



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

File Number: 2013-7171
No. 13-~~20~~

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

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

PROJECT TITLE:

Application for a Special Development Permit filed by Summerhill Apartment Communities for the Mathilda Apartments, 481 S. Mathilda Avenue, Sunnyvale.

PROJECT DESCRIPTION AND LOCATION (APN):

The project consists of the demolition of three existing office buildings, site clearing and grading, and the construction of a two to four story residential building requiring the approval of a Special Development Permit that includes the approval of: 1) Use of density bonus; 2) Tree removal; 3) Parking reduction.

WHERE TO VIEW THIS DOCUMENT:

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on Monday, October 28, 2013. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, October 28, 2013 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

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

Circulated On October 4, 2013

Signed: 
Andrew Miner, Principal Planner

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Project Title	Mathilda Apartments: Application (2013-7171) for a Site Development Permit to allow the construction of 105 residential dwelling units within Block 14 of the Downtown Specific Plan area.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Gerri Caruso, Principal Planner
Phone Number	408-730-7257
Project Location	455-481 South Mathilda Avenue, between West Olive Avenue and West Iowa Avenue
Applicant's Name	Summerhill Apartment Communities
Project Address	481 W. South Mathilda Avenue Sunnyvale, CA 94088
Zoning	Block 14, Downtown Specific Plan
General Plan	Downtown Specific Plan
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT:

The project consists of the demolition of three existing office buildings, site clearing and grading, and the construction of a two to four story residential building requiring the approval of a Special Development Permit that includes the approval of:

- Use of density bonus
- Tree removal
- Parking reduction

DETAILED PROJECT DESCRIPTION:

On-site Development:

The 1.6 acre project site is currently developed with three office buildings (two single story buildings and one three story building), and a paved surface parking lot. The proposed project would demolish the existing buildings and construct a new building with 105 residential units arranged in a two- to four-story structure over a subterranean parking garage. A main pedestrian entryway would be located on South Mathilda Avenue for use by both residents and visitors, with a second pedestrian access point for residents located on Charles Street. A garage entry on Charles Street at the southwest corner of the site would provide vehicle access to the parking garage beneath the building. The building would range in height from a maximum of 30 feet at the two-story Charles Street frontage, to a maximum of 50 feet along the four-story portion facing South Mathilda Avenue. A central courtyard with a water feature, landscaping, spa, gas fireplace and seating would be located at ground level (above the parking garage podium). The single-story subterranean parking garage would contain 148 vehicle parking stalls and 36 bicycle lockers. Additional storage for all 105 units would be located in the garage and throughout the building.

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The building would be set back approximately ten feet from the back of the sidewalk on Charles Street, approximately 5 to 12 feet from the back of sidewalk on South Mathilda Avenue property line, and approximately 22 feet and 16 feet from the south and north property lines, respectively. The setback area at Charles Street would include landscaping and steps from the sidewalk to the private patios of adjacent units. The Mathilda Avenue setback would include a landscaped area ranging from approximately 5-12 feet from the building to the sidewalk.

Site preparation for development would include the removal of 38 trees (37 on site and one adjacent to the site located on the south property line), none of which are native species. The project would plant approximately 80 new trees, including street trees along Charles Street and South Mathilda Avenue.

The project would implement development for a portion of Block 14 of the Downtown Specific Plan area. The project would have a residential density of 65 dwelling units per acre, consistent with the *Downtown Specific Plan* General Plan designation for the site, which allows residential density up to 78 units per acre. The project would be built to achieve a minimum of 80 points under the Green Point Rated green building rating system, consistent with the City of Sunnyvale Green Building standards.

The project site plan assumes that the Mathilda Avenue frontage road originally identified in the Downtown Specific Plan would not be implemented, as the City is considering modifying the Plan to remove the frontage road on the west side of Mathilda Avenue between Washington Avenue and Olive Avenue. The project design assumes land area along the Mathilda Avenue frontage that would have been dedicated for frontage road right-of-way (approximately 33 feet on the west side of Mathilda Avenue) would be reduced but would be available for street improvements identified in the Downtown Specific Plan or approved modifications and the proposed the development project.

Construction Activities and Schedule:

Construction of the proposed project is estimated to occur over a period of 22 months. The most intensive site work, such as demolition of existing buildings, excavation for the underground garage, trenching and other grading would take approximately six months to complete. Construction of the garage and residences would take approximately 20 months, during which offsite improvements (described below) would also occur.

Demolition of existing buildings, excavation and grading would be necessary for site preparation and construction of the proposed project. Demolition of existing buildings is expected to generate approximately 9,100 cubic yards of demolition debris. Excavation for the project would reach approximately twelve feet below existing grade and is expected to generate approximately 2,700 cubic yards of soil to be exported from the site.

Surrounding Uses and Setting:

The proposed development is located at 488-451 South Mathilda Avenue between West Olive Street and West Iowa Avenue (APN 165-03-004 and 165-03-005). The project site is bounded by South Mathilda Avenue to the east, Charles Street to the west, commercial development (a bank) to the south and a mix of commercial development and single family homes to the north. Across Charles Street from the site is the Sunnyvale Teaching and Demonstration Garden.

Off-site Improvements:

The project would construct new sewer, water, gas, electrical, and storm sewer connections to existing service located beneath South Mathilda Avenue. An existing water connection at Charles Street would be maintained. New sidewalks, streetlights and curb and gutter would be constructed, and new landscaping and street trees planted along the rights-of-way of Charles Street and South Mathilda Avenue adjacent to the site.

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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.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

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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.

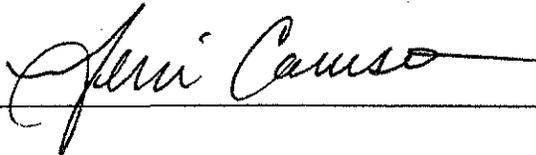
Gerri Caruso

Date: 10.4.13

Title: Principal Planner

City of Sunnyvale

Signature:



Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Sunnyvale Downtown Specific 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Downtown Specific Plan www.sunnyvaleplanning.com Sunnyvale General Plan Map, www.generalplan.InSunnyvale.com Community Character and Land Use Chapters of the Sunnyvale General Plan www.generalplan.InSunnyvale.com
3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan www.sunnyvaleplanning.com Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map www.sunnyvaleplanning.com
5. Population and Housing -Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan www.sunnyvaleplanning.com Housing Chapter, Land Use and Transportation Chapter of the Sunnyvale General Plan and General Plan Map www.generalplan.InSunnyvale.com
6. Population and Housing -Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan www.sunnyvaleplanning.com Housing Chapter, Land Use and Transportation Chapter of the General Plan www.sunnyvaleplanning.com
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan www.sunnyvaleplanning.com Sunnyvale General Plan Map www.generalplan.InSunnyvale.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan www.sunnyvaleplanning.com Land Use and Transportation Chapter of the Sunnyvale General Plan www.generalplan.inSunnyvale.com Title 19 (Zoning) of the Sunnyvale Municipal Code www.sunnyvaleplanning.com
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code www.sunnyvaleplanning.com
10. For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field Air Installations Compatible Use Zones (AICUZ), Santa Clara County ALUC Moffett Field CLUP, Sunnyvale Zoning Map, www.sunnyvaleplanning.com Sunnyvale General Plan Map www.generalplan.inSunnyvale.com
11. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Air Installations Compatible Use Zones (AICUZ) Study Map, Santa Clara County ALUC Moffett Field CLUP
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.inSunnyvale.com SMC 19.42 Noise Ordinance www.sunnyvaleplanning.com Project Noise Report
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.inSunnyvale.com SMC 19.42 Noise Ordinance www.sunnyvaleplanning.com Project Description Project Noise Report

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com Project Noise Report
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Project Biological Resources Report
18. Biological Resources -Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Project Biological Resources Report
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description, Project Biological Resources Report
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance, Sunnyvale Inventory of Heritage Trees, Project Arborist's Report
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Project Biological Resources Report
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Character Chapter of the Sunnyvale General Plan, www.generalplan.inSunnyvale.com Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places Project Historical and Architectural

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Evaluation
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project description, Project archeological study and cultural resource survey, Records Research Results-California Historical Resource Information System
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. See discussion for information about school impacts.
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, Sunnyvale General Plan Map, Environmental Management Chapter of the General Plan www.generalplan.InSunnyvale.com
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines, AB 32, Project Greenhouse Gas and Air Quality Analysis
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, AB 32, Project Greenhouse Gas and Air Quality Analysis
28. Air Quality -Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines, Environmental Management Chapter of the General Plan www.generalplan.InSunnyvale.com Project Greenhouse Gas and Air Quality Analysis
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines, Environmental Management Chapter of the General Plan www.generalplan.InSunnyvale.com Project Greenhouse Gas and Air Quality Analysis
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines, Environmental Management Chapter of the General Plan

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					www.generalplan.InSunnyvale.com Project Greenhouse Gas and Air Quality Analysis
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com

Less Than Significant Impacts

2. Aesthetics - Substantially degrade the existing visual character or quality of the site? (Less Than Significant Impact)

3. Aesthetics - Create a new source of substantial light or glare? (Less Than Significant Impact)

The proposed project will result in the transition of the site from commercial to residential. The project has been designed to comply with the General Design Guidelines of the Sunnyvale Downtown Plan. The project would use varying building heights to reflect a balance between low-scale development to the west and more intense development planned for Downtown Specific Plan areas to the east. The site design emphasizes pedestrian access points and includes pedestrian-scale features at ground level. The City's implementation of the General Design Guidelines of the Downtown Specific Plan and staff's review of final development plans, including the exterior lighting plan, and architectural materials and details, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not degrade the visual character or quality of the site and its surroundings. As a result, the impacts will be less than significant.

9. Transportation and Traffic - Result in inadequate parking capacity? (Less Than Significant Impact)

The project would include a subterranean parking garage with 148 vehicle parking stalls, and 36 bicycle lockers for residents. The project would utilize a reduced parking incentive pursuant to State Density Bonus Law (California Government Code Title 7, Division 1, Chapter 4.3, Sections 65915, et seq.) to provide 1 parking space for each one-bedroom unit and 2 parking spaces for each two-bedroom unit, for a total of 148 spaces. The Sunnyvale Zoning Code requires multifamily residential development in the Specific Plan area to provide 1.5 spaces for each one-bedroom unit and 2 parking spaces for each two-bedroom unit for a total of 175 spaces. Because the project would be located within Downtown, where cultural, retail, entertainment, and employment land uses are accessible by walking, cycling, and public

transit, reducing parking by 27 spaces (15% below Code requirements) is not expected to result in inadequate on-site parking or substantial parking intrusion on surrounding neighborhood streets.

20. Biological Resources- Conflict with Local Policies Protecting Resources? (Less Than Significant Impact)

Site preparation for development would include the removal of 38 trees (37 on site and one adjacent to the south side of the site), none of which are native species. The project would plant approximately 80 new trees. In accordance with Chapter 19.94 of the Sunnyvale Municipal Code, the project will provide street trees along the frontage of Charles Street and South Mathilda Avenue. Tree replacement proposed by the project would offset the loss of the trees to be removed, and would be consistent with the City's tree preservation regulations. This would therefore result in a less than significant impact with regard to local policies protecting biological resources.

24. Public Services - Substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives. (No Impact)

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

26. Air Quality - Cumulatively Considerable Increase in Criteria Pollutants? (Less Than Significant Impact)

Project emissions of criteria pollutants (carbon monoxide, sulfur dioxide, fine particulate matter, etc.) during construction would be temporary, and based on the size of the project, would not be significant. The BAAQMD project size threshold for significant operational impacts is 451 dwelling units. Based on the project size of 105 residential units, the project is well below the significance threshold for operational impacts, even before applying baseline emissions credit for trips associated with the current office buildings. Based on these factors, the project would not result in significant emissions of any criteria pollutants and would not have a considerable contribution to cumulative criteria pollutant impacts.

28. Air Quality - Violate any Air Quality Standard? (Less Than Significant Impact)

As discussed under question 26, the project would have emissions less than the significance thresholds adopted by BAAQMD for evaluating impacts related to ozone and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level, however carbon monoxide levels have been below State and federal standards in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. Intersections affected by the project would have traffic volumes less than the BAAQMD screening criteria for carbon monoxide emissions and therefore would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.

Less Than Significant With Mitigation

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? (Less Than Significant Impact with Mitigation)

15. Noise - Exposure of persons to or generation of excessive groundborne vibration? (Less Than Significant Impact with Mitigation)

An environmental Noise Assessment was completed for the project (Illingworth and Rodkin, June 2013). Continuous 24-hour noise measurements were conducted at four locations on the project site to quantify the existing noise environment. Noise measurements were made at a height of approximately twelve feet above grade at the north and east property boundaries, across Charles Street from the project site, near the community garden, and across West Olive Street near Sunnyvale City Hall. Ambient noise levels ranged from 63 dB DNL to 74dB DNL. The public and private open spaces in the central courtyard of the project are subject to the land-use compatibility guidelines from the City's Noise

Element, per Policy SN-8.7. Based on ambient noise levels and the site configuration, noise levels in this area are expected to be below DNL 60 dB and are therefore "normally acceptable" for outdoor open space per the Sunnyvale General Plan. Project traffic is projected to be less than that generated by the existing three buildings, therefore the project would not increase traffic noise levels.

Mechanical equipment associated with the project, such as air-conditioning equipment and garage exhaust fans have the potential to exceed City noise standards. Specific noise reduction measures cannot be determined until the equipment has been selected. As a condition of project approval, the applicant will provide documentation verifying that mechanical equipment selected for the building will not exceed the noise standards of section 19.42.030 of the City of Sunnyvale Municipal Code, and will describe any noise attenuation features included in the project to reduce mechanical equipment noise to meet Municipal Code noise limits.

Construction of the project might result in temporary elevated noise levels at existing adjacent land uses, as well as generating groundborne vibration. A combination of residential and commercial land uses occur between 100 and 150 feet from the site. Construction activities are expected to include demolition of existing buildings, grading, temporary shoring, excavation, concrete forming and pumping, structural framing, interior framing, and interior and exterior finishes. The noisiest of these activities is typically demolition and excavation, when heavy machinery would be in use. Typical noise levels from these activities range from 80 to 90 dB at 50 feet. At the residences located approximately 110 feet from the project site on Charles Street, the noise levels of the activities may range from 73 to 83 dB.

Through the City's implementation of the current Municipal Code construction noise regulations, as well as the following measures, construction-period noise and vibration impacts will be lessened to a less than significant level during construction.

MITIGATION:

WHAT:

1. Per Chapter 16.08 of the Sunnyvale Administrative Code, construction activities shall be limited to the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday, and Saturday between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.
2. Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
3. Notify the City and neighbors in advance of the schedule for each major phase of construction and expected loud activities.
4. When feasible, select "quiet" construction methods and equipment.
5. Locate noisy stationary equipment (e.g., generators and compressors) and material unloading and staging areas away from the most sensitive adjacent uses.
6. Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.
7. Designate a construction noise coordinator. This coordinator would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

WHEN: These mitigations shall be converted into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

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

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? (Less Than Significant Impact with Mitigation)*

The biological assessment prepared for the project (H.T. Harvey and Associates April 2013) noted that relatively few native wildlife species occur on the project site due to its small size, urban surroundings, dominance by non-native ornamental vegetation, and isolation from natural habitats and extensive open space areas. There are no special-status plant species or animal species inhabiting the site, or regulated habitats on site. Site preparation for development would include the removal of 38 trees (37 on site and one adjacent to the site), none of which are native species. Construction disturbance during the breeding season (February 1 through August 31, for most species in the area) could result in the incidental loss of eggs or nestlings of native birds, either directly through the destruction of active nests or indirectly by causing disturbance that results in the abandonment of nests. Disturbance of nests of the common bird species likely to inhabit the site would not be a significant impact under CEQA, however the implementation of the following measures will ensure the project complies with Migratory Bird Treaty Act and California Fish and Game Code, thereby reducing potential biological impacts to less than significant levels.

MITIGATION:

WHAT: Construction disturbance during the breeding season (February 1 through August 31, for most species in the area) could result in the incidental loss of eggs or nestlings of native birds, either directly through the destruction of active nests or indirectly by causing disturbance that results in the abandonment of nests.

1. To the extent feasible, initial construction activities, including vegetation clearing, would be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in the Sunnyvale area extends from February 1 through August 31.
2. If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds would be conducted by a qualified ornithologist to ensure that no nests will be disturbed during Project implementation. These surveys would be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest, to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.
3. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation, as well as buildings) that are scheduled to be removed by the Project must be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests on these substrates, and minimize the potential for delay of the Project due to the presence of active nests in these substrates.

WHEN: These mitigations shall be converted into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant 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

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? (Less Than Significant with Mitigation)*

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23. Historic and Cultural Resources - *Disturb any human remains, including those interred outside of formal cemeteries?* (Less Than Significant with Mitigation)

Historical Resources:

An historical evaluation (Archives and Architecture, August 2013) was prepared to determine whether the existing office buildings on the site were historically significant according to National Register, California Register and City of Sunnyvale criteria for historical significance. The property does not appear to qualify for listing on the California Register of Historical Resources or National Register of Historic Places. Based on those findings and a review of the City's criteria for designation of heritage resources, the property also does not appear to be eligible for designation as a local Heritage Resource under the City's Municipal Code. Therefore, none of the buildings are resources under CEQA, and their demolition would not constitute a significant impact to the environment.

Archaeological Resources:

A records search by the California Historical Resources Information System, Northwestern Information Center (CHRIS/NWIC) was conducted for the project area (project site and surrounding area) in February 2013. The records search found that the project area contains no recorded archaeological resources. The State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) includes no buildings or structures within the proposed project area. Based on an evaluation of the environmental setting and features associated with known Native American sites in the region, there is a moderate potential for buried Native American archaeological resources in the proposed project area. Review of historical literature and maps gave no indication of the possibility of historic-period archaeological resources within the project area. While the general vicinity of the proposed project underwent early development during the mid to late 19th century, maps from those eras and from the early 20th century fail to show any buildings or structures with the proposed project area, therefore there is a low potential of identifying unrecorded historic-period archaeological resources in the proposed project area.

There is a moderate possibility of buried Native American archaeological resources and a low possibility of buried historic-period archaeological resources in the project area. Given the moderate possibility for unknown Native American archaeological resources in the proposed project area, the completion of a geoarchaeological study was recommended by the CHRIS/NWIC. Such a study would be conducted prior to ground disturbance to assess locations where development of the site would potentially disturb sensitive landforms. The project would include the following measures to reduce or avoid potential impacts to prehistoric resources, should they be encountered during construction. With implementation of these measures, impacts to archaeological resources would be reduced to less than significant.

MITIGATION:

WHAT: Upon demolition of the existing buildings and removal of the concrete and asphalt on-site, a qualified archaeologist meeting the Secretary of the Interior's standards (CEQA Guideline 15064.5(f)), shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources. The testing program shall be implemented with the results presented in Presence/Absence Testing Report commensurate with the findings.

1. If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. 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.

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2. 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 should 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.
3. In the event prehistoric or historic cultural resources are otherwise encountered during approved ground-disturbing activities for project construction, all work within 25 feet of the discovery shall be stopped to allow for the identification and evaluation of the significance of the cultural materials by a qualified archaeologist. If the cultural materials are determined to be significant, the qualified archaeologist shall develop an appropriate treatment plan in consultation with the City's Planner to mitigate the discovery, according to the procedures described above. The plan could include avoidance and preservation measures to preserve the materials in place; scientific collection and analysis; preparation of a professional report in accordance with current professional standards; and, professional museum curation of collected cultural materials and resource documentation.
4. A pre-construction meeting shall be held with the contractor and other project personnel to discuss the requirements and potential for the exposure of archaeological materials during construction. Procedures for any unanticipated discoveries shall be discussed with the contractor and other pertinent parties.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit is approved. Conditions will be applicable during the construction of the project.

WHO: The property owner and contractor will be 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.

30. Air Quality - Expose Sensitive Receptors to Substantial Pollutant Concentrations (Less Than Significant Impact with Mitigation)

The Air Quality and Greenhouse Gas Emissions Assessment prepared for the project found that operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. Nearby sources of air pollutant emissions, including pollutants in vehicle exhaust from Mathilda Avenue, are not anticipated to adversely affect new residents of the completed project. Modeling of construction-related emissions of fine particulate associated with dust and diesel emissions from construction equipment did not pose a significant health risk to nearby sensitive receptors e.g., the nearest residences on Charles Street. However, the assessment recommended that the BAAQMD air quality and dust control measures listed below be included in the project to ensure that health risks associated with fine particulate matter and diesel emission remain at less than significant levels.

MITIGATION:

WHAT: Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality and fugitive dust-related impacts associated with grading and new construction to a less than significant. The contractor shall implement the following Best Management Practices that are required of all projects:

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

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4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency 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.

WHEN: These mitigations shall be converted into conditions of approval for the Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant 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: Gerri Caruso

Date: 9/29/2013

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan www.sunnyvaleplanning.com Project Trip Generation Analysis
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan www.sunnyvaleplanning.com
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan www.generalplan.InSunnyvale.com
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan www.sunnyvaleplanning.com Mathilda Avenue Carriage Road Transportation Analysis
39. Conflict with adopted policies, plans, or programs regarding public transit or non-motorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan www.sunnyvaleplanning.com
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road non-motorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for non-motorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan www.sunnyvaleplanning.com

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan -- Land Use and Transportation Element www.generalplan.inSunnyvale.com Downtown Specific Plan www.sunnyvaleplanning.com
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan -- Land Use and Transportation Element www.generalplan.inSunnyvale.com Downtown Specific Plan www.sunnyvaleplanning.com

Less Than Significant Impacts

35. Transportation - Exceeds the capacity of the existing circulation system? (Less Than Significant)

The City requires projects that generate a net of 100 PM peak hour trips to prepare a Traffic Impact Analysis. Trip generation for most land uses, including multi-unit residential development is highest in the evening peak period, therefore PM peak hour trips rather than AM peak hour trips are used to determine potential project transportation impacts. Based on trip generation estimates prepared by City staff, the project would generate 59 PM peak hour trips, well below the threshold for requiring additional analysis of transportation impacts. Based on established trip generation rates, the 49 residential units in the two story portion of the project would generate 40 PM peak hour trips and the 56 units in the four story portion of the project would generate 19 PM peak hour trips, for a project total of 59 PM peak hour trips. Because

The project site is currently developed with 26,000 square feet of office space that generates 108 PM peak hour trips. The project would result in a net reduction of 49 PM peak trips, and would therefore have a less than significant impact on the capacity of the existing circulation system.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

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

Less Than Significant With Mitigation

47. Geology and Soils - Be located on a geologic unit or soil that is unstable? (Less Than Significant with Mitigation)

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

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for provisions to reduce flood-related hazards to buildings, for site subject to flooding, however the project site is located is not located in a flood way or flood hazard zone. 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.

48. Geology and Soils - Located on expansive soil? (Less Than Significant with Mitigation)

A Geotechnical Exploration was prepared for the project (ENGEO May 2013). Based on this study, the project site is not in an area mapped as being susceptible to liquefaction, nor is it within a State Earthquake Fault Zone or Seismic Hazard Zone. The site appears suitable for the proposed development with regard to geological and geotechnical issues, provided the recommendations and guidelines contained in the geotechnical study are incorporated into the project. The study includes a number of recommendations regarding fill placement, grading and foundation design that would be included in the design and construction of the project.

MITIGATION:

WHAT: The project shall incorporate the recommendations of the Geotechnical Exploration report (ENGEO, May 2013) into the design and construction of the project.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant 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: Gerri Caruso

Date: 9/29/2013

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com
50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan EIR www.sunnyvaleplanning.com
51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan EIR www.sunnyvaleplanning.com
52. Utilities and Service Systems: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan EIR www.sunnyvaleplanning.com
53. Utilities and Service Systems: Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan EIR www.sunnyvaleplanning.com
54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan EIR www.sunnyvaleplanning.com
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Project Stormwater Management Plan
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com Project Stormwater Management Plan
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
60. Utilities and Service Systems: Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan EIR

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

49-54, 60-61. The Sanitary Sewer analysis prepared for the project noted that the project would have a negligible impact on the capacity of the existing 6-inch main serving the project site. The Downtown Specific Plan EIR (DSP EIR) estimated that, based on the current remaining treatment capacity of the Sunnyvale Water Pollution, the additional wastewater treatment demand from buildout of the entire Downtown Specific Plan would equal approximately 3.5 percent of the wastewater treatment plant's current remaining treatment capacity. The DSP EIR determined that there would be adequate water supply to meet the water demand for the estimated 1,670 additional multi-family residential units (which includes the project's 105 units) that would be included in the buildout of the Plan. Additionally, DSP EIR noted that solid waste from the Specific Plan area, including the project site, would be processed at the Sunnyvale Materials Recovery and Transfer Station to recover materials suitable for recycling. The remainder would be hauled to Kirby Canyon Landfill in San José, which has approximately 30 years' capacity remaining.

55-59. The Project's Stormwater Management Plan identifies the treatment measures that the project would install to capture and treat runoff from on-site impervious surfaces. The project would include Low Impact Development (LID) stormwater features such as bioretention planters, consistent with Municipal Regional Stormwater Permit (MRP) requirements. The project's LID features are expected to reduce the overall volume of runoff from the site compared to existing conditions, since no stormwater treatment facilities are currently in place. During construction, the project would comply with the statewide Construction General Permit and City requirements to control soil erosion, prevent sediment transport in runoff, and to implement good housekeeping practices to safeguard water quality while the site is disturbed.

The prevention of water quality impacts during construction, and the post-construction runoff volume reduction and treatment prior to discharge to the City's storm sewer system, is expected to improve the project site's hydrology and would therefore have a less than significant water quality impact.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Initial Study
455-481 S. Mathilda Avenue
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Public Safety	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com Downtown Specific Plan EIR
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code http://sunnyvale.ca.gov/

Further Discussion if "Less Than Significant" with or without mitigation: The project's incremental increase in demand for fire and police services would have less than significant impacts, as the increased demand from the entire Specific Plan buildout was also determined to have a less than significant impact on public services.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description, Project Environmental Site Assessment
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com Project Description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Environmental Site Assessment
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan www.generalplan.InSunnyvale.com

Less Than Significant With Mitigation

64. Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? (Less Than Significant with Mitigation)

A Phase 1 Environmental Site Assessment (ENGE0, August 2012) was prepared for the project. One NPL list ("Superfund") site is located approximately one mile from the project site but would not pose a hazard to the project site. A number of Cortese List sites are located in the vicinity of the project, but are not considered to pose a hazard to the site. The Environmental Site Assessment (ESA) found no recognized environmental conditions on the site itself, and past uses of the site that constitute a hazard to future residential uses. No additional soil testing is required prior to site development. The ESA did note that based on their age, the existing buildings on the site could contain asbestos-containing materials (ACMs) and/or lead based paint (LBP). Prior to building demolition an ACM and LBP survey would need to be conducted to determine whether these potentially hazardous materials are present. If these materials are found to be present in the existing buildings, they would need to be removed prior to demolition or handled and disposed of properly during demolition, consistent with state and Federal requirements.

MITIGATION:

WHAT:

1. Prior to the demolition of the property buildings, a comprehensive asbestos survey in compliance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and all State of California asbestos requirements will be conducted. All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards.
2. If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal-OSHA Lead in Construction Standards. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved. Conditions will be applicable during the construction of the project.

WHO: The project contractor/applicant 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: Gerri Caruso

Date: 9/29/2013

Initial Study
455-481 S. Mathilda Avenue
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Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services, Parks- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.generalplan.inSunnyvale.com Downtown Specific Plan EIR
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.generalplan.inSunnyvale.com
71. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan www.generalplan.inSunnyvale.com

69-71. Public Service and Parks Impacts. (Less Than Significant) The Downtown Specific Plan EIR determined that the payment of school impact fees and payment of in-lieu fees for parks (or land dedication, when feasible) by individual projects under the Plan would avoid significant impacts to schools and parks, respectively.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

City of Sunnyvale General Plan:

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

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

City of Sunnyvale Municipal Code:

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

Specific Plans:

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

Environmental Impact Reports:

- Futures Study Environmental Impact Report

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

Maps:

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

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

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

Lists / Inventories:

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory
- Hazardous Waste & Substances Sites List (State of California)
- List of Known Contaminants in Sunnyvale

- USFWS / CA Dept. F&G Endangered and Threatened Animals of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- The Leaking Underground Petroleum Storage Tank List www.geotracker.waterboards.ca.gov
- The Federal EPA Superfund List www.epa.gov/region9/cleanup/california.html
- The Hazardous Waste and Substance Site List www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

Guidelines and Best Management Practices

- Storm Water Quality Best Management Practices Guidelines Manual 2007
- Sunnyvale Citywide Design Guidelines
- Sunnyvale Industrial Guidelines
- Sunnyvale Single-Family Design Techniques
- Sunnyvale Eichler Guidelines
- Blueprint for a Clean Bay
- Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams
- The United States Secretary of the Interior 's Guidelines for Rehabilitation
- Criteria of the National Register of Historic Places

Transportation:

- California Department of Transportation Highway Design Manual
- California Department of Transportation Traffic Manual
- California Department of Transportation Standard Plans & Standard Specifications
- Highway Capacity Manual
- Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- Institute of Transportation Engineers - Traffic Engineering Handbook
- Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- Institute of Transportation Engineers - Transportation Planning Handbook
- Institute of Transportation Engineers - Manual of Traffic Signal Design
- Institute of Transportation Engineers - Transportation and Land Development
- U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- California Vehicle Code
- Santa Clara County Congestion Management Program and Technical Guidelines

- Santa Clara County Transportation Agency Short Range Transit Plan
- Santa Clara County Transportation Plan
- Traffic Volume Studies, City of Sunnyvale Public Works Department of Traffic Engineering Division
- Statewide Integrated Traffic Records System
- Sunnyvale Zoning Ordinance – including Titles 10 & 13
- City of Sunnyvale General Plan – Land Use and Transportation Element
- City of Sunnyvale Bicycle Plan
- City of Sunnyvale Neighborhood Traffic Calming Program
- Valley Transportation Authority Bicycle Technical Guidelines
- Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
- Santa Clara County Sub-Regional Deficiency Plan
- City of Sunnyvale Deficiency Plan
- AASHTO: A Policy on Geometric Design of Highways and Streets
- Mathilda Avenue Carriage Road Transportation Analysis

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

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- Title 16.54 Sunnyvale Municipal Code
- Title 19: California Code of Regulations
- National Fire Protection Association (NFPA) standards

OTHER :

Project Specific Information

- Project Description
- Field Inspection
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 6/17/13
- Project Draft Storm Water Management Plan 6/1/2013
- Project construction schedule
- Project Noise Study dated 6/17/13
- Phase 1 Environmental Site Assessment 8/10/12
- Project Green House Gas and Air Quality Analysis dated 3/5/13
- Project Arborists Report dated 1/18/13
- Project Sanitary Sewer Analysis 4/10/13
- Historical and Architectural Evaluation 8/8/13
- Biological Resources Report 4/24/13
- Geotechnical Report 5/12/13
- Records Research Results-California Historical Resource Information System 2/5/13
- Project Green Building Checklist
- Project LEED Checklist

2001 Gateway Place, Suite 101E
(408)501-7864 Fax (408)501-7861

www.svlg.org

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Established in 1978 by

DAVID PACKARD

October 15, 2013

Mayor and Councilmembers
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088-3707

Dear Mayor Spitaleri and Councilmembers,

On behalf of the Silicon Valley Leadership Group, we are writing to express our support for SummerHill Apartment Communities' Mathilda Apartment proposal on 481 South Mathilda Avenue.

By way of background, The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 375 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley.

The members of the Leadership Group recognize the link between economic growth and housing availability. For that reason, we support proposals such as this as they will provide a housing product type in Sunnyvale that can serve the workforce needs of our growing economy. In this case, the proposal will create 105 rental homes in an area already designated for high density housing including studios, one, and two bedroom units.

Overall, we believe the Mathilda Apartments will be a great addition to South Mathilda Avenue and the City of Sunnyvale. We encourage your support.

Sincerely,



Carl Guardino
President & CEO



Santa Clara County Housing Action Coalition



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

October 15, 2013

The Honorable Mayor and City Council
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

Dear Mayor and Members of the City Council,

On behalf of the Housing Action Coalition, we are writing to express our support for SummerHill Apartment Communities' Mathilda Apartment proposal on 481 South Mathilda Avenue.

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

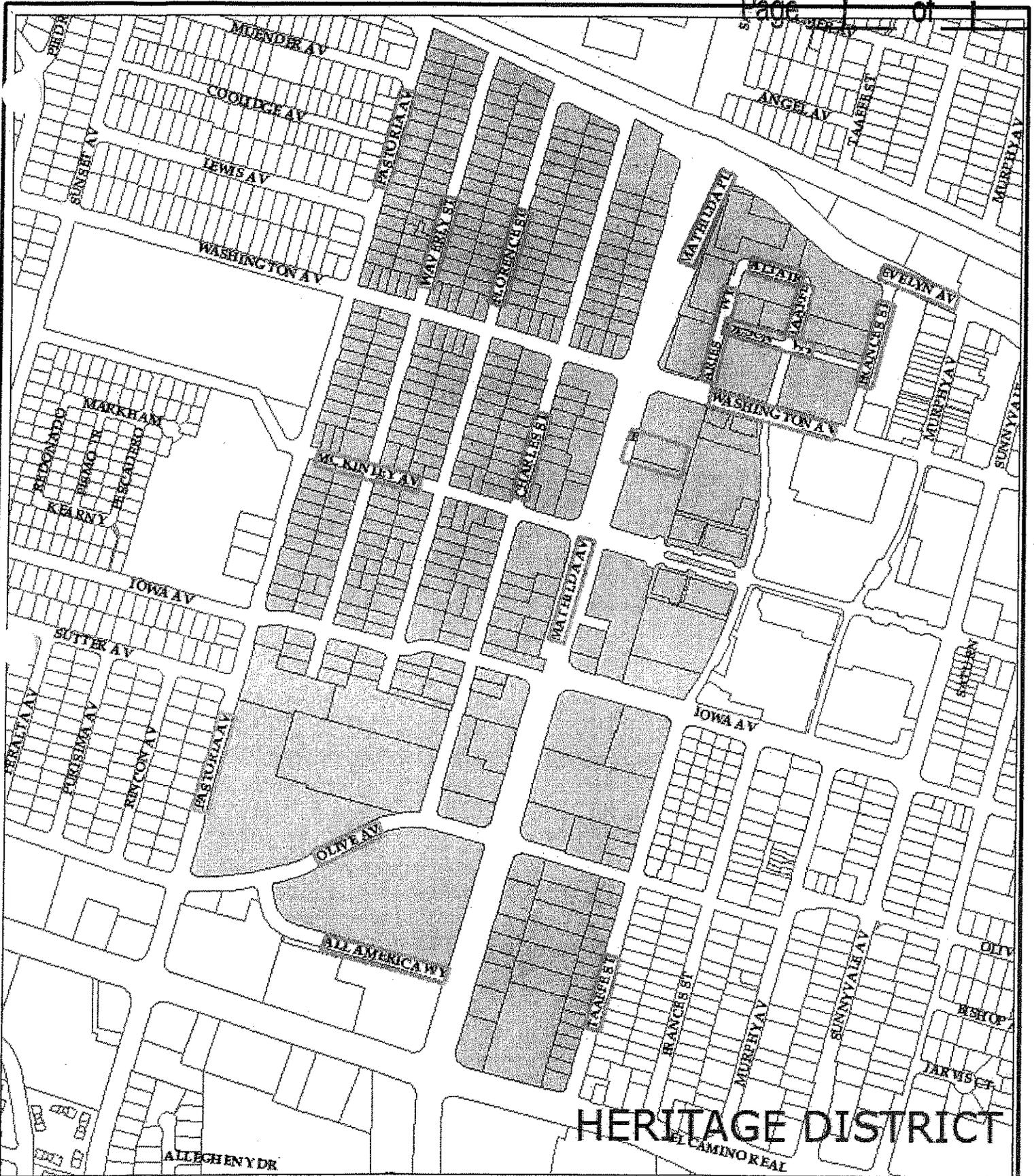
The City of Sunnyvale continues to demonstrate its clear commitment to creating complete communities that include jobs, homes and related amenities. We also continue to be impressed with the City's forward thinking approach related to planning for housing growth and allowing housing to be built where appropriate. The proposal by SummerHill Apartment Communities is one more example of this.

We support this proposal because it provides much needed housing in an area that is appropriate for intensification. The site is proximate to Mathilda Ave, downtown and a myriad of neighborhood serving businesses providing the opportunity for residents to walk to the cleaners, eat at local establishments and other needed services.

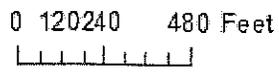
We encourage your support of this proposal.

Sincerely,

Margaret Bard
HAC Co-Chair



013-7171
455 and 465 S. Mathilda Avenue (DSP/Block 14)
SPECIAL DEVELOPMENT PERMIT
VESTING TENTATIVE MAP



Eleanor S. Hansen

Phone

Work)

October 28, 2013

Delivered by e-mail

Dept of Community Development
Attn Gerry Caruso
456 West Olive Avenue
Sunnyvale, CA 94088

Re: File # 2013-7171 455 and 465 S Mathilda Avenue

Dear Sir and Madam:

I am making the following comments with respect to the above-named project.

1. I think four stories with a frontage along Mathilda Avenue is excessive. Several weeks (2-4) ago, I listened to a hearing in which residents near the developments at 505 N Mathilda voiced their concerns. The gist of their comments, as I heard them, was that they wanted no building fronting Mathilda presenting more than two stories to the street. This property presents four stories to viewer from Mathilda. I feel this will produce an oppressive feeling to the immediate neighborhood.
2. The comparison in heights to what is approved in the Downtown Specific Plan of 2003 to justify the heights in this project is inappropriate. The fact that that DSP has not been completed despite being approved close to 10 years ago must raise or increase the likelihood that it will not be built, and so should not be relied on as justification for approving the project.
3. Re the absence of a Traffic Impact Analysis. Intuitively this project is expected to increase traffic by a significant amount. Although strict adherence to a checklist may indicate that no traffic impact analysis is needed, for the safety and goodwill of the residents of the city of Sunnyvale, particularly those residents who live north of this project on Charles Street, I believe that if the traffic is going in and out on Charles Street, then a traffic impact analysis is needed and contingency calming measures should be provided for in case an increase in traffic as measured by traffic volumes, is observed after building and operation of the project.

ATTACHMENT IGerri Caruso Page 2 of 3

Objection to the project of Mathilda 455 - 481 105 apartments

1 message

Jyh-Jiun Liou

Mon, Oct 28, 2013 at 2:32 PM

To: "gcaruso@ci.sunnyvale.ca.us" <gcaruso@ci.sunnyvale.ca.us>

Hi, Gerri,

As we discussed in the Neighborhood Meeting on 8/8 regarding the project:
455 -481 S. Mathilda Ave, Sunnyvale -> 105 Apartment, I strongly object to issue permit to build the 105 apartment..

I have mentioned the safety issues and the potential hazards casused by the project.

Please do not issue the permit and I want to know how I can officially file my opinion against the project. I will be there in the public hearing tonight.

Thanks!

Jyh-Jiun Liou

October 28, 2013

Mr. Andrew Miner
Project Planner
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94088

Re: Mathilda Apartments (455-481 S. Mathilda Ave.) CEQA Initial Study Comments

Dear Mr. Miner:

I disagree with the Mitigated Negative Declaration finding in the CEQA Initial Study for the Mathilda Apartments at 455-481 S. Mathilda Ave. Specifically, item #2 "Aesthetics" and item #20 "Biological Resources" have not been adequately analyzed because the solar shading generated by this project has not been analyzed.

Neighboring properties will undoubtedly be shadowed by this project, this will affect the aesthetics. The adjoining property to the north of the project will be shaded the most. What will happen to the protected trees and other landscaping once they are shaded? An analysis should be done to determine the impact of the solar shading on protected trees on the neighboring properties.

Regards,

Martin Landzaat

Sunnyvale, CA

November 11, 2013

Gary Luebbers
Sunnyvale City Manager
456 W. Olive
Sunnyvale, CA 94086

Re: Appeal to the Sunnyvale City Council of the decision of the Planning Commission [2013-7468] Approving SummerHill Apartments' application for a Special Development Permit for a 105-unit 4-story apartment development at 455 -481 S. Mathilda Avenue.

Dear Mr. Luebbers:

We need to appeal the Planning Commission's Approval of a Special Development Permit for construction of a 105-unit, 4-story apartment complex at 455 - 481 S. Mathilda Avenue. This project creates multiple problems for Sunnyvale residents.

1. The 3 commercial buildings on the site have been occupied by non-technology companies that hire Sunnyvale residents with diverse work experience and educational backgrounds. These businesses offer a wide range of services directly to residents. The proposed project illogically converts this commercial space to residential use. Conversion forces the current commercial tenants out of Sunnyvale and, in some cases, out of business.

According to Stephen Levy, director of the Palo Alto-based Center for Continuing Study of the California Economy, the non-technology companies employ a lot of people and serve a lot of customers. In 2012, non-tech companies were more profitable than their technology counterparts. These businesses were able to capture revenue without having internal higher labor costs and other overhead.

2. It is not compatible with the commercial nature of a successful downtown to forcibly replace operating businesses with residential units. Conversion of this site erodes the synergy that develops among multiple, nearby commercial enterprises. This synergy is needed to make Sunnyvale's downtown, which is on life support, successful.
3. The proposed apartments significantly increase traffic congestion in an already gridlocked area. No Traffic Impact Analysis was conducted. A

Appeal Planning Commission Approval
November 11, 2013
Page Two

claim is made in Report 2013-7468 that the project will generate fewer p.m. peak hour auto trips than the existing office use. No explanation is provided as to how residents of 105 housing units, returning from work and school, would result in fewer trips than the workers at a dozen small businesses leaving the office.

4. The residents of the apartments and their guests and service providers will generate a significant increase in new vehicle trips, which will emit pollutants, including carbon monoxide, nitrogen oxides, hydrocarbons and particulate matter. These pollutants will increase the risk of asthma and other chronic respiratory illnesses among Sunnyvale residents and children. This project violates General Plan requirements to protect public health and the environment. This project breaks the City's commitment to reduce carbon emissions.
5. With its sole access on Charles St., the apartment project will generate too many vehicle trips northbound through a single family residential area, as project residents seek to avoid the standstill traffic and multiple red lights on northbound Mathilda Av.
6. The inadequate parking at the proposed project will result in a significant demand for on-street parking at night, to the detriment of residents along Charles St. The current commercial use generates zero demand for on-street night parking.
7. The proposed project will result in a more than seven-fold increase in the amount of floor space used at the site. Over 166,000 square feet of floor space will be added on this 1.6 acre parcel. At its peak, the building will be over 54 feet in height. This is too large a building for the site, neighborhood and adjacent roads to accommodate.
8. The squeezing of 105 residential units onto 1.6 acres results in inadequate open space for the new Sunnyvale residents, less than 80 sq. ft. per unit, some of which contain 2 bedrooms.
9. The proposed density of 65 housing units per acre is out of proportion to the typical Sunnyvale ratio of 7 to 8 housing units per acre. Local government does not have the education, law enforcement, road and park resources to properly service this level of occupancy.

Appeal Planning Commission Approval
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Page Three

10. There will be significant negative impacts on Sunnyvale's only Community Garden. Located on the opposite side of Charles Street, the growing area of the Garden will be shaded during portions of the day by the more than 54-foot height of part of the apartment complex. The resulting reduction in sunlight available at the Garden will negatively impact residents' growing of vegetables, plants, flowers and herbs.

Pollution deposits from the increased auto exhausts emitted at the project's sole driveway on Charles St. will build up on the plants growing in the vegetable garden. Accumulation of nitrogen oxides and particulate matter will negatively impact the edibility of the produce.

11. The building style will resemble that used for the new apartments on W. Washington Av., on the former Town and Country shopping site. Many Sunnyvale residents are critical of the architectural style of the Washington Av. apartments, describing it as unappealing, fortress-like, blockish, with a predominance of concrete construction.

12. The proposed clearcutting and destruction of all 43 trees on the site violates City policy and goals. Many of the current trees are large and provide a canopy at more than 50 feet in the air. These trees provide carbon sequestration, intercept airborne particulates, aid soil water retention and reduce erosion, provide shelter for wildlife, reduce the urban heat island effect and increase quality of life for neighboring residents and visitors.

13. Under the proposed residential use, there will be 88% 'Lot Coverage'. Report 2013-7468 does not identify what the 'Lot Coverage' is under the current use. No meaningful comparison can be made for decision making purposes without that data.

14. No data is provided as to the distance between buildings under the current use and under the proposed residential use. No meaningful comparison can be made for decision making purposes without that data.

15. The proposed use violates the objectives, purposes and goals of Sunnyvale's General Plan. Diverse office and commercial uses are

Appeal Planning Commission Approval
November 11, 2013
Page Four

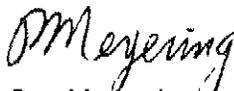
removed from the Downtown. This undermines the cohesiveness, vitality and viability of a commercial core for the City.

16. The proposed use impairs the existing uses being made in the nearby neighborhood of single family one-story homes.
17. The site, along a seven-lane, heavily traveled arterial road, is not physically suitable for residential use. Bedroom windows and balconies setback 6 - 10 feet from Mathilda Ave. jeopardize the health of the future Sunnyvale residents.
18. Traditionally a developer is required to install roads to allow travel to and from a new project. The current streets around the proposed site were built to move a much lower volume of traffic. The width of the current streets was designed to move a smaller number of people going to smaller surrounding buildings.

To increase its profit, the applicant seeks permission to significantly increase the size, density and usage of buildings beside the City's older roadways. Such permission needs to be denied or in the alternative, tied to a corresponding responsibility to build more roads or a transit system. To do otherwise creates havoc in the City, significantly impeding the mobility of Sunnyvale's residents and the customers, employees and suppliers of the City's businesses.

Please let me know when this Appeal can be scheduled for a hearing by the city council.

Thank you,


Pat Meyering

Eleanor S. Hansen
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November 11, 2013

Delivered by Hand

Dept of Community Development
Attn: Hanson Hom
456 West Olive Avenue
Sunnyvale, CA 94088-3707

Re: Appeal of Planning Commission Decision(s) re
Project 2013-7171 to Sunnyvale City Council

Dear Director Hom:

This letter states my reasons for appealing the Planning Commission decision on October 28, 2013 in the above-named matter. I hope no one in your department takes this appeal personally. I only recently realized that I could appeal these decisions and I plan on doing this regularly in the future. This is only the first, so no particular importance should be attached to the fact that this is the first.

My major reasons are as follows:

1. The absence of an adequate traffic impact analysis. I have a vision of what would be adequate:
 - a. It would report volumes and not just Level of Service
 - b. It would include traffic analysis on the weekends.
 - c. It would have a particular emphasis on children going to school.

But all that is academic because there is no traffic impact analysis for this project. It would help if the Planning Commissioners knew the difference and appreciated the difference between and Environmental Impact Report, a project traffic impact analysis and a traffic analysis for something other than the project.

And I am so unimpressed with a reduction in curb cuts, I just about want to scream. Also, this is another instance where nearby residents come to give testimony about on-the-site conditions, and

are cavalierly ignored in favor of the project sponsor who does not actually address their concerns.

2. An analysis showing there would be adequate, even ample parking. I can see the future in five years time. It is a Sunnyvale City Council Meeting and the residents of this project are complaining that they do not have adequate parking and not being allowed to park on the streets or on city property (across the street or in the northwest corner of city hall property) overnight, for safety reasons, and are petitioning bitterly for some sort of relief. We have been through this before, one of the most memorable being the classics on Argues at Fair Oaks. In general, when I drive through Sunnyvale residential neighborhoods, I can spot the location of a project just as this by the fact that there is suddenly a lot of on street parking which there is not in the other part of the neighborhood. None of these projects seem to provide sufficient on-site parking and this one seems to be on the real-real-bad side. There is an analysis and it indicates, at the end of the day, that this project is not likely to have adequate parking.
3. In addition to the above, I have another one that could not be decided by the Planning Commission but I think the City Council will want to take a look at – the role of the State of California in deciding zoning. Previously, and you can have the office of the City Attorney report on this, I would think, the decisions concerning zoning was entirely the decision of the body making legislative decisions for the government entity for the land, e.g., a town council made decisions for a town, a city council for a city, and the county board of supervisors for unincorporated areas.

Now, as you know and the council members can ascertain, the subject of density on this location was reviewed in 2012, namely in the file or project number 2012-7373, Motion RTC 12-202, on August 28, 2012. And from what I read of the minutes of that meeting, the council decided not to increase the zoning of this block.

So, the appellant comes up with some state of California bonuses that allow for higher density in contradiction to what the City of Sunnyvale City Council decided in 2012.

Does this City Council ratify that application of state law in this matter?
Does this City Council ratify having the State of California making zoning decisions?

Very Truly Yours,



Eleanor S. Hansen

Enc.

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sobernardo@aol.com

October 28, 2013

Delivered by e-mail

Dept of Community Development
Attn Gerry Caruso
456 West Olive Avenue
Sunnyvale, CA 94088

Re: File # 2013-7171 455 and 465 S Mathilda Avenue

Dear Sir and Madam:

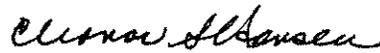
I am making the following comments with respect to the above-named project.

1. I think four stories with a frontage along Mathilda Avenue is excessive. Several weeks (2-4) ago, I listened to a hearing in which residents near the developments at 505 N Mathilda voiced their concerns. The gist of their comments, as I heard them, was that they wanted no building fronting Mathilda presenting more than two stories to the street. This property presents four stories to viewer from Mathilda. I feel this will produce an oppressive feeling to the immediate neighborhood.
2. The comparison in heights to what is approved in the Downtown Specific Plan of 2003 to justify the heights in this project is inappropriate. The fact that that DSP has not been completed despite being approved close to 10 years ago must raise or increase the likelihood that it will not be built, and so should not be relied on as justification for approving the project.
3. Re the absence of a Traffic Impact Analysis. Intuitively this project is expected to increase traffic by a significant amount. Although strict adherence to a checklist may indicate that no traffic impact analysis is needed, for the safety and goodwill of the residents of the city of Sunnyvale, particularly those residents who live north of this project on Charles Street, I believe that if the traffic is going in and out on Charles Street, then a traffic impact analysis is needed and contingency calming measures should be provided for in case an increase in traffic as measured by traffic volumes, is observed after building and operation of the project.

An additional comment -- one of the planning staff forwarded to me the report of the community meeting that was held for the neighbors of this project. That meeting was not well attended. The normal 300 ft notification may explain most of that. In addition, the meeting was not in the neighborhood, but at the community center --definitely not within walking distance. And there was only one meeting—which means if it was during the day, the people who work could not come, and if it were at night, then the people who do not drive at night do not come.

In general, the lack of community response during approval says nothing about the community disapproval during and after construction.

Very truly yours,



Eleanor S. Hansen

CITY COUNCIL AUGUST 28, 2012

PUBLIC HEARINGS/GENERAL BUSINESS

2. MOTION 2012-7373: Application to Initiate a Specific Plan Amendment Study to
 RTC 12-202 Change the Allowable Residential Density for 455-491 S. Mathilda
 Avenue in Block 14 of the Downtown Specific Plan to Allow up to 69
 Dwelling Units per Acre and to Eliminate the Requirement for a
 Frontage Road along Mathilda Avenue

Councilmember Meyering stated he would recuse himself from consideration of this matter as he has an arrangement with a tenant of the property for occasional use of a conference room to meet with Sunnyvale clients, and will speak as a member of the public. Meyering stepped down from the dais and took a seat in the audience.

Director of Community Development Hanson Hom provided the staff report.

Public hearing opened at 8:02 p.m.

Katia Kamangar, Applicant, Urban Housing Group, gave opening remarks.

Kelly Snider, Director of Development, Urban Housing Group, presented information regarding the request for Initiation of a General Plan Amendment and presented a PowerPoint presentation.

Ray Johnson stated the Downtown Specific Plan should be implemented as written to take the politics out of the development process. Johnson stated the project should be remanded to staff with instructions to inform the applicant that there will be no change in residential density above the maximum allowed for the parcel and no further increases will be allowed.

Pat Meyering presented a slide showing the aerial views of the project area and stated Councilmembers who have a conflict of interest should recuse themselves.

Dan Hafeman spoke in support of the staff recommendation and the importance of making Mathilda more pedestrian and bicycle friendly in the downtown area. Hafeman stated the project is an opportunity to have a high density development that is considered a green building development.

Larry Alba requested consideration of children in this and other projects due to school overcrowding due to increased housing.

Kelly Snider, Applicant, provided information regarding the request for increased density and stated Mathilda warrants further study.

Public hearing closed at 8:44 p.m.

MOTION: Councilmember Moylan moved and Vice Mayor Whittum seconded the motion to approve Alternative 1: Authorize the initiation of the Specific Plan Amendment study to consider a change to the frontage road requirement for Mathilda Avenue between Washington Avenue and El Camino Real.

AMENDMENT: Mayor Spitaleri moved to amend and Councilmember Martin-Milius seconded the motion to amend the motion to include Alternative 2: Authorize the initiation of the Specific Plan Amendment study to consider a change in residential density from 87 maximum dwelling units to 110 dwelling units (approximately 69 d.u. per acre) for the subject parcel within DSP Block 14.

VOTE on AMENDMENT: 2 - 4 (Councilmember Griffith, Vice Mayor Whittum and

Councilmembers Moylan and Davis dissented, Councilmember Meyering recused) Motion failed.

VOTE on MAIN MOTION: 5 - 1 (Councilmember Davis dissented, Councilmember Meyering recused)

MOTION: Vice Mayor Whittum moved and Councilmember Davis seconded the motion to put on an upcoming agenda a discussion of commercial zoning at the site.

VOTE: 2 - 4 (Councilmember Griffith, Mayor Spitaleri, Councilmembers Moylan and Martin-Milius dissented, Councilmember Meyering recused) Motion failed.

Following action on this item, Councilmember Meyering returned to the dais and took his seat.

EXCERPT**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2. FILE #:** 2013-7171
- Location:** 455 and 465 S. Mathilda Avenue (APN: 165-03-004 and 165-03-005) in the Downtown Specific Plan (DSP/Block 14)
- Proposed Project:** **SPECIAL DEVELOPMENT PERMIT** to allow 105 residential dwelling units with underground parking. **VESTING TENTATIVE MAP** for condominium purposes.
- Applicant / Owner:** Summerhill Apartment Communities / Judith O Burns Trustee
- Environmental Review:** Mitigated Negative Declaration
- Staff Contact:** Gerri Caruso, (408) 730-7591, gcaruso@sunnyvale.ca.gov

Gerri Caruso, Principal Planner, presented the staff report. She said because the applicant is providing affordable housing, State law has allowed the use of tandem parking and a reduced allowance for parking without need of a deviation from City code. She also stated that staff recommends changes to Condition of Approval (COA) BP-23, which is often used to avoid problems that may arise when assigned and unassigned parking spaces are not managed well. She said this project is different because the applicant is providing underground parking in a downtown setting, which can work if it is carefully managed. She stated the applicant has asked for the elimination of conditions A through F to allow more flexibility in the final review of the Parking Management Plan. She said staff considers condition C, prohibiting rental of assigned spaces, necessary due to the concern that a charge for extra spaces may encourage tenants to use free on-street parking, which may cause an impact on the neighborhood. She said staff recommends modification of COA BP-23 taking conditions A and B and D through F off the table, and leaving in C, to be reconsidered in the future by the Director of Community Development.

Comm. Larsson clarified with Ms. Caruso the revisions to COA BP-23.

Comm. Olevson confirmed with Ms. Caruso that a new map would be drawn up for the entire project if the units were converted to condominiums in the future, and that the applicant has exceeded the open-space requirement. Comm. Olevson discussed with Ms. Caruso the potential for overflow of on-street parking, and the traffic analysis done for the application.

Comm. Hendricks confirmed with Ms. Caruso the noticing distance exceeded 500 feet, and that the applicant was allowed a height exception because enough green points were targeted under the green building program. Comm. Hendricks and Ms. Caruso discussed the reason why an Environmental Impact Report (EIR) was not prepared. Comm. Hendricks clarified with **Trudi Ryan**, Planning Officer, the potential rephrasing of COA BP-23. Comm. Hendricks asked if zoning regulations would differ if units were built as condos, to which Ms. Caruso responded they would not differ in terms of

development standards, but the project would be subject to the City's Below Market Rate (BMR) program.

Comm. Durham confirmed with Ms. Caruso that the residential project would generate significantly fewer vehicle trips than the current office building, and that a bike lane on the southbound side of Mathilda will be installed as Blocks 14-16 redevelop.

Comm. Larsson verified with Ms. Caruso that the applicant is not asking for any deviations, and that State code and Green Building Program provisions allow the applicant the parking and height concessions.

Comm. Hendricks asked staff if the Commission can add to COA BP-23 the condition that tandem spaces cannot be used across multiple units, to which Ms. Caruso replied that it would be added into the rephrased condition.

Vice Chair Melton discussed with Ms. Caruso the vantage points at which one may be able to see the four-story portion of the project from Charles Street.

Vice Chair Melton opened the public hearing.

Jonathan Fearn, Director of Development for SummerHill Apartment Communities, displayed illustrations while giving his presentation. He reiterated that they are not asking for deviations, and that the project adheres to the Downtown Specific Plan (DSP). He said that although no affordable housing is required for rental housing, they will be providing five units for very low-income households which will be guaranteed affordable for a minimum of 30 years. Mr. Fearn discussed shadow and visual impacts of the project, and the multiple community amenities that are within walking distance from the project.

Rob Steinberg, with Steinberg Architects, discussed the different height limits along Mathilda and Charles, the amenities and landscaping of the project, and the location of trash service. He said the public facilities face Mathilda, and a more residential approach was designed for Charles to provide a sense of individuality. **Comm. Hendricks** discussed with Mr. Steinberg the visibility of the four-story building from Charles Street.

Comm. Durham noted that there are 36 stacked bike lockers planned in parking garage, and asked Mr. Steinberg if he knew anything about this type of locker and how one loads the second story. He said it may not be easy for people to lift their bikes into the second story of the locker. Mr. Steinberg said they are standard bike lockers but that he did not have their details. Mr. Fearn said they do not have the bike racks picked out but they will remain cognizant of the potential difficulty of this type of locker during design development. Comm. Durham said there are certain racks that raise and lower which may make storing easier.

Kevin Jackson, member of Sunnyvale's Bicycle and Pedestrian Advisory Commission (BPAC) speaking on his own behalf, said he would like to encourage the Planning Commission to vote to completely eliminate the frontage road along Mathilda, and noted

that people tend to think segregated bike facilities are better for cyclists. He said there is more to the issue than separation and encourages the Commission to focus on recreational versus transportation cycling because it replaces car trips. He asked that the Commission consider giving cyclists the same facilities motorists need, and encouraged the Commission to approve Alternative 1. **Comm. Hendricks** confirmed with Ms. Ryan that the striping of a bike lane on Mathilda is not a part of this project and would instead be accomplished by a city project, for which there is no specific date. **Comm. Hendricks** discussed with Mr. Jackson his preferred kind of bike locker. Mr. Jackson said no one likes the second story bike lockers.

Jyh-Jiun Liou, a Sunnyvale resident, said she thinks the transportation analysis does not accurately represent the current traffic situation in this area. She said she has witnessed several accidents at the corner of Iowa and Charles, and that the project will add 250 more cars than the current traffic flow. She said that this will increase traffic danger for children who walk and ride to school and will create poor air quality for the nearby community garden. **Vice Chair Melton** asked Ms. Liou how many accidents she has witnessed, to which she responded that within the last 10 years she has seen 3-4 accidents. **Comm. Hendricks** asked if Ms. Liou agrees with the projection that the total amount of traffic will decrease with residential units as compared to the traffic volume with the existing office buildings. Ms. Liou said she disagrees and commented on the transportation analysis being based on theory and not fact.

Jenlung Tseng, a Sunnyvale resident, said Charles Street is not designed for the volume of traffic this project will bring about. He said one currently sees cars coming and going to and from the office building in the day time, and that once the area becomes residential, one will see cars at night and on the weekends. He said the project is not consistent with the DSP, and that his original plan to remodel his home was rejected on the basis that it would change the street view. He asked why change is allowed for apartment complexes. He said he is concerned that the four-story building will create privacy issues. **Comm. Hendricks** asked Mr. Tseng if he thinks the zoning that requires different heights on Mathilda and Charles is incorrect. Mr. Tseng said you can still see the four-story building from Charles.

Eleanor Hansen, a Sunnyvale resident, said you can have both a Transportation Impact Analysis (TIA) and a Mitigated Negative Declaration, and said that the applicant should have done the TIA that concentrates on volumes of traffic and not Levels of Service. She said the analysis talks about peak hours, but not about the increase of traffic on the weekends. She said few people know the specifics of the DSP. **Comm. Olevson** commented that a TIA was completed for the intersections along Mathilda, to which Ms. Hansen replied that it does not seem adequate.

John Cordes, a Sunnyvale resident, commented that he thought applicants would be providing perspective drawings for residents to see what projects will look like from their properties. He said there should be more surface-level parking for bicycles. **Comm. Hendricks** said that providing perspective drawings is not a requirement for project applicants City-wide, rather it was discussed for projects within the Peery Park District. Mr. Cordes said he thinks they would be useful for this project as well. **Comm. Hendricks** discussed with Mr. Cordes options for locations of surface-level bike parking.

Mr. Fearn reiterated that the project requires no exceptions, is transit-oriented, close to shops and fits in with the vision of the DSP. He said there will be a net increase of 40 trees, and two electric vehicle spaces will be provided. He said there will be a reduction in storm water runoff and in peak hour vehicle trips. He said that they are required to have seven class-two bike racks, but that they will be providing eight. He said there is nothing in the DSP stating that one cannot see a fourth floor from Charles, and that they did not do an EIR because they were not required to and because the DSP had an EIR. **Comm. Hendricks** confirmed with Mr. Fearn that the rephrasing of COA BP-23 is not cause for concern, and that the applicant will review the accessibility of bike parking locations. Comm. Hendricks also confirmed with Mr. Fearn that he would be amenable to a condition that does not allow the use of stacked bike lockers.

Vice Chair Melton closed the public hearing.

Comm. Larsson moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: in Condition of Approval BP-23, change “shall” to “may” for A, B, D, E and F and change C to: “Clearly indicate that the property manager/homeowners association shall not rent or assign more than one space per unit, except for tandem spaces must be assigned to the same unit; unless approved by the Director of the Community Development Department through a Miscellaneous Plan Permit. The property owner/applicant is required to demonstrate that assigning or renting additional parking spaces will not impact the neighborhood.” **Comm. Hendricks** seconded and offered a friendly amendment to not allow stacked bike lockers, which **Comm. Larsson** accepted.

Comm. Larsson said the project follows the DSP and has no deviations. He said the overall concept of the project is what was envisioned when the DSP was created, and noted that Charles Street will have fewer curb cuts which will help with pedestrian safety. He said the articulations on the Mathilda frontage adds interest and does not look like one solid wall. He commented on the two-story Charles Street frontage fitting in with the residential neighborhood, and said that you can barely see the fourth story windows from the street. He said this project moves the DSP forward and does a lot of good for the community.

Comm. Hendricks thanked the public for coming out to speak, and said it is unusual that a given block would have specifics about the number of stories on one side of the street versus the other. He said the developer has stayed within guidelines, that he can make the findings and that this project is part of the DSP as it has been envisioned. He said he found interesting the slide that showed the distance to services within a half mile radius and commented on the lack of detail showing project proximity to city parks. He said he hopes the city can implement a bike lane striping project quickly, in the early phases of this project to show everyone what is supposed to be on Mathilda. He said he thinks this is a good project and hopes to see it completed quickly.

Comm. Olevson said he will be supporting the motion for several reasons including the project’s consistency with the DSP. He said it is a pleasure when the Commission gets a project without requested deviations, and that it is tough to say he cannot make the

findings for the Vesting Tentative Map because that is a positive statement. He said that looking at the approved DSP, the traffic study done a few weeks ago and this project, everything is consistent with what has been set up.

Vice Chair Melton said he will be supporting the project, and that throughout his 1.5 years as a planning commissioner, he is not sure he has seen a project this clean. He noted that the project does not require a General Plan Amendment or zoning change, nor does it require deviations from the Sunnyvale Municipal Code. He said the applicant had an exception from the state for applying very low-income housing that they are not using, and that there are no setback deviations or balconies that are ten feet apart as seen on some recent residential projects. He said it is a nice design with four stories on Mathilda and two stories on Charles which is the benefit of a specific plan, on which he sees action here. He commented on the exterior architecture, saying there is nice zest and zip in the color palette, which will make a great addition to the downtown environment. He noted that he has stopped by the project several times and finds it plausible that there will be a reduction in the number of trips during peak hours. Vice Chair Melton thanked the public speakers, and said he sees slight potential for a fourth story window being able to see something looking down onto Charles Street, but finds that such a distance would not create a genuine privacy impact. He said for all those reasons he can make the findings.

ACTION: Comm. Larsson moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions:

- a) in Condition of Approval BP-23, change “shall” to “may” for A, B, D, E and F and change C to: “Clearly indicate that the property manager/homeowners association shall not rent or assign more than one space per unit, except for tandem spaces must be assigned to the same unit; unless approved by the Director of the Community Development Department through a Miscellaneous Plan Permit. The property owner/applicant is required to demonstrate that assigning or renting additional parking spaces will not impact the neighborhood.”; and,

- b) to not allow stacked bicycle lockers in the garage.

Comm. Hendricks seconded. Motion carried, 5-0 with Chair Dohadwala and Comm. Chang absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than November 12, 2013.