. |
| *Parking Lots*<br>*D2. When parking lots are adjacent to public right-of-way, parking shall be screened by combining, berms, shrubs and trees.* | The City has moved away from using bermed landscaping in industrial areas in favor of installing pedestrian sidewalks, which will be required on both street frontages. Parking areas are setback approximately 68 feet from the sidewalk on N. Mathilda Ave. and approximately 20 feet from the sidewalk on N. Pastoria Ave., which areas will be fully landscaped. Staff recommends additional screening be incorporated into the landscaping on both frontages. |

| Industrial Design Guidelines (Landscaping) | Comments |
|---|---|
| *Parking Lots*<br>*D3. When landscaped pockets are provided between parking spaces facing each other, the width of the islands shall be a minimum of 6 feet. Landscaped pockets shall also be provided for every 7 parking spaces and at the end of each row of parking spaces.* | Staff recommends incorporating additional landscaped pockets in all surface parking areas into the final landscape plan. |

**Parking/Circulation:** Industrial and Corporate Office uses require a minimum of two parking spaces for every 1,000 square feet of floor area and a maximum of four spaces for every 1,000 square feet. Based on the code, the proposed project requires at least 426 spaces, but no more than 853 spaces. The project provides a total of 671 parking spaces, or approximately 3.14 spaces per 1000 square feet of floor area. The proposed amount of parking exceeds the minimum amount required by 244 spaces, while the amount of surface parking is minimized by locating approximately 33% of the total parking underground (216 spaces). There is sufficient area to provide landscaped pockets between parking spaces as specified by the Industrial Design Guidelines and still exceed the minimum number of spaces required, which is recommended by staff. The additional landscaping may benefit parking lot shading.

SMC Section 19.46.150 specifies the number of bicycle parking facilities required for non-residential uses. Accordingly, a total of 34 spaces are required (26 Class I secured spaces and 8 Class II racks). The applicant proposes to provide a total of 45 bicycle spaces; 34 secured bicycle lockers in the underground parking facilities and 11 racks adjacent to the building entries.

**TDM Program:** Based on the reductions required for other higher-intensity projects, staff recommends the implementation of a Transportation Demand Management (TDM) plan that will achieve a minimum of 20% reduction in total daily vehicle trips and a 25% reduction in daily peak hour trips.

A TDM plan consists of measures that are based on existing and proposed infrastructure and physical attributes of the site, including proximity and access to transit, bicycle parking, bike lanes, sidewalks, and/or showers/lockers in the proposed buildings. The plan promotes sustainable modes of transportation, such as carpool/vanpool programs and transit subsidies. An annual report to the City is required to monitor compliance. A penalty clause for non-compliance would be included and would vary with the level of compliance. The requirement to implement and manage a TDM plan in conjunction with the occupancy of the buildings is typically included in tenants' lease agreements. A final TDM plan is required to be submitted for

review and approval by staff prior to issuance of building permits (See Attachment D, Conditions of Approval).

**Green Building:** On April 24, 2012, the City Council revised the green building standards for new construction, additions, and remodels of buildings. According to these standards, new non-residential construction that exceeds 5,000 square feet in area must meet minimum green building standards to attain the LEED Silver level. Attaining a LEED Gold level with certification allows a 10% FAR bonus with no City Council approval required (staff would verify LEED compliance and the TDM Program requirements, and would complete Design Review). The proposed project seeks approval of a 52.8% FAR, which exceeds the maximum 45% FAR permitted with the bonus and requires City Council approval. In order to accomplish this, staff strongly recommends that the applicant strive for Platinum level certification, but no less than Gold certification.

On similar higher intensity developments, the City has required applicants to achieve the LEED Gold level (Core & Shell and Commercial Interiors) instead of the minimum LEED Silver level required. Exemplary design is one of the review criteria to be considered by the City Council in granting FAR over 35% and "green" or sustainable features are typically considered to be an element of design quality. The higher level will ensure that the project design is exemplary in terms of sustainability.

The applicant has submitted a LEED checklist demonstrating that the proposed building would achieve a minimum of 70 points, which is in the middle range of LEED Gold, which ranges from 60 to 79 points (See Attachment I). Staff recommends that the project endeavor to achieve additional points which the applicant believes can be achieved once design of the mechanical systems occurs during the building permit stage. No fewer than 70 points will be accepted for the building shell. As a condition of approval, staff will work with the applicant and future tenants to achieve a higher gold rating for tenant interiors.

**Art in Private Development:** Sites over two acres in size are subject to the Art in Private Development requirements of SMC Chapter 19.52. The current code requires artwork to be installed in a publicly visible location equivalent to 1% of the construction valuation for the building or an in-lieu fee in the amount of 1.1% of the construction valuation of the building. The applicant has indicated a desire to provide art as opposed to utilizing the in-lieu fee. The most likely location will be in the landscape area along Mathilda Avenue.

**Stormwater Management:** The project will increase the existing impervious surfaces on-site to 307,732 square feet, which requires that a Stormwater Management Plan (SWMP) be prepared. The current Municipal Regional Permit for stormwater discharge requires all treatment be achieved through Low Impact Development measures such as infiltration, harvesting/use, and

biofiltration and limits the use of mechanical treatment. The applicant has prepared a preliminary SWMP which uses landscaping, bio-infiltration and media filters to retain and treat the site's stormwater prior to discharging it to storm drains. The proposed condition of approval requires third-party certification of a final SWMP prior to issuance of building permits.

**Easements/Undergrounding:** All utilities shall be placed underground and new ground-mounted equipment shall be screened to full height, and will not be visible from public streets (see Attachment D, Conditions of Approval).

**Pedestrian & Bicycle Circulation:** Currently, there are no sidewalks along the project frontage on N. Pastoria Avenue. Sidewalks would be constructed in accordance with City standards along the project frontage. The project would provide pedestrian paths through each parking area to connect the parking areas with the buildings. The site plan also shows pedestrian connections between the two buildings on site and between each building entrance and street sidewalks along N. Mathilda Avenue and N. Pastoria Avenue. All the proposed pedestrian paths on site follow logical points of connection. Pedestrian scale lighting should be provided and the width of all the pedestrian paths should be checked to ensure compliance with City standards prior to the issuance of building permits. The redevelopment of the curb and gutter on Mathilda will facilitate the future City installation of a five–foot wide bike lane along the southbound side of Mathilda Avenue. The bicycle lane is part of the adopted Bicycle Master Plan; this segment will connect to other planned and pending bike lane segments along Mathilda Avenue and Maude Avenue. The project at 5050 N Mathilda (LinkedIn) is required to implement bike lanes or provide space for bikes on its project frontages on Maude Avenue and Mathilda Avenue. The City has also secured a federal One Bay Area Grant to construct bike lanes on Maude Avenue east of Mathilda Avenue; this project will be implemented in 2015. As other properties redevelop along Mathilda to the south, bike lanes are planned to be extended.

## Parcel Map

The project consists of two separate parcels of land that are being developed as a single site. The proposed design of the project has located Building B across the property line that separates the two parcels. Because the Uniform Building Code restricts structures from encroaching on property lines, the applicant will be required to complete a Parcel Map prior to the issuance of Building Permits (see Attachment D, Conditions of Approval).

## Expected Impact on the Surroundings

### Visual

The proposed buildings are oriented on the site to minimize visual impacts on their surroundings. The building closest to N. Mathilda Avenue is limited to three stories in height with its narrowest width facing the street. A 69 foot landscaped setback along Mathilda will further soften the effect of the structure (minimum setback is 35 ft). High density residential development

exists directly east across this section of N. Mathilda Avenue where the right-of-way width is a minimum of 120 feet. This substantial distance will further reduce visual impacts on the streetscape and surrounding properties.

The proposed architectural design is of high quality and is compatible with more contemporary buildings along the N. Mathilda Avenue corridor. Implementation of a TDM plan is required to reduce both peak hour trips and average daily trips to and from the site. Off-site improvements will further enhance the project and benefit the community.

Traffic and Offsite Improvements

A Traffic Impact Analysis (TIA) was prepared by the City's consultant Hexagon Transportation Consultants, Inc. (Attachment L). The study was required because the net new trips associated with the project exceed the threshold trips set by the Valley Transportation Authority. The project is estimated to generate 332 AM and 318 PM peak hour trips (an increase of 191 AM and 182 PM trips over use of the existing building). Average daily trips for the site are estimated as 2351, a net increase of 1351 daily trips.

Approximately 50% of the Christensen project trips will use Mathilda Avenue north of Maude Avenue to access or leave the site. In project + background condition (includes existing and approved but not yet built projects), the AM peak hour contribution from the Christensen project will constitute about a 1.9% increase in Mathilda Avenue trips. In the PM peak hour, the contribution will constitute about a 1% increase in Mathilda Avenue trips. The TIA recommended one traffic mitigation measure: lengthening the turn pocket on Pastoria Avenue.

The northbound left turn lane on N. Pastoria Avenue at the intersection of Maude Avenue is required to be extended to accommodate one additional vehicle, which requires the turn lane to be extended to 125 feet plus a 60-foot taper.

The TIA also determined that this project would contribute to long queuing for the northbound left turn lane on N. Mathilda Avenue at the intersection of Maude Avenue during the AM peak hour (page 39 of the TIA). Extending the northbound left turn pocket may require modification of the raised median island, a restripe of Mathilda Avenue, and/or the removal of trees. Because the removal of trees could adversely affect the aesthetics of the street, the staff questions the desirability of this improvement. The City is initiating a safety project to improve signal visibility, timing, and provide advance warning of queues that may mitigate queuing problems at this location. Based on the further review of this impact staff has added a recommended Condition of Approval requiring a fair share contribution from the project proponent.

Citywide Development Pool

In 1998 the City Council adopted policies for considering projects in industrial zoning districts that exceed the threshold FAR for the zone. The 26 review

criteria are included in the Findings (Attachment C). The Council also adopted a Citywide Development Pool from which higher FAR projects would draw square footage for their project. The pool applies to industrially zoned properties outside of the Moffett Park Specific Plan area and started with 3.4M s.f. (as adjusted after the Moffett Park Specific Plan was adopted in 2004). The pool was created by credited floor area of industrial sites developed with non-industrial/office uses such as places of worship, hotels and utilities. The pool is adjusted when a Use Permit is developed, when sites are rezoned to a higher FAR and when a non-industrial office use is eliminated. This project would remove 71,868 s.f. from the pool, leaving a balance of 2.1M s.f.

Balanced Growth Profile

An updated Balanced Growth profile, (October 2013) is included as Attachment J. The profile reflects: 1) projects built; 2) projects approved; and, 3) this pending project plus a residential project approved by City Council on October 22, 2013. The Balanced Growth Profile helps illustrate the project on a long-term citywide basis.

**Environmental Review**

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

## FISCAL IMPACT

The proposed project is anticipated to have a positive fiscal impact on the City. Redevelopment of the site as proposed will increase the assessed value of the property and is estimated to result in the City receiving an additional $127,000 in property taxes annually. The County, school districts and other agencies would also see increased property tax revenue. In addition, the proposed office buildings are designed to attract high-quality tenants such as corporate headquarters of technology companies. Such tenants will generate positive economic impacts by providing jobs and enhancing the image of the City. Employees that will occupy these buildings will patronize local Sunnyvale businesses, and visitors may stay in Sunnyvale hotels as well.

**Transportation Impact Fee**: Projects resulting in net new peak hour vehicle trees are subject to a transportation impact fee (TIF). The TIF is estimated to be $294,209.31 and must be paid prior to issuance of a building permit. When sidewalks are installed as part of a project, the cost of the sidewalk installation is also credited to the TIF amount. The amount is subject to the fee schedule in place at the time of payment and will be recalculated with the credit given for

the sidewalk installation. It is anticipated that a revised TIF schedule will be presented to the City Council later in 2013.

**Housing Mitigation Fee:** Higher-intensity industrial projects are required to mitigate the demand for affordable housing created by the development through payment of a Housing Mitigation Fee (SMC 19.22.035). The current Housing Mitigation Fee requirement is $9.27 per square foot of floor area over the allowed FAR of 35%. The required fee for this development is estimated at $960,425.67 (see Attachment D, Conditions of Approval).

## PUBLIC CONTACT

**Planning Commission Study Session:** The Planning Commission considered the proposed project at a Study Session held on September 23, 2013. Planning Commissioners generally supported the proposed development intensity and were supportive of the off-site improvements. Several Commissioners expressed their satisfaction with the site design, the architectural treatment of the buildings and the underground parking. Commissioners encouraged high levels of green building achievement. Concerns over traffic impacts generated by the project were also expressed. Commissioners appreciated the line of sight diagrams of the proposed buildings from residential areas. Commissioners encouraged staff to explore increasing parking lot shading and landscaping for the entire site, and reductions in traffic impacts. The staff report and recommended conditions of approval address these issues.

A neighborhood outreach open house was held at the site on Thursday, September 12 from 6:00 PM to 7:30 PM. Written invitations were mailed to over 300 properties that neighbor the site as well as all multi-family and single family addresses in the Orchard-Stowell–Murphy neighborhood. The notification area was expanded beyond the minimum 300' radius in order to include the neighborhood, as shown in Attachment K. In addition an email invitation was sent to the president of the S.N.A.I.L. neighborhood association which was forwarded on to its members. Presentation boards were used to show the proposed site plan, renderings and views from various locations around the property, as well as a site line diagram showing the site lines from the properties east of the site (across Mathilda, including the single family homes on Orchard – the closest street with single family homes). Approximately 15 people attended the meeting, most from the Orchard–Stowell-Murphy neighborhood, with a couple residents from the SNAIL neighborhood. Some attendees initially had questions about the visibility of the proposed buildings from their homes, but after seeing the height of the buildings and the sight line diagrams those concerns appeared to be alleviated. Most other comments were concerning traffic.

**Planning Commission Public Hearing:** The Planning Commission considered the proposed project at a Public Hearing on October 28, 2013. Two members of the public spoke on this application. The Planning Commission recommended

approval of the Use Permit with modified conditions of approval prepared by staff after the staff report was distributed; the Planning Commission requested staff to revisit the left turn lane from northbound Mathilda onto Maude and encouraged the applicant to provide additional renderings from the area near Arbor and Pine Avenues at least one week before the City Council meeting. Discussion of the left turn lane is located above in this report. The applicant sent the additional perspective views to the staff and the public hearing speaker (Attachment M) on November 4, 2013.

| Notice of Mitigated Negative Declaration and Public Hearing | Staff Report | Agenda |
|---|---|---|
| • Published in the *Sun* newspaper<br>• Posted on the site<br>• 428 notices were mailed to property owners and tenants within 2,000 ft. of the project site (see map Attachment K) | • Posted on the City of Sunnyvale's Web site<br>• Provided at the Reference Section of the City of Sunnyvale's Public Library | • Posted on the City's official notice bulletin board<br>• City of Sunnyvale's Web site |

## CONCLUSION

**Findings and General Plan Goals:** Staff was able to make the required Findings for the Use Permit including the Review Criteria for Projects Greater Than 35% FAR. Recommended Findings and General Plan Goals are located in Attachment C.

## ALTERNATIVES

1. Adopt the Mitigated Negative Declaration and approve the Use Permit with the attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Use Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

**RECOMMENDATION**
Alternative 1: Adopt the Mitigated Negative Declaration and approve the Use Permit with the attached conditions.

Reviewed by:

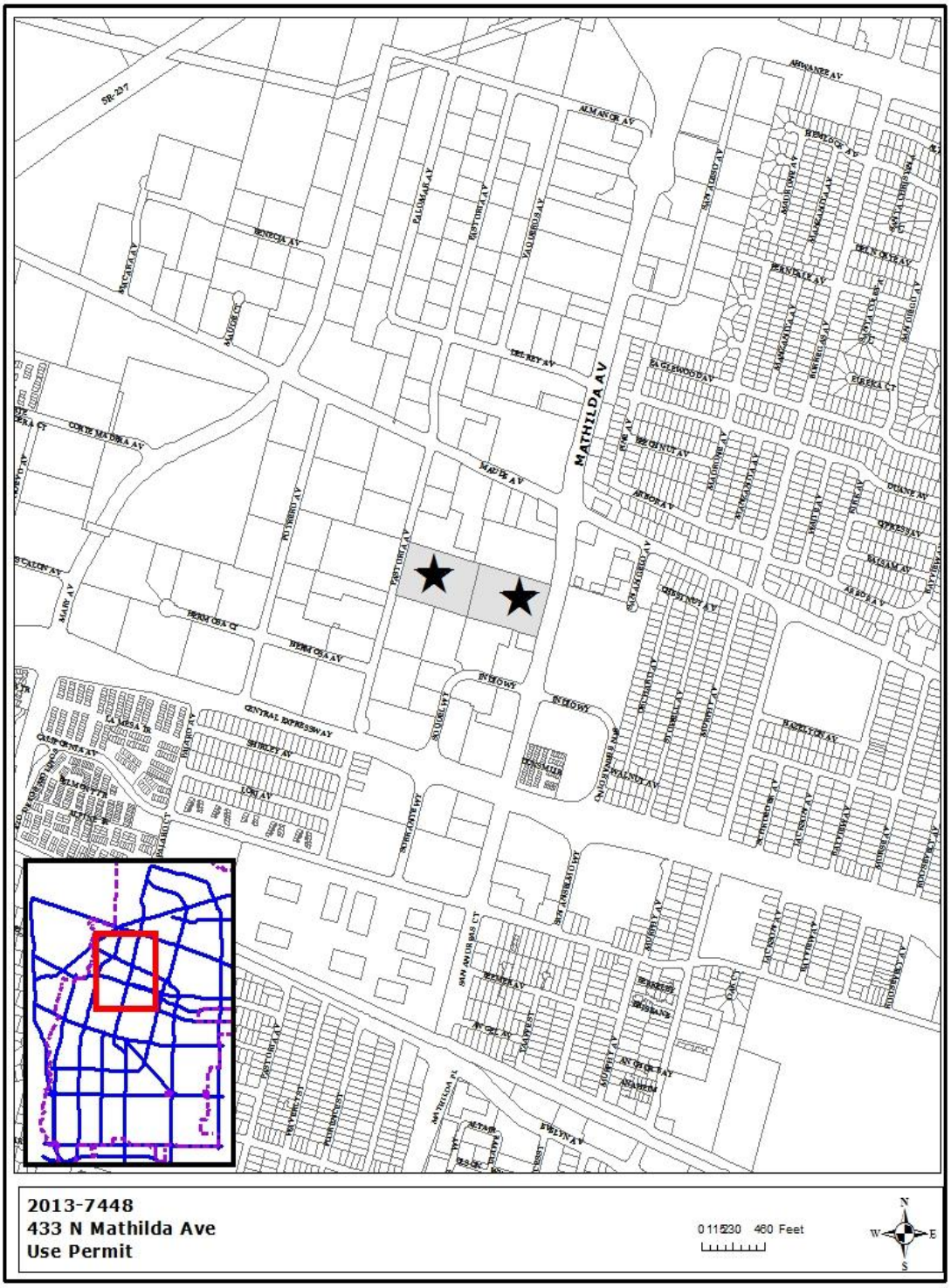
Hanson Hom, Director, Community Development Department
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Steve Flint, Contract Planner

Approved by:

Gary M. Luebbers
City Manager

**Attachments:**
A. Vicinity Map
B. Project Data Table
C. Recommended Findings
D. Recommended Conditions of Approval
E. Mitigated Negative Declaration
F. Site and Architectural Plans
G. Project Justification
H. Description of Office Class Levels
I. LEED Checklist
J. Balanced Growth Profile, updated October 1, 2013
K. Public Notification Area
L. Traffic Impact Analysis, September 2013, by Hexagon Transportation Consultants, Inc.
M. Additional context illustration showing project from Pine and Arbor Avenues

# VICINITY MAP



## PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---|---|---|---|
| **General Plan** | Industry | Same | Industry |
| **Zoning District** | M-S/POA | Same | M-S/POA |
| **Lot Size (s.f.)** | 403,909 | Same | 22,500 min. |
| **Gross Floor Area (s.f.)** | 90,669 | 213,236 | 141,368 max. without CC review |
| **Lot Coverage (%)** | 20.6% | 15.4% | 45% max. |
| **Floor Area Ratio (FAR)** | 22.4% | 52.8% | 35% max. without CC review |
| **No. of Buildings** | 1 | 2 | N/A |
| **Distance Between Buildings (ft.)** | 100’ | 150’ | 32’ min. |
| **Building Height (ft.)**[1] | 17’ 11” | 56.35’ & 71.55’ | 75’ max. |
| **No. of Stories** | 1 | 3 & 4 | 8 max. |
| **Setbacks (Facing Property)** | | | |
| **Front** | 85’ 8” | 69’ 3” | 35’ min. |
| **Left Side** | 50’ 6” | 41’ 0” | 20’ min. |
| **Right Side** | 22’ 2” | 40’ 0” | 20’ min. |
| **Rear** | 533’ 6” | 83’ 4” | 25’ min. |
| **Landscaping** | | | |
| **Total Landscaping (s.f.)** | 107,207 | 96,177 | 80,782 min. |
| **%Based on Lot Area** | 26.5% | 23.8% | 20% min. |
| **%Based on Floor Area** | 118% | 45.1% | 10% min. |
| **Frontage Width** | 15’ | 69’ 3” | 15’ min. |
| **Parking Lot Area Shading (%)** | Unknown | 50% | 50% min. in 15 years |
| **Parking** | | | |
| **Total Spaces** | 512 | 670 | 426 min. 853 max. |
| **Standard Spaces** | 512 | 670 | 124 min. |
| **Compact Spaces** | 0 | 0 | 0% max. |
| **Covered Spaces** | 0 | 216 | No min. |
| **Aisle Width (ft.)** | 26’ | 26’ | 26’ min. |
| **Bicycle Parking** | Unknown | 34 (26 Class I, 8 Class II) | 31 min. |
| **Other Standards** | | | |
| **Impervious Surface Area (s.f.)** | 296,702 | 307,732 | No max. |
| **Impervious Surface (%)** | 73.5% | 76.2% | No max. |

[1] As measured from Mathilda average curb height. Section 19.32.030 allows the building height to be increased up to 25 feet above the maximum permitted height to accommodate mechanical screening. Both buildings have a roof screen extending 9’2” above the parapet for a total overall height of 63’ 2” and 78’ 2”

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements (*no deviations on this project*).

# RECOMMENDED FINDINGS

## Recommended Findings – Special Development Permit

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

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

   This finding can be made for the project as conditioned. The project will enhance the character of the site, surrounding neighborhood, and community through the addition of Class A office buildings in the Peery Park area. Compliance with adopted General Plan goals and policies is discussed below.

   ***Land Use and Transportation Chapter***

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

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

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

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

   The proposed project will redevelop on an existing industrial site. The site will feature environmentally sustainable buildings achieving no less than LEED Gold certification. The site features stormwater management, and the applicant has committed to a TDM program. Underground parking allows more landscape area on-site. This is the type of development that is currently sought after by new businesses and industries whose public image is critical and whose employees demand sustainable work environments.

***Community Character Chapter***

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

The proposed project design uses high-quality architecture and high quality site design. The project will provide an updated image to Mathilda Avenue south of Maude Avenue. Quality materials are utilized. The orientation of the building entrances creates a link to the public sidewalk. The proposed underground parking allows for more landscaping on site. The project will also provide additional jobs, enhancing both the image of Sunnyvale and its economic prosperity.

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

The project will enhance the character of the site, surrounding neighborhood, and community by adding two new Class A office/R&D buildings. The new buildings are of mid-height and have a deep setback from the street. They will generate minimal impacts on the existing streetscape and surrounding properties. The proposed project uses architecture and high-quality site design as well as adequate setbacks and parking. The proposed project is expected to reduce peak hour vehicle trips and is not anticipated to have a negative traffic or circulation impact in the project area. No other negative environmental impacts are anticipated. The project has adequate on-site parking.

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

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

| Review Criteria | | Discussion/Explanation |
|---|---|---|
| **CATEGORY I: COMMUNITY CHARACTER** addresses the issues of land use and transportation capacity and neighborhood compatibility within the context of an overall City image. | | |
| **A.** | Is there sufficient current and future land use and transportation capacity to incorporate this project? | If this project is approved, there would be approximately 2.13 million square feet remaining in the City-wide development pool; this project would utilize 71,868 square feet. In addition, the project will implement a TDM Program to further reduce vehicle trips (see also, *Balanced Growth Profile,* updated October 1, 2013). |
| **B.** | Does project use and design contribute positively to a City image and community character that reflects current and future "high-tech" Silicon Valley? | The unique and high-quality architecture will contribute positively to community character. As conditioned, the building will be required to achieve the highest level of LEED Gold certification. The contemporary architecture and sustainable features enhance the City's high-tech image. |
| **C.** | Does the project include minor upgrading of the building for safety or special function purposes? | The proposed project involves site modifications to accommodate the new buildings. The scope of work does not include minor upgrades to the existing buildings for safety or specific function purposes. |
| **D.** | Have potential adverse impacts on nearby land uses been avoided, minimized or mitigated? | The proposed project utilizes an existing site. There are no anticipated negative impacts on surrounding sites. An initial study identified potential impacts on cultural resources on the subject site. Mitigation measures have been identified to reduce these impacts to a less-than-significant level. |

| Review Criteria | | Discussion/Explanation |
|---|---|---|
| **CATEGORY II: ENVIRONMENTAL: TRAFFIC AND AIR QUALITY** focuses on the ability of a proposed project to avoid, minimize or mitigate City-wide and local traffic and air quality impacts. | | |
| **E.** | Does the project avoid or mitigate significant effects on the regional or City-wide roadway system?<br>Is the project sited to avoid impacts on constrained intersections or roadway segments? | A TIA was prepared, which found impacts to be less than significant. The subject will also be subject to payment of a TIF. A TDM Program will be implemented for the entire site, which will result in reduced vehicle trips. Some upgrades to roads and intersections in the project vicinity will be required. Significant effects on regional and City roadways are not anticipated. |
| **F.** | Are potential air quality impacts mitigated? | An Air Quality and Greenhouse Gas Study was prepared for the project and demonstrated the project is not expected to result in significant air quality or greenhouse gas impacts. |
| **G.** | Does the project provide opportunities for appropriate on-site retail/support services and amenities to minimize mid-day vehicle trips? | The project site is approximately one mile from downtown, which provides a variety of services to support existing businesses. The project is also in close proximity to a neighborhood shopping center at the southeast corner of Maude and Mathilda. |
| **H.** | Does the project provide mixed uses on the site to complement the primary use and adjacent land uses? | The proposed project is not a mixed-use project. |
| **I.** | Is the project located in close proximity to a light rail or Cal-Train station, and/or other convenient transit stops? | The site is located midway between the VTAs Sunnyvale Transit Center (downtown) and the Lockheed Martin Transit Center (in Moffett Park) which is supported by six existing VTA bus lines and Light rail Transit. The nearest bus stop is located adjacent to the project site on N. Mathilda Avenue. |

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

| Review Criteria | | Discussion/Explanation |
|---|---|---|
| **L.** | Does the project demonstrate exemplary architecture and design through:<br>• use of unique and/or high quality building materials, singly and in combination<br>• state of the art design and materials<br>• introduction of significant, innovative, and noteworthy architectural forms and elements<br>• special or unique features of the site plan design and implementation | The proposed project architecture demonstrates excellent design through the following elements:<br>• Architecture that complements adjacent high-tech industrial sites and the Mathilda Avenue corridor;<br>• High-quality materials including glass and metal accents;<br>• The building entries are framed by stone tile panels and punctuated with modern aluminum awnings. The buildings feature tinted glass panels that add visual interest to the building elevations. There are also GFRC columns that punctuate the building corners and a GFRC cornice at the top of the building;<br>• Extensive building setbacks with substantial landscaping and street trees;<br>• Underground parking facilities that minimize the Heat Island effect generated by surface parking;<br>• Green building design at a LEED Gold level |

| | | |
|---|---|---|
| **M.** | Does the project complement the City image and community character currently primarily low profile with a less intensive development density? | The proposed building and site design, as conditioned, meet the SMC regulations and Industrial Design Guidelines requirements. The 4-story building is located toward the center of the site and the three story building is setback 69 feet, exceeding the minimum 35 foot setback along Mathilda Avenue. The massing of the building reduces the visual impact of mid-rise construction to the streetscape and surrounding properties. |
| **N.** | Does the site plan reduce the bulk and mass of the buildings on the site? Are the following techniques and others used in a creative and resourceful way?<br>• Façade and roofline variations<br>• Reduction in the building footprint and significant increase of landscaping required by Zoning Code<br>• Substantially greater setbacks than required by the Zoning Code | The proposed architecture reduces the effect of mass and bulk through the following:<br>• The use of high-quality glass exterior materials that creates a sense of lightness and translucency to the structures;<br>• The narrower frontage of one building is located forward on the site closer to Mathilda Avenue but the second building is set back significantly towards the center of the site;<br>• The use of underground parking eliminates the need for an above ground garage.<br>• Minimal surface parking allows more landscaped area around buildings. |
| **O.** | Does the site plan include techniques to reduce non-point source pollution? | The project has prepared a draft Stormwater Management Plan incorporating Best Management Practices to reduce storm water runoff on the site, in compliance with the current Municipal Regional Permit. |

| | | |
|---|---|---|
| **P.** | Is a reduction in the amount of surface parking achieved?<br>• Significant reduction in the number of surface parking spaces<br>• Provision of structured parking and/ or underground parking<br>• Introduction of a landscape reserve that can be converted to parking on an as-needed basis, or as a permanent park. | The project is located on a previously developed industrial site, with 510 surface parking spaces surrounding the existing building. Although the proposed project has more parking stalls overall (671 spaces) it reduces surface parking by locating approximately 33% of the total parking underground (216 spaces). |
| **Q.** | Is the site comprehensively planned through the creation of a Master Plan or Site Specific Plan? Has a long term development plan been prepared that allows phasing of the project based on implementation of improvements and mitigations? | This project is located in the proposed Peery Park Specific Plan study area currently in process. |
| **R.** | How is the calculation of the "effective" FAR being conducted? Does the size of the project warrant a different method of calculating the FAR? | The FAR has been determined based on SMC standards for FAR, which is gross floor area divided by net lot size (after dedications). No tenant is currently identified for the building so no amenities, such as cafeterias, large meeting venues, non-employment areas or other services that may reduce effective FAR, are identified at this time. |

| **CATEGORY IV: ECONOMIC, FISCAL AND COMMUNITY BENEFIT** identifies the need to relate the project to the economic prosperity program of the City, potential impact on the City, the relationship to the local economy and employment in terms of the types and numbers of jobs likely to be generated by the project and other features of the development that will result in an overall positive community benefit. The following questions provide examples of how benefit can be described. | | |
|---|---|---|
| **1.** | Does the project implement the goals of the Economic Prosperity Program? | The proposed project will assist in achieving the goals of the Economic Prosperity Program which includes business retention, expansion, and economic vitality in a significant industry sector.<br><br>*Goal - Retention of Jobs: Actively promote the City to companies that will create jobs for Sunnyvale residents.*<br><br>*Goal - Local Service Businesses: To preserve opportunity for profitable operation of those small local businesses which provide critical support services to other business and to residents.*<br><br>The new buildings will attract companies that will create jobs for Sunnyvale residents. The site is located approximately one mile from downtown and Caltrain and directly across the street from other commercial and service uses along Mathilda Avenue. These location amenities help attract high-caliber tenants. |

| | | |
|---|---|---|
| **2.** | Does this project have a significant net positive fiscal impact over the next 5-20 years? | Finance and Community Development department staffs have calculated the potential fiscal impact to the City, including potential net revenue generation, property tax and Building Permit fees. The project does not include a "point of sale" use since the building is speculative; therefore no sales tax revenues are anticipated at this time.<br>• The Building Permit value for the shell building is estimated to be $3,534,342.<br>• Construction tax would be $19,085.45<br>• The City share of the property tax increase after redevelopment (based on estimated assessed valuation) has been estimated to be $127,000 annually. |
| **3.** | Does the project include the provision of on-site corporate headquarters and/or a "point of sale" office? | The proposed buildings are speculative at this time. The available square footage, site and building design will provide and ideal site for use by corporate headquarters or major divisions of a large company. |
| **4.** | To what extent does this project provide resident and/or youth employment opportunities both now and in the future? | The proposed buildings are speculative and the future tenants of the building are not known at this time. A high-quality Class A building is expected to provide additional employment opportunities in the City. |
| **5.** | Do the anticipated types and numbers of jobs complement the current and desired future job profile in Sunnyvale? | The proposed buildings are speculative and the future tenants of the building are not known at this time. However, the project is designed to accommodate corporate headquarters such as technology companies. These types of jobs are consistent with the City's economic development goals and are critical to job expansion. |
| **6.** | To what degree do the proposed jobs generate related jobs and services in Sunnyvale? | The proposed jobs are expected to generate additional demand for nearby services. Using the industry multiplier forecast, for every one job created in this industry segment, three additional jobs are created in the community as support services. |

| | | |
|---|---|---|
| **7.** | The project is intended primarily for a single user or has common/shared management (Action Statement C4.2.2.) | The future tenant(s) of the buildings are not known at this time. The building has been designed with the intent of serving a single tenant as a corporate headquarters, but could accommodate multiple tenants. |
| **8.** | Can the applicant identify other community benefits that could be attributed to the proposed project? | The proposed project replaces an older industrial site with a new modern corporate-style campus. The project furthers the City's goal of redevelopment with class A buildings along the Mathilda corridor and Peery Park.<br><br>The applicant has committed to pursuing several off-site improvements that would benefit the community, including a new public sidewalk along Mathilda Avenue and improvements to the intersection of Maude and Mathilda. |

**DRAFT**
**CONDITIONS OF APPROVAL AND**
**STANDARD DEVELOPMENT REQUIREMENTS**
**NOVEMBER 19, 2013**

**Planning Application 2013-7448**
433 N. Mathilda Ave. and 410 N.Pastoria
Use Permit for Two New Office/R&D Buildings
Exceeding the 35% Floor Area Ratio

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

GC-5. GREEN BUILDING:
The project shall meet the following green building requirements:

a) Final plans shall incorporate a completed LEED green building checklist demonstrating the new buildings achieve a LEED Gold level of no less than 70 points for Core and Shell as verified by a qualified LEED consultant.

b) Subsequent building permit plans for interior tenant improvements for the new buildings shall incorporate a completed LEED green building checklist demonstrating the project design achieves a LEED Gold level for Commercial Interiors as verified by a qualified LEED consultant. [COA] [PLANNING]

GC-6. BICYCLE PARKING UPGRADES:
Based on the 670 parking spaces shown, a total of 34 bicycle parking spaces (26 Class I secured spaces and 8 Class II racks) shall be provided for the entire site. Secured bicycle spaces may include bicycle lockers per VTA bicycle technical guidelines. As part of the building permit submittal, a site/floor plan shall be reviewed and approved by the Director of Community Development demonstrating compliance with this requirement. [COA] [PLANNING]

GC-7. 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-8. 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-9. MAP RECORDATION:
This project is subject to, and contingent upon the approval of a tentative map and recordation of a parcel map. Tentative map shall be approved separately by Director of Community Development or the Planning Commission. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and approval during the parcel map process prior to any grading or building permit issuance. [COA] [PUBLIC WORKS] (SMC 18.38)

GC-10. NOTICE OF FEE PROTEST:
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule.

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

EP-1. NEW PUBLIC SIDEWALK:
Remove existing curb, gutter and sidewalk along North Mathilda Avenue. Install 7-foot wide monolithic-style sidewalk, 6-inch curb and 1-foot wide gutter along North Mathilda. [COA] [PUBLIC WORKS]

Remove existing curb, gutter and sidewalk along North Pastoria Avenue. Install 10-foot wide attached sidewalk with 4-foot by 5-foot tree wells (approximately 35 feet apart) per City Standard detail 9C-2 along North Pastoria. [COA] [PUBLIC WORKS]

EP-2. STREET DEDICATION:
An 8-foot street dedication is required on North Pastoria Avenue to align with adjacent properties with 11 feet of public right-of-way, measured from face of curb. [COA] [PLANNING/PUBLIC WORKS]

EP-3. LEFT TURN LANE ON N. PASTORIA AVE.:
WHAT: The left turn lane on N. Pastoria Avenue shall be extended to a length of 125 feet plus a 60-foot taper, which shall be accomplished by restriping the right-of-way. [COA] [PUBLIC WORKS]

WHEN: This mitigation shall be converted into conditions of approval for this Use Permit (UP) prior to its final approval by the City Council. The conditions will become valid when the UP is approved and prior to building permit issuance. Condition will be applicable during the construction of the project.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the off-site improvement plans. [COA] [PLANNING] **Mitigation Measure**

EP-4. SIGNING AND STRIPING PLAN:
A signing and striping plan shall be submitted for approval prior to the issuance of any improvement or encroachment permits. New pavement markings must be in thermoplastic and comply with the latest edition of CA MUTCD requirements. [COA] [PUBLIC WORKS]

EP-5. 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-6. 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 construction. [SDR] [PUBLIC WORKS]

EP-7. 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-8. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. For water line, install public water meter in the public right-of-way. For each public 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 backfllow 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-9. 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-10. SEWER CLEANOUT:
Install new sanitary sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals. [SDR] [PUBLIC WORKS]

EP-11. UTILITY METER/VAULT AT DRIVEWAY APPROACH:
No existing or new utility meters or vaults shall be located within the new driveway approach areas. [COA] [PUBLIC WORKS]

EP-12. STREETLIGHTS:
Install new LED light bulbs for streetlights along S. Pastoria on and adjacent to project frontage. [COA] [PUBLIC WORKS]

EP-13. DRIVEWAY APPROACHES:
All unused driveway approaches shall be replaced with new curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]

EP-14. 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 Magnolia or Southern Live Oak (Quercus Virginiana) on North Pastoria 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-15. UTILITY CONFLICTS WITH MATURE 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-16. PROTECTION OF EXISTING TREES:
All existing trees behind the existing sidewalks along North Mathilda shall be protected and preserved during design and construction in accordance with the tree assessment prepared by Walter Levison dated 2/4/2013. [COA] [PUBLIC WORKS]

All existing trees within area 11 feet from face of the existing curb along North Pastoria shall be protected and preserved during design and construction in accordance with the tree assessment prepared by Walter Levison dated 2/4/2013. [COA] [PUBLIC WORKS]

EP-17. 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-18. 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-19. UNUSED/DAMANGED UTILITY BOXES
Developer shall be responsible to contact and coordinate with private utility companies for the removal of unused vaults and replacement of damaged vaults and lids located along the project frontage.

EP-20. VEHICLE AND PEDESTRIAN CIRCULATION PLAN
Developer shall provide a detailed vehicle and pedestrian circulation plan.

EP-21. PUBLIC WORKS GENERAL CONDITIONS:
Obtain a Public Works Encroachment Permit (EP) for all off-site improvements. The EP package shall include a traffic control plan in accordance to the latest CA MUTCD standards and shall be reviewed and approved by Public Works.

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.

EP-22. EASEMENTS:
This project requires additional dedication 5-foot PUE along north side of parcel A (433 North Mathilda Avenue) to make a total of 20-foot PUE. [COA] [PUBLIC WORKS]

EP-23. PRIVATE UTILITIES:
The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project. [COA] [PUBLIC WORKS]

EP-24. PUBLIC FIRE HYDRANT REQUIREMENTS:
The existing public fire hydrants shall be upgraded to Clow 75. Install new double check detector assembly for fire service per City standard detail 21-B on the discharge side of the fire service meter. The fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of 4 feet. [COA] [PUBLIC WORKS]

EP-25. SEPARATE WATER SERVICES:
Fire service and domestic service shall be separate (other than residential). [COA] [PUBLIC WORKS]

EP-26. TRASH ENCLOSURE REQUIREMENTS:
A maximum number of three service pick-up days per week is required for the subject building. A minimum of two 3-CY garbage bins and one 4-CY recycling bin is required for the proposed trash enclosure. Developer shall pay for a pull-out fee as required for Specialty service if a front-load garbage truck cannot access the enclosure directly. [COA] [PUBLIC WORKS]

EP-27. 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 **$231,768.60** and the incremental water connection fee is estimated at **$24,338.18** 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. [COA] [PUBLIC WORKS] (SMC 18.16)

EP-28. 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]

EP-29. 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-30. MATHILDA AVENUE TURN POCKET:
Developer shall design and construct modifications to the left turn pocket on NB Mathilda Avenue to WB Maude Avenue prior to occupancy of the first building. The turn pocket shall be an extension of the double left turn lanes resulting in two left turn lanes from the current beginning of the single lane turn pocket to the intersection. Design of the turn pocket shall be done in coordination with existing City projects to add bicycle lanes to Mathilda and to make traffic signal safety improvements at the intersection. Schematic design drawings and cost estimates shall be provided to the City for approval prior to production of detailed improvement plans. A performance bond guaranteeing completion of the turn pocket improvements shall be provided to the City prior to issuance of building permits. Detailed improvement plans and cost estimates shall be provided to the City for approval. Construction of the extended turn pocket shall be paid for by the developer and completed prior to occupancy of the first building. This project will be added to the list of projects to be paid for with Traffic Impact fees (TIF) and, if approved, the design and construction costs (including related traffic control costs) for this left turn pocket project will be a credit towards the developer's required TIF payment. [COA][PUBLIC WORKS]

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

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

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application

number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

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

BP-4. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):
The applicant shall submit a TDM Plan to include a Trip Reduction Program that results in a reduction of at least: 20% total average daily trips; and, 25% peak hour trips as calculated from the estimated total trip generation utilized in the Transportation Impact Analysis for the project (not including trip reduction credits or credits for previous uses). The TDM plan shall:

a) Be approved by the Director of Community Development and Director of Public Works, or designees prior to the issuance of building permits for tenant improvements.

b) Include statements of the number of allowable average daily and peak hour trips;

c) Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner;

d) Include a penalty for non-compliance with the targeted reductions. Said penalty shall be based on a documented calculation of the value per reduced trip of TDM measures proposed in the TDM Plan.

e) Be adjusted, subject to the same approvals, if targeted reductions are not met. [COA] [PLANNING/TRANSPORTATION]

BP-5. 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-6. RECYCLING AND SOLID WASTE ENCLOSURE:
The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:

a) Match the design, materials and color of the main building.

b) Be of masonry construction. [COA] [PLANNING]

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

BP-8. SOLID WASTE DISPOSAL PLAN:
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-9. 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-10. ART IN PRIVATE DEVELOPMENT:

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

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

a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **$294,209.31**, prior to issuance of a Building Permit (fee will be based on the fee in place at the time of payment). (SMC 3.50). [SDR] [PLANNING]

b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at **$960,425.67**, prior to issuance of a Building Permit (fee will be based on the fee in place at the time of payment). (SMC 19.22). [SDR] [PLANNING]

c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the new building will be required prior to issuance of a building permit. The bond will not released until

completion and installation of the artwork (or payment in-lieu) requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

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

BP-13. 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-14. TREE PROTECTION PLAN:
Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

a) An inventory shall be taken of all existing trees within the project area on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).

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

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

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

e) Any protected tree that is substantially damaged or destroyed as a result of construction activities shall be replaced with a minimum of 36" boxed specimen trees. [COA] [PLANNING/CITY ARBORIST]

BP-15. PARKING LOT SHADING:
The applicant shall submit a parking lot shading plan that illustrates parking lot shading of at least 50% of all parking and circulation areas on-site for the review and approval of the Director of Community Development prior to issuance of a building permit.

BP-16. 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-17. 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-18. STORMWATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:
Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

BP-19. STORMWATER - BEST MANAGEMENT PRACTICES:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

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

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

c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.

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

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

   i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.

   ii) Dumpster drips from covered trash and food compactor enclosures.

   iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.

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

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

BP-20. 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-21. LIGHTING POLES:
Pole heights and design shall match existing. [COA] [PLANNING]

BP-22. COMPACT SPACES:
Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

BP-23. MITIGATION MEASURE – CULTURAL RESOURCES:
WHAT: Final construction drawings shall incorporate all mitigation measures related to cultural resources as set forth under "Mitigation Measures" in the approved environmental document and as noted below.

1) After demolition of the existing building and prior to any site scraping or grading, a qualified archaeologist shall conduct further archival and field study to identify cultural resources, including a good-faith effort to identify buried archaeological deposits. Further study may include, but is not limited to,

pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources.

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

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

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

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

WHEN: These mitigations shall be converted into conditions of approval for this Use Permit (UP) prior to its final approval by the City Council. The conditions will become valid when the UP is approved and prior to building permit issuance. Conditions will be applicable during the construction of the project.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans. [COA] [PLANNING] **Mitigation Measure**

BP-24. MITIGATION MEASURE – BIOLOGICAL RESOURCES:
WHAT: If construction and/or ground-disturbing activities are to commence within the primary nesting season, additional pre-construction surveys shall be conducted for nesting raptors within 14 days and for other nesting birds within seven days of construction beginning to ensure that no protected nests are disturbed.

WHEN: This mitigation shall be converted into conditions of approval for this Use Permit (UP) prior to its final approval by the City Council. The conditions will become valid when the UP is approved and prior to building permit issuance. Conditions will be applicable during the construction of the project.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans. [COA] [PLANNING] **Mitigation Measure**

BP-25. MITIGATION MEASURE – TRANSPORATION FACILITIES:
The northbound left-turn pocket on N. Pastoria Avenue shall be lengthened to accommodate five vehicles. The left-turn pocket shall be extended to a length of 125 feet with a 60-foot taper. A Signing and Striping Plan that includes Pastoria Avenue shall be submitted to the Director of Public Works prior to the issuance of any building, grading or demolition permits.

WHEN: This mitigation shall be converted into conditions of approval for this Use Permit (UP) prior to its final approval by the City Council.

The conditions will become valid when the UP is approved and prior to building permit issuance or final map, whichever is first.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans for off-site improvements. [COA] [PLANNING] **Mitigation Measure**

BP-26. MITIGATION MEASURE – HAZARDOUS MATERIALS:
WHAT:

a) Because materials containing asbestos were detected in the building existing on the site, the demolition and removal of the building materials shall be managed appropriately by a trained, certified, licensed and protected professional who will perform the work in accordance with all applicable regulations.

b) Based on the compounds observed at the site, there is a potential for a vapor intrusion condition at the site if any soil "hotspots" were not discovered and abated during the initial site investigation. A passive vapor intrusion system shall be designed and incorporated into the construction plans for the new buildings prior to the issuance of any building, grading or demolition permits.

WHEN: These mitigations shall be converted into conditions of approval for this Use Permit (UP) prior to its final approval by the City Council. The conditions will become valid when the UP is approved and prior to building permit issuance. Conditions will be applicable during the construction of the project.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans. [COA] [PLANNING] **Mitigation Measure**

BP-27. UNDERGROUND UTILITIES:
All utilities shall be placed underground, including boundary lines and service drops, in compliance with SMC requirements. The applicant shall provide a copy of an agreement with affected utility companies for undergrounding of any existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a building permit. [SDR] [PLANNING]

**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. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):
The applicant shall submit a final TDM Plan prior to occupancy of the first building on any of the sites. [COA] [PLANNING]

PF-2. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-3. COMPACT SPACES:
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

PF-4. 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-5. MITIGATION MEASURES:
Documentation indicating that all environmental mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. [COA] [PLANNING] Mitigation Measure

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

DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

DC-3. BAAQMD BASIC CONTROL MEASURES:
Implement the Bay Area Air Quality Management District's (BAAQMD) Basic Control Measures to reduce criteria pollutants and greenhouse gas emissions during the construction of the project:

a) All exposed surfaces (e.g., parking staging areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

c) All visible mud or dirt track-out onto public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d) All vehicle speeds on unpaved roads shall be limited to 15 mph.

e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be proved for construction workers at all access points.

g) All construction equipment shall be maintained and properly turned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

h) Post a publicly visible sign with the telephone number and person to contact at the City of Sunnyvale regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. [COA] [PLANNING]

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

AT-1. TRANSPORTATION DEMAND MANAGEMENT (TDM) REPORTING:
An annual monitoring report shall be submitted to the Director of Community Development in January of each year. The report shall demonstrate compliance with the approved TDM Program including measures implemented and data on trip reductions achieved. If the TDM goals are not met in a given year, the property owners and/or tenant shall submit to the Director of Community Development

proposed program modifications intended to achieve the required goals in future years. [COA] [PLANNING]

AT-2. TDM ANNUAL REVIEW:
The applicant shall comply with the Annual Review requirements set forth in the approved TDM program including applicable fees for the review. [COA] [PLANNING/TRANSPORTATION

If annual review indicates that the actual average daily trips counts exceed the allowable number of trips identified in the approved plan, the property owner shall cause additional TDM measures to be put into place to reduce project trips. After six months of being notified by the City that annual trips exceeded allowable trips, a recount will be taken per item BP-4 c) above.

a) If the recount exceeds trips above the allowable trips, then a penalty for non-compliance will be collected.

b) If the recount exceeds trips for which Traffic Impact Fees were collected, the property owner shall be required to pay the City's then current Traffic Impact Fee for all trips that exceed the number of trips used for the basis of the original Traffic Impact Fee paid for the project. This additional traffic impact fee shall only be collected one time; and the TDM requirement continues to apply. [COA] [PLANNING/TRANSPORTATION]

AT-3. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-5. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:

a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.

b) Maintain all parking lot striping and marking.

c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.

d) Require signs to direct vehicles to additional parking spaces on-site, as needed.

e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

AT-6. STORMWATER BMP MAINTENANCE:
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-7. STORMWATER BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan. [SDR] [PLANNING]

AT-8. TENANT LEASE AGREEMENTS:
Any new lease agreements anywhere on the entire site shall include the following provisions:

a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.

b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet LEED Gold standards and maintain facilities consistent with LEED Gold standards.

[COA] [PLANNING]

**END OF CONDITIONS**

| | |
|---|---|
| Project Title | 433 N. Mathilda Avenue Office Development |
| Lead Agency Name and Address | City of Sunnyvale<br>P.O. Box 3707, Sunnyvale, CA 94088-3707 |
| Contact Person | Steve Flint |
| Phone Number | 408-730-7532 |
| Project Location | 433 N. Mathilda Avenue and 410 N. Pastoria Avenue |
| Applicant's Name | Christensen Holdings L.P. |
| Project Address | 433 N. Mathilda Avenue<br>Sunnyvale, CA 94088 |
| Zoning | M-S, M-S POA |
| General Plan | Industry |
| Other Public Agencies whose approval is required | None |

Description of the Project:

The project site is located south of Maude Avenue between Mathilda and Pastoria Avenues, and encompasses approximately 9.27 acres. The project proposes the demolition of 90,669 square feet of existing industrial buildings, to be replaced with 210,000 square feet of office buildings.

DETAILED PROJECT DESCRIPTION:

On-site Development: The project consists of two Class A office buildings, one three-story and one four-story, with underground parking beneath each building.

Construction Activities and Schedule: The project will entail excavation to accommodate the underground parking and building foundations. The developer anticipates a construction schedule of one year or less.

Surrounding Uses and Setting: The project site is surrounded on the north, south and east sides by industrially zoned M-S properties, many of which are occupied by older, tilt-up industrial construction. A Place of Assembly (Trinity Church) adjoins the project site on its north boundary. High Density Residential (R-4-PD) development exists directly east across N. Mathilda Avenue.

Off-site Improvements: Off-site improvements will include widening and paving existing roadways, the construction of new bikeways and pedestrian facilities, and underground utilities.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

| | |
|---|---|
| Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ Yes<br>☒ 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<br>☒ 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<br>☒ 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 Planner Name: Steve Flint Date:9/20/13

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? | ☐ | ☐ | ☐ | ☒ | Sunnyvale General Plan Map, Land Use and Transportation Chapter 3, and Community Character Chapter 4 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 2. Aesthetics - Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character | ☐ | ☐ | ☐ | ☒ | Sunnyvale General Plan Map, Land Use and Transportation Chapter 3, and Community Character Chapter 4 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 3. Aesthetics - Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ | Sunnyvale General Plan Map, Land Use and Transportation Chapter 3, and Community Character Chapter 4 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan? | ☐ | ☐ | ☐ | ☒ | Sunnyvale General Plan Map, and Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 5. Population and Housing -Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3, and Housing Chapter 5 of the Sunnyvale General Plan and General Plan Map www.sunnyvaleplanning.com |
| 6. Population and Housing -Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | Housing Chapter 5 of the Sunnyvale General Plan and General Plan Map www.sunnyvaleplanning.com |
| 7. Land Use Planning - Physically divide an established community? | ☐ | ☐ | ☐ | ☒ | Sunnyvale General Plan Map www.sunnyvaleplanning.com |
| 8. Land Use Planning - Conflict with the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 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? | ☐ | ☐ | ☐ | ☒ | 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 within the Moffett Field CLUP 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? | ☐ | ☐ | ☒ | ☐ | Moffett Field AICUZ , Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com Federal Aviation Administration Determination of No Hazard to Air Navigation Issued 10/24/2012, Aeronautical Study No. 2012-AWP-7706-OE |
| 11. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | There are no private airstrips in or in the vicinity of Sunnyvale |
| 12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | Moffett Field AICUZ |
| 13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | Sunnyvale Zoning Map www.sunnyvaleplanning.com |
| 14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off |
| 15. Noise -Exposure of persons to or generation of excessive_groundborne vibration? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 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? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Nesting Bird Surveys (#3449-010), H.T. Harvey & Associates 2/06/2013 |

| **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? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Nesting Bird Surveys (#3449-010), H.T. Harvey & Associates 2/06/2013 |
| 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? | ☐ | ☒ | ☐ | ☐ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Nesting Bird Surveys (#3449-010),prepared by H.T. Harvey & Associates, 2/06/2013 |
| 20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ | SMC 19.90 Tree Preservation Ordinance<br>Sunnyvale Inventory of Heritage Trees |
| 21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan and General Plan Map 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? | ☐ | ☐ | ☐ | ☒ | Community Character Chapter 4 of the Sunnyvale General Plan, Sunnyvale Inventory of Heritage Resources<br>The United States Secretary of the Interior's "Guidelines for Rehabilitation"<br>Criteria of the National Register of Historic Places |
| 23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ | California Health and Safety Code Section 7050.5(b), CEQA Guidelines Section 15064.5(e) |
| 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 | ☐ | ☐ | ☐ | ☒ | 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** |
|---|---|---|---|---|---|
| performance objectives? | | | | | |
| 25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway? | ☐ | ☐ | ☒ | ☐ | BAAQMD CEQA Guidelines<br>Sunnyvale General Plan Map<br>Environmental Management Chapter 7 of the Sunnyvale General Plan<br>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? | ☐ | ☐ | ☒ | ☐ | BAAQMD CEQA Guidelines<br>AB 32 |
| 27. Air Quality - Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☒ | BAAQMD CEQA Guidelines<br>AB 32 |
| 28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation. | ☐ | ☐ | ☒ | ☐ | BAAQMD CEQA Guidelines<br>Sunnyvale General Plan Map<br>Environmental Management Chapter 7 of the Sunnyvale General Plan<br>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)? | ☐ | ☐ | ☒ | ☐ | BAAQMD CEQA Guidelines<br>Sunnyvale General Plan Map<br>Environmental Management Chapter 7 of the Sunnyvale General Plan<br>www.sunnyvaleplanning.com |
| 30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ | BAAQMD CEQA Guidelines<br>Sunnyvale General Plan Map<br>Environmental Management Chapter 7 of the Sunnyvale General Plan<br>www.sunnyvaleplanning.com |
| 31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan<br>www.sunnyvaleplanning.com |
| 32. Seismic Safety - Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan<br>www.sunnyvaleplanning.com |
| 33. Seismic Safety-Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan<br>www.sunnyvaleplanning.com |

| Planning | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
|---|---|---|---|---|---|
| | | | | | |
| 34. Seismic Safety-Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan www.sunnyvaleplanning.com |

**Further Discussion:**

**Items #10 & #12. Moffett Federal Airfield AICUZ (Less than Significant):** The project site is located within the airport influence area for the Moffett Federal Airfield. According to the Air Installation Compatible Use Zones (AICUZ) Map, the project site is located in a "MS" zone with respect to accident potential. This zone is identified as having minimal accident potential, with office/research and development uses being normally acceptable. While some accident potential exists associated with the airfield, it is minimal. The project also triggers notification with the Federal Aviation Administration (FAA) regarding height related to take-off, landing and operations. On October 24, 2012, the FAA issued a Determination of No Hazard to Air Navigation. Therefore, the impact is determined to be less than significant and requires no mitigation.

**Item #14. Noise (Less than Significant):** The Environmental Management Chapter of the Sunnyvale General Plan recommends a maximum exterior noise level limit of 50 Ldn or CNEL for auditoriums, concert halls and amphitheaters, a maximum exterior noise level limit of 60 Ldn or CNEL for residences, hotels, motels, schools, libraries, hospitals, personal care facilities, meeting halls and churches, and a maximum exterior noise level limit of 65 Ldn or CNEL for outdoor sports, and recreation, neighborhood parks and playgrounds, and a maximum exterior noise level limit of 70 Ldn or CNEL for office buildings, commercial, professional businesses, industrial, manufacturing, utilities and agriculture. Office buildings are proposed on the project site where noise levels do not exceed 70 Ldn. Therefore, the impact is determined to be less than significant and requires no mitigation.

**Item #19. Biological Resources (Less than Significant With Mitigation) –** In February 2013, an initial survey was conducted on the project site to find evidence of any past or present nesting birds, particularly that of burrowing owls or other nesting raptors. While no such evidence was found at that time, trees and shrubs existing on the site potentially could attract nesting raptors and other birds whose active nests are protected from by the Migratory Bird Treaty Act and California Fish and Game Code.

MITIGATION

WHAT: If construction and/or ground-disturbing activities are to commence within the primary nesting season, additional pre-construction surveys shall be conducted for nesting raptors within 14 days and for other nesting birds within seven days of construction beginning to ensure that no protected nests are disturbed.

WHEN: These mitigations shall be converted to conditions of approval for this Major Use Permit prior to final approval by the City Council. The conditions will become valid when the Major Use Permit is approved. These conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

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

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

**Item #23. Historic and Cultural Resources (Less than Significant) –** Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered. The code states, "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions

of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code." State CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the Native American Heritage Commission. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Neither the site nor the existing building is on the City of Sunnyvale list of Heritage Resources. This project area contains no recorded archaeological resources. Local, state and federal inventories include no recorded buildings or structures within the proposed project area.

MITIGATION

WHAT:

1. There is a moderate possibility of identifying Native American archaeological resources and a low possibility of identifying historic period archaeological resources in the project area. After demolition of the existing building and prior to any site scraping or grading, a qualified archaeologist shall conduct further archival and field study to identify cultural resources, including a good-faith effort to identify buried archaeological deposits. Further study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources.

2. In the event that subsurface cultural resources are encountered prior to or during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls, structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

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

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

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

WHEN: These mitigation measures shall be converted to conditions of approval for this Major Use Permit prior to final approval by the City Council. The conditions will become valid when the Major Use Permit is approved. Conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

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

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

**Items #25 - #30. Air Quality (Less than Significant) –** The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating greenhouse GHG emissions from land use development projects. The BAAQMD thresholds were developed specifically for the Bay Area after considering the latest Bay Area Greenhouse Gas (GHG) inventory and the effects of Assembly Bill 32 – California Global Warming Solutions Act (AB 32) scoping plan measures that would reduce regional emissions. BAAQMD provides guidance to achieve GHG reductions from new land use developments to close the gap between projected regional emissions with AB 32 scoping plan measures and the AB 32 targets. The recommendations include a bright-line emissions threshold of 1,100 metric tons (MT) of $CO_2e$ (carbon dioxide equivalent) per year or an efficiency metric of 4.6 MT of $CO_2e$ per year per service population if the bright-line threshold is exceeded. Service population is the sum of full-time workers. There are no other quantified thresholds adopted by other agencies or the City to evaluate GHG emissions from land use projects.

The firm Illingworth & Rodkin, Acoustics and Air Quality, prepared a GHG Emissions Assessment for the proposed project in August 2013. The assessment states that projects with emissions below 1,100 MT of $CO^2e$ per year, or the efficiency metric, are considered to have less than significant GHG emissions. The proposed project size exceeds the screening size listed by BAAQMD as having less than significant GHG emissions, so a refined analysis was conducted, using the California Emissions Estimator Model Version 2011.1.1 (CalEEMod) to predict GHG emissions from the operation of the site assuming full build-out of the project in 2016.

2016 operational emissions from the project are predicted to be 2,925.5 MT of $CO_2e$ per year, which would exceed the BAAQMD bright-line threshold of 1,100 MT of $CO_2e$. Therefore, the efficiency metric, in terms of per capita emissions, was calculated. Project per capita emissions are predicted to be 3.4 MT of $CO^2e$ per year per capita, which would not exceed the BAAQMD efficiency metric of 4.6 MT of $CO^2e$ per year per capita. Therefore, the project would be considered to have a less than significant impact with regards to operational GHG emissions.

Modeling addressed construction activities associated with the project, anticipated to begin in spring of 2014. Activities included demolition of the 90,669 square foot vacant building on-site and a total of 25,500 cubic yards of soil is expected to be hauled as export. Using CARB's OFFROAD2011 modeling methodologies, construction GHG emissions were estimated to be 708 MT of $CO_2e$ for the entire 14-month period. While BAAQMD does not have a quantified threshold for construction period GHG emissions, it should be noted that project construction emissions would be below the operational significance threshold of 1,100 MT of $CO_2e$ per year.

Responsible Division: Planning Division Completed by: Steve Flint Date: 09/20/2013

| **Transportation** | **Potentially Significant Impact** | **Less than Sig. With Mitigation** | **Less Than Significant** | **No Impact** | **Source Other Than Project Description and Plans** |
|---|---|---|---|---|---|
| 35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including 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? | ☐ | ☐ | ☒ | ☐ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Santa Clara Valley Transportation Authority Congestion Management Program http://www.vta.org/cmp/<br><br>Transportation Impact Analysis prepared by Hexagon Transportation Consultants, Inc., (13-GB-19) 05/28/2013 |
| 36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ | Santa Clara Valley Transportation Authority Congestion Management Program http://www.vta.org/cmp/ |
| 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? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Project Description |
| 38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Project Description |
| 39. Conflict with adopted policies, plans, or programs regarding public transit or non-motorized transportation? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Santa Clara Valley Transportation Authority Congestion Management Program http://www.vta.org/cmp/ |

| **Transportation** | **Potentially Significant Impact** | **Less than Sig. With Mitigation** | **Less Than Significant** | **No Impact** | **Source Other Than Project Description and Plans** |
|---|---|---|---|---|---|
| 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)? | ☐ | ☒ | ☐ | ☐ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Santa Clara Valley Transportation Authority Congestion Management Program http://www.vta.org/cmp/<br><br>Transportation Impact Analysis prepared by Hexagon Transportation Consultants, Inc., (13-GB-19) 05/28/2013 |
| 41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Santa Clara Valley Transportation Authority Congestion Management Program http://www.vta.org/cmp/ |
| 42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter 3 of the Sunnyvale General Plan www.sunnyvaleplanning.com<br><br>Santa Clara Valley Transportation Authority Congestion Management Program http://www.vta.org/cmp/ |

**Further Discussion:**

**Item #35. Circulation System Capacity (Less Than Significant) –** Under cumulative conditions, the intersection at Mathilda Avenue and the SR 237 westbound ramps would operate at LOS F under both no project and with project scenarios during the AM and PM peak hours. In addition, the intersection at Mathilda Avenue and Ross Drive would operate at LOS F under both no project and with project scenarios during the PM peak hour. However, the project would not cause a significant impact to either intersection under cumulative conditions because it would not increase the critical delay by more than 4 seconds or the V/C by more than 0.01. The findings of LOS F at the intersection of Mathilda Avenue and SR 237 westbound ramps are consistent with the analysis of buildout of the City of Sunnyvale General Plan. No mitigation is required.

**Item #40. Performance of Transportation Facilities (Less than Significant with Mitigation) –** Under background with project and cumulative with project conditions, the 95th percentile queue for the northbound left-turn movement on Pastoria Avenue is 5 vehicles during the PM peak hour, which will exceed the available storage by one vehicle. Lengthening this left turn pocket would require restriping Pastoria Avenue, which might result in the elimination of some on-street parking.

WHAT: the northbound left-turn pocket on Pastoria Avenue shall be lengthened to accommodate five vehicles. The left-turn pocket shall be extended to a length of 125 feet with a 60-foot taper. A Signing and Striping Plan that includes Pastoria Avenue shall be submitted to the Director of Public Works prior to the issuance of any building, grading or demolition permits.

WHEN: These mitigation measures shall be converted to conditions of approval for this Major Use Permit prior to final approval by the City Council. The conditions will become valid when the Major Use Permit is approved. Conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.
WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.

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

Responsible Division: Planning Division Completed by: Steve Flint Date: 08/20/2013

| Building | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
|---|---|---|---|---|---|
| 43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ | FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code |
| 44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com, California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code |
| ~~45.~~ Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ | 1995 ABAG Dam Inundation Map www.abag.ca.gov, California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code |
| 46. Geology and Soils -Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ | Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual |
| 47. Geology and Soils -Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan, www.sunnyvaleplanning.com California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code |
| 48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ | California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code |

**Further Discussion:**

**Items #47 and 48. Geology and Soils (No Impact) –** The California Building Code contains a series of building code requirements to address safety issues regarding seismic shaking, flooding, and soil types. In addition, Title 16.62 of the Sunnyvale Municipal Code requires a series of measures for provisions to reduce flood-related hazards to buildings. These standards are suggested by the Federal Emergency Management Agency and required by code by the City of Sunnyvale. These standards must be met for a building permit to be issued.

Responsible Division: Planning Division Completed by: Steve Flint Date: 08/20/2013

| **Engineering** | **Potentially Significant Impact** | **Less than Sig. With Mitigation** | **Less Than Significant** | **No Impact** | **Source Other Than Project Description and Plans** |
|---|---|---|---|---|---|
| 49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 52. Utilities and Service Systems: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 53. Utilities and Service Systems: Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |

| Engineering | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
|---|---|---|---|---|---|
| 55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ | Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit http://www.waterboards.ca.gov/ |
| 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)? | | | | | RWQCB, Region 2 Municipal Regional Permit http://www.waterboards.ca.gov/ City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com |
| 57. 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)? | ☐ | ☐ | ☐ | ☒ | RWQCB, Region 2 Municipal Regional Permit http://www.waterboards.ca.gov/ City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com |
| 58. Hydrology and Water Quality - Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ | Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org |
| 59. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ | RWQCB, Region 2 Municipal Regional Permit http://www.waterboards.ca.gov/ City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com |
| 60. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river? | ☐ | ☐ | ☐ | ☒ | Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com |
| 61. Utilities and Service Systems – Comply with federal, state, and local statues and | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan |

| **Engineering** | **Potentially Significant Impact** | **Less than Sig. With Mitigation** | **Less Than Significant** | **No Impact** | **Source Other Than Project Description and Plans** |
|---|---|---|---|---|---|
| regulations related to solid waste? | | | | | www.sunnyvaleplanning.com |
| 62. 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? | ☐ | ☐ | ☐ | ☒ | Environmental Management Chapter 7 of the Sunnyvale General Plan www.sunnyvaleplanning.com |

Responsible Division: Planning Division Completed by: Steve Flint Date: 08/20/2013

| **Public Safety** | **Potentially Significant Impact** | **Less than Sig. With Mitigation** | **Less Than Significant** | **No Impact** | **Source Other Than Project Description and Plans** |
|---|---|---|---|---|---|
| 63. Public Services Police and Fire Protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 64. Public Services Police and Fire protection - Would the project result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | California Building Code<br>SMC Section 16.52 Fire Code |

Responsible Division: Planning Division Completed by: Steve Flint Date: 08/20/2013

| Public Safety – Hazardous Materials | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
|---|---|---|---|---|---|
| 65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan, www.sunnyvaleplanning.com |
| 66. 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? | ☐ | ☒ | ☐ | ☐ | Safety and Noise Chapter 6 of the Sunnyvale General Plan, www.sunnyvaleplanning.com<br>Title 20 of the City of Sunnyvale Municipal Code<br>Phase I Environmental Site Assessment, Environmental Risk Specialties Corp., 8/17/2011 |
| 67. 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? | ☐ | ☐ | ☐ | ☒ | Sunnyvale Zoning Map www.sunnyvaleplanning.com |
| 68. 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? | ☐ | ☐ | ☐ | ☒ | State of California Hazardous Waste and Substances Site List (Cortese List), Department of Toxic Substance Control |
| 69. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | Safety and Noise Chapter 6 of the Sunnyvale General Plan www.sunnyvaleplanning.com |

Further Discussion:

**Item 66#. Hazards and Hazardous Materials (Less than Significant with Mitigation) –** A Phase I Environmental Site Assessment and Asbestos Survey Report was performed by Environmental Risk Specialists assessment in August 2011. The assessment revealed no evidence of Recognized Environmental Conditions in connection with the subject property, except for a solvent plume originating on the site and extending onto adjacent property. This condition was discovered in the early 1980s. The primary contaminants of concern were TCE, DCE, and xylene. The source appeared to be former waste solvent tanks and equipment in the equipment pad area. The tanks and heavily contaminated soil were subsequently removed. From 1990 – January 1997, a groundwater extraction and treatment system was operated at the site. Groundwater monitoring during and after the water treatment system was operated showed reducing concentrations and a reduced plume area. In 2002, the RWQCB issued a letter rescinding the clean-up requirements, indicating no additional investigation, remediation, or monitoring was required. In addition, groundwater impacts of 1,1,1-TCA, THF, DCM, and DCA were discovered in the southern and central portions of the site. It appears that the source of this plume was the Anacomp facility at 305 Soquel. The cleanup order associated with the 305 Soquel release was rescinded in

2001, effectively closing the site. Both the on-site and off-site impacts are considered a Historical Recognized Environmental Condition (HREC) and are no longer considered to be a significant threat to human health or the environment. Therefore, no additional regulatory action is required. However, based on the compounds observed at the site, there is a potential for a vapor intrusion condition at the site if any soil “hotspots” were not discovered and abated during the initial site investigation. It is recommended that a passive vapor intrusion system be designed and incorporated into any new building plans.

Aerial photographs of the site taken between 1929 and 1965 revealed the presence of support buildings for agricultural use on its western portion. Because the previous investigation on the subject site focused on areas other than the location of the former buildings, it is possible that soil or groundwater contamination from the past operations is present in this area.

In addition, materials containing asbestos were detected in the building existing on the site. While it is not considered a Recognized Environmental Condition (REC) as defined by the American Society of Testing and Materials (ASTM), it still must be managed appropriately by a trained, certified, licensed and protected professional who will perform the work in accordance with all applicable regulations.

WHAT:

1. Because materials containing asbestos were detected in the building existing on the site, the demolition and removal of the building materials shall be managed appropriately by a trained, certified, licensed and protected professional who will perform the work in accordance with all applicable regulations.
2. Based on the compounds observed at the site, there is a potential for a vapor intrusion condition at the site if any soil “hotspots” were not discovered and abated during the initial site investigation. A passive vapor intrusion system shall be designed and incorporated into the construction plans for the new buildings prior to the issuance of any building, grading or demolition permits.

WHEN: These mitigation measures shall be converted to conditions of approval for this Major Use Permit prior to final approval by the City Council. The conditions will become valid when the Major Use Permit is approved. Conditions will be applicable during the Building plan check period, and during demolition, grading and construction of the project.

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

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

Responsible Division: Planning Division Completed by: Steve Flint Date: 08/20/2013

| **Community Services** | **Potentially Significant Impact** | **Less than Sig. With Mitigation** | **Less Than Significant** | **No Impact** | **Source Other Than Project Description and Plans** |
|---|---|---|---|---|---|
| 70. Public Services Parks – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 71. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com |
| 72. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com |

Responsible Division: Planning Division Completed by: Steve Flint Date: 08/20/2013

# ENVIRONMENTAL SOURCES



**City of Sunnyvale General Plan:**
Sunnyvale General Plan Consolidated in (2011)
generalplan.InSunnyvale.com

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

**City of Sunnyvale Municipal Code:**

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

**Specific Plans:**

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

**Environmental Impact Reports:**

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

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**Maps:**

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

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

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

**Lists / Inventories:**

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory
- Hazardous Waste & Substances Sites List (State of California)
- List of Known Contaminants in Sunnyvale
- USFWS / CA Dept. F&G Endangered and Threatened Animals of California http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf
- The Leaking Underground Petroleum Storage Tank List www.geotracker.waterboards.ca.gov
- The Federal EPA Superfund List

# ENVIRONMENTAL SOURCES



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
- Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012)

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

**Public Works:**
- Standard Specifications and Details of the Department of Public Works
- Storm Drain Master Plan
- Sanitary Sewer Master Plan
- Water Master Plan
- Solid Waste Management Plan of Santa Clara County
- Geotechnical Investigation Reports
- Engineering Division Project Files
- 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
- Phase I Environmental Site Assessment dated August 17, 2011
- Project Development Plans dated 07/26/2013
- Project Traffic Impact Analysis dated 05/28/2013
- Project Green House Gas and Air Quality Analysis dated 08/14/13
- Field Inspection
- Nesting Bird Surveys (HTH #3449-010) dated 2/06/2013
- Project Site Plan dated 07/26/2013
- Project Draft Storm Water Management Plan
- Project Tree Inventory 02/04/2013
- Project Tree Preservation Plan
- Project Green Building Checklist dated 05/22/2013
- Project LEED Checklist dated 05/22/2013

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