



**Hearing Date:** December 17, 2013

**File Number** 2013-7258

**Subject:** **2013-7258** Discussion and Possible Action on an Appeal by a Councilmember and a Member of the Public of a Decision of the Planning Commission Approving related Applications by The Sobrato Organization for a: **MITIGATED NEGATIVE DECLARATION** and a; **SPECIAL DEVELOPMENT PERMIT** to allow a mixed-use project with 156 residential apartment units in a three and four-story building and an approximately 41,000 square foot three-story office building; and **VESTING TENTATIVE MAP** for condominium purposes located at 1095 W El Camino Real (APN:161-41-008) in the C2/ECR Zoning District

**Applicant / Owner:** The Sobrato Organization / Sobrato Interests 2

**Staff Contact:** Shaunn Mendrin, (408) 730-7429, [Smendrin@sunnyvale.ca.gov](mailto:Smendrin@sunnyvale.ca.gov)

**REPORT IN BRIEF:**

**Existing Site Conditions** Vacant (Former Auto Sales and Repair)

**Existing General Plan / Zoning** Commercial General Business/Highway Business (C-2) and El Camino Real Precise Plan (ECR)

**Surrounding Land Uses**

North	Multi-Family Residential
South	Commercial
East	Commercial (Auto Sales)
West	Retail (Cala Shopping Center)

**Issues** Architecture and Neighborhood Compatibility

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

**Planning Commission Action** Adopted the Mitigated Negative Declaration and Approved the Special Development Permit and Vesting Tentative Map with attached conditions.

**Staff Recommendation** Deny the Appeal and Uphold the Decision of the Planning Commission and adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

## **PROJECT DESCRIPTION**

The proposed project is located at 1095 W. El Camino Real (see Attachment A-Vicinity and Noticing Map) and consists of demolishing the existing vacant auto dealership and constructing two new structures including a new 4-story residential building with 156 units and a separate 3-story office building with approximately 41,000 square feet with two levels of underground parking, surface parking and landscape improvements. The approximately four acre site extends from El Camino Real to W. Olive Avenue.

- **Special Development Permit**

A Special Development Permit (SDP) is required for projects within the Precise Plan for El Camino Real Combining Zoning District (ECR) for site and architectural review. An SDP also allows for consideration of deviations from specified Zoning Code requirements in exchange for superior design, environmental preservation or public benefit. The project applicant is proposing to allow shared parking between the two uses as provided for in the parking regulations. A deviation for lot coverage is also being requested. The applicant has designed the residential component to comply with the R-4 Zoning Standards. The findings for the SDP have been included in the findings in Attachment C.

- **Vesting Tentative Map**

The proposed project requires a Tentative Map to allow the future creation of condominium space (air space) for future sale of the residential structure independent of the office structures. If the applicant wishes to create ownership units, they would need to submit a new map at a later date. All landscaping and parking will remain in common interest as determined by this application for those shared areas. The Vesting Tentative Map vests the developer's right to build the project for the life of the map. It also secures the approved project against future Sunnyvale Municipal Code (SMC) changes by the City that might otherwise affect the project.

The Vesting Tentative Map is valid only in conjunction with the approved site map and approved Conditions of Approval. The Tentative Map Conditions of Approval are listed in Attachment D and the Tentative Map plans can be found in Attachment F.

## **BACKGROUND**

The original buildings were constructed in 1968 for an auto dealership and have been traditionally used by Chrysler Dodge for auto sales and repair. Approximately in 2008, the site was vacated and has remained vacant since. There have been numerous planning applications approved over the years for minor additions and various sign permits.

## **Planning Commission**

The project was considered by the Planning Commission on November 25, 2013 (see Draft Minutes, Attachment K). Typically, this Special Development Permit and Vesting Tentative Map would be final with the Planning

Commission decision. However, this item has been appealed to the City Council on November 27, 2013 by Councilmember Whittum. The appeal letter is included in Attachment J. The item was also appealed on December 9, 2013 by a member of the public. The appeal letter and staff responses are included in Attachments M and N. Further discussion and staff responses to the appeal letter are discussed later in this report.

### **Planning Commission Study Session**

On June 10, 2013, the Planning Commission reviewed the proposed project at a study session. Staff provided an overview of the project and identified concerns with architecture, compliance with the Precise Plan for El Camino Real (Precise Plan) and neighborhood compatibility and density. The Planning Commission provided comments noting: 1) concerns with the amount of glass on the office building; 2) the Olive elevation was too boxy; 3) the exterior materials need to be improved; 4) an explanation of how the shared parking will work would need to be provided; and 5) additional architectural accents should be used to reduce the boxiness of the buildings. Staff has included two of the original elevations along with the revisions for reference.



**June 10, 2013 Proposal (El Camino Real)**



**September 18, 2013 Proposal (El Camino Real)**



**June 10, 2013 Proposal (Olive Avenue)**



**September 18, 2013 Proposal (Olive Avenue)**

## **ANALYSIS:**

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### **Architecture and Site Design**

The proposed development will consist of one large residential building and a 41,000 office building to be used for medical office and services. Both buildings will be located on a large podium with underground parking for the residential and the office building. The underground parking will include designated areas for residential and office with open common areas for shared parking. The proposed site plan includes a common main drive on El Camino Real with a second drive on the east side of the site for the office building. A second residential only entrance has been located on Olive Avenue and aligned across from an existing residential driveway on the north side of Olive to reduce light and glare impacts. The site plan has been designed to provide the required 15-

foot public realm along El Camino as per the Precise Plan and the Olive frontage provides a 20-foot setback with varied building setbacks. The site plan also includes a fire access road along the west property line, which provides fire access and additional open space. In addition, the applicant has agreed to dedicate a public access easement through this area to provide a pedestrian connection between Olive Avenue and El Camino Real.

### Residential Building

A majority of the residential building is located on the north half of the site (Olive side) with a portion of the building extending south towards El Camino. A leasing office provides active space on El Camino Real frontage. The structure has been designed to maintain the four-story elements at the front of the building with a three-story element stepping down to the Olive elevation. The main south façade of the building also includes some of the amenity spaces for residents which will be adjacent to the parking area for both uses. The west side of the structure has been designed to acknowledge that there are commercial uses adjacent to the side (Cala Center) and orientation of the units has been adjusted to minimize impacts from early deliveries from the adjacent commercial tenants. In addition, the building will be over 40 feet from the western property line, which will allow for additional landscaping. The applicant made significant changes in the building form to address this and other issues raised by the Planning Commission and staff. The site to the east of the project site is currently used for auto sales and the project provides an approximately 17-foot setback and an 8-foot buffer wall will also be required on this side of the project. The exterior of the building will include cementitious siding, metal panels, stucco, store front glazing for some ground floor and corner elements. All windows will provide a slight recess from the wall fascia to provide a shadow line and architectural interest.

### Office Building

The office building has been located at the southeast corner of the site with three stories of office space. The first floor will be a partial lobby area with surface parking located behind for short-term visitors. Office staff will be required to park in the underground garage. The building has been designed to include glazing, aluminum framing and metal panels. The building will also have a composite metal screen located on the roof to provide screening for roof top equipment. Staff notes that the height of the screen is one foot over the maximum 55 feet and there is a condition requiring that the total height not exceed 55 feet. The applicant is aware of this minor change which they can address during construction design.

### **Development Standards**

The proposed site is located within the Precise Plan area and has a base zoning of C-2 (Highway Business). The following discussion provides an overview of the Precise Plan/C-2 requirements applicable to the project site. The proposal includes a request for one deviation for lot coverage over 35% (see discussion below). The project is also providing a large residential component to the site, which is allowed through the base zoning; however, the Zoning Code has

limited guidance for residential development in the C-2 Zoning District. The Project Data Table (Attachment B) summarizes the proposed project and relationship to applicable zoning standards. The Data Table also indicates the requirements of the R-4 Zoning District, which have been referenced for reviewing the residential component of the project.

#### Precise Plan for El Camino Real

The Precise Plan is a document intended as a guide to encourage well designed, appropriate development along El Camino Real. The Plan identifies areas of concentrated development located in nodes and contains general guidelines for those areas not located in a node. The subject site is located on the north side on El Camino Real between Grape Avenue and Mary Avenue, adjacent to the Cala Center. The site is not located within a node. Areas outside of the designated nodes are typically discouraged from providing mixed-use development in midblock areas however, the Precise Plan acknowledges that mixed use is possible and indicates that commercial/retail should comprise at least 25% floor area of the project lot area. In this case it would be approximately 40,554 square feet (with the pedestrian access area deducted from the lot area).

Although the site is located within a mid-block area, the applicant has achieved the goal of providing 25% commercial/retail space of the lot area as commercial office space. Although this is not retail, the intended use is medical office for a local medical group which will provide services for the community. The site is also unique in that it is a through-lot which abuts an existing multi-family neighborhood. As noted above in the architecture and site design section, the applicant has designed the residential component along Olive Avenue to provide a buffer from the non-residential uses and the design has been stepped down to a height compatible with the immediate neighborhood.

The subject site base zoning is C-2 with a combining district of ECR. The base zoning requirements are very general and intended for commercial development, although residential uses can be allowed through a Special Development Permit. With regards to the zoning requirements of C-2, the proposed project complies with the development standards for the base zoning (except for lot coverage) and the additional requirements set forth under the Precise Plan. The Project Data Table (Attachment B) indicates how the project complies with the basic zoning requirements.

#### Residential Development

Neither the C-2 zoning district nor the Precise Plan specifies residential density maximums or minimums. Residential density is evaluated on the merits of the project and conformance with the Precise Plan, and compatibility with surrounding uses. Staff has worked with the applicant to design the project at an R-4 density (36 units per acre), which is lower than the applicant initially intended. Staff reviewed the adjacent uses such as the Cala Shopping Center and surrounding multi-family uses on Olive Ave (which are generally R-3). Development of the site at an R-4 density would allow up to 149 dwelling units

and the applicant has also committed to achieving 110 Build-it-Green points which would allow an additional 7 dwelling units for a total of 156 units. The applicant has designed the project to comply with all R-4 requirements, such as density, setbacks, open space, storage and height. The Project Data Table contained in Attachment B indicates those requirements that are residential in the far left column or they are noted in italics for reference.

### Setbacks

The Precise Plan requires a front setback of 15 feet with a rear setback of 20 feet for developments adjacent to residential. The required side setbacks for this district are zero, but the project is providing a 40-foot setback along the west side and approximately a 17-foot setback along the east property line. If it were assuming a residential zoning district, the rear setback on Olive Avenue would need to be 38 feet since the structure is four stories at the interior of the building. The last 40 feet of the north side of the building on Olive is 3 stories and the setback for a three-story structure would be 29 feet. The residential building on Olive Avenue is setback 20 feet from the rear property line (which complies with C-2). Staff notes that the average setback along this frontage is approximately 38 feet which staff finds meets the intent of the R-4 setbacks.

### Lot Coverage

The maximum lot coverage for a project in a C-2 district is 35% of the total lot area. Based on the lot size and total building footprint, the project would result in lot coverage of 42.7% due to the larger footprint of the residential structure in combination with the office building. The proposed lot coverage is approximately 7% over the maximum allowed. Lot coverage over the maximum of 35% for C-2 requires a deviation. Staff finds that the deviation can be supported since the project helps activate the streetscape along El Camino Real; promotes walkability with residential uses near services; improves pedestrian access to El Camino Real from the neighborhood to the north; and will have an office tenant that will also provide additional services for the community. The site provides landscaping over the required 20% which will soften the appearance of the additional hardscape and structure on the site.

### Building Height and Number of Stories

The maximum height for structures located in the mid-block areas on El Camino Real is 55 feet. The office building on El Camino has been designed at 56 feet which included the mechanical screening. The applicant will make a slight adjustment to the screening to keep the total height at 55 feet (staff has added a condition requiring this). The residential building has been design to keep the taller 4-story portion of the building away from the Olive Avenue side of the project. The northern portion of the buildings have been reduced to three stories to provide a transition to the existing two and three story multi-family developments located to the west of the site and on the north side of Olive Avenue. Staff worked closely with the applicant to ensure that the development provides a visual transition to Olive Avenue. If the applicant commits to a LEED Gold (certified) design for the office building the project could receive a 10-foot height incentive.

### Traffic and Parking

A Traffic Impact Analysis (TIA) was prepared for the City by TJKM Transportation Consultants for the proposed project (Attachment I). The TIA evaluated the project based on the Valley Transportation Authority Guidelines. The TIA projected a total of 1,656 new daily trips resulting from the total project with 168 a.m. peak and 217 p.m. peak hour trips. Based on the analysis, the proposed project traffic would not result in any significant impacts for any of the projected scenarios. The TIA also evaluated access to the site and found that the two driveway access points on El Camino Real and the residential access on Olive Avenue were sufficient. The TIA recommends restrictions on construction traffic on Mathilda Avenue during peak hours, which has been included as a mitigation measure. The project will be subject to payment of Traffic Impact Fees (TIF) projected to be approximately \$226,000.

The TIA also evaluated the proposed parking and the proposed shared parking configuration. The proposal includes a total of 439 parking spaces for both the office and residential units. The residential component will have a total of 235 dedicated parking spaces and the office building will have a total of 163 dedicated parking spaces. An additional 41 shared parking spaces would be located on the first underground level (see sheet A3.0.2 of the plans). The TIA found that the peak demand on a weekday morning would be approximately 362 spaces, while the maximum demand on a weekend would be approximately 252. The Parking Requirements of the Zoning Code allow the approving body to consider shared parking as long as the proposed parking ratios can accommodate the development. Based on the TIA analysis, the proposed 439 spaces will provide sufficient parking for the site at peak times. Staff notes that the plans indicate that there are 38 compact spaces. This exceeds the maximum of 10% of the residential unassigned spaces. Staff has included a condition requiring the applicant to reduce the amount of compact spaces to no more than 10% of the unassigned residential spaces, which is approximately 11 spaces.

### Landscaping and Tree Preservation

The proposed project will be removing approximately 39 existing trees located on site including several liquidambars on El Camino Real and Red Iron Bark Eucalyptus trees (*E. sideroxylon rosea*) on Olive Avenue. The proposed landscape plan will include replacement trees consistent with the public realm requirement on El Camino Real, including wider sidewalks and tree wells. The Olive side of the project will also include the installation of new sidewalks and tree wells. The landscaping on the project site will exceed the required 20% by providing approximately 40% landscaping. As noted above, the project site will also provide a pedestrian connection along the west side of the site, which will provide a dedicated pedestrian connection between Olive Avenue and El Camino Real.

### Green Building Requirements

The project applicant has indicated that they will achieve 110 Build-it-Green points for the residential development. The applicant will be required to achieve a minimum of LEED Silver for the office building.

### Visibility and Surroundings

The proposed project will be just south of an existing residential neighborhood north of the site. The project has been designed to step the structure down to three stories as a means to transition to the existing neighborhood. In addition, the Olive frontage provides varied setbacks to break up the mass of the structure in addition to substantial landscaping. The project plans include a variety of renderings along Olive and El Camino Real. In addition to the renderings, the applicant has also prepared two context studies to indicate the potential view of the project from single family neighborhood's (see Attachment H). The studies indicate that the proposed project will have minimal visual impacts. Based on the conservative projections in the TIA, the project would result in approximately 125 new a.m. peak hour trips and 161 p.m. peak hour trips on Olive Avenue.

### **Environmental Review**

A Mitigated Negative Declaration (MND) has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (Attachment E). The MND requires that the residential portion of the project be designed to comply with the noise requirements of the General Plan and the project Noise consultant will provide a final review of the building permit plans. Since the project will require significant grading for the underground garage, the project will be required to have an archeologist present during grading of the site. Lastly, soil removed from the site will need to be transported in accordance with the Bay Area Air Quality Management District requirements due to past underground storage tanks. Several other mitigations are standard for this type of development. The project will result in construction noise and construction traffic for a temporary period, which is to be expected for construction projects and staff has included a condition requiring a construction management plan and noise coordinator for the site. Overall, all impacts can be mitigated to a less than significant level.

### **FISCAL IMPACT**

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No fiscal impacts other than normal fees (such as Park In-lieu, TIF, sewer and water connections, building permits) and property taxes are expected.

## **PUBLIC CONTACT**

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Staff received two letters inquiring about the project. Staff provided information to the contact and also notified the project applicant so they could arrange to meet with the community members.

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 928 notices mailed to the property owners and tenants within 1,000 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

### **Neighborhood Meeting**

The applicant conducted an Open House meeting on July 11, 2013 to provide information regarding the proposed project. The project applicant's team, staff, Mayor Spitaleri and Councilmember Davis, neighboring property owners and a few community members attended the meeting. The applicant went over the proposal with the attendees.

## **APPEAL**

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The City received an appeal of the project by Councilmember David Whittum (see Attachment J). Staff also received a second appeal from a member of the public (Attachment M). The following items below include the comments noted in the appeal and staff's response for Councilmember Whittum's appeal. Responses to the second appeal have been included as Attachment N. Staff also added additional language to the Findings in Attachment C.

Comment 1. The project as approved conflicts with the El Camino Precise Plan (ECPP) with respect to the following guidelines:

Comment 1a. Mixed-use and residential may be considered for nodes, but are discouraged for midblock (3.4.1, 3.4.8). This project is outside of what is depicted as the "Western Node" at Bernardo (p.16).

*Staff Response:* Staff acknowledges that the site is outside of the western node and that the Precise Plan for El Camino Real "Plan" notes that mixed uses outside the nodes should be discouraged. However, the Plan also notes that mid-block areas should provide a minimum of 25% commercial/retail space if they are developed as mixed use. Staff interprets this policy as allowing residential uses to be considered as long as the minimum amount of commercial floor area ratio (FAR) is met. It is important to note that the Plan is a policy guide for redevelopment of the

*ECR corridor in the next decade (adopted in 2007) and that ECR may transition to a mixed-use character to reflect the guiding principles of the Grand Boulevard Initiative (page 4 of Plan). The language “discouraged” is used as most sites are not suitable for mixed use. This site is bounded by streets on two sides, making it more suitable for mixed use.*

*This site offers a prime opportunity for mixed use development because of its double street frontage on ECR and Olive Avenue. The ECR frontage emphasizes a commercial character with the proposed three-story medical office building. Staff required the applicant to increase the size of the building to meet the minimum 25% FAR policy for commercial uses. The future tenant (Palo Alto Medical Foundation) will provide essential medical services for the community and also support the retail uses in the vicinity.*

*The Olive Avenue frontage would be developed with residential structures (three stories stepping up to four stories). The street frontage would feature a generous landscape setback and an inviting entrance to a central pedestrian courtyard. Alternatively, if the entire site were developed with commercial uses, the Olive Avenue frontage would likely exhibit the rear view of commercial buildings with service areas that could cause land use conflicts. Staff believes that the proposed residential use would be more compatible with the existing residential character of the street.*

Comment 1b. Height within 75 feet of a residential zoning should be limited to the maximum allowable in the adjoining zoning district, in this case, R-3 (4.3.3) Per Table 19.32.020, this height is 30’ (35’ for townhomes). The RTC indicates 55’ for this project, referencing SMC 19.26.160. This issue is a conflict with a guideline, not a code deviation. In the project as approved, the north elevation shows the second story comes to 30’ and on top of this there is a third story and a roof screen bringing the height to 56’.

Staff Response: *This comment is referencing the Design Guidelines of Section 4 of the Plan which are intended to address interfaces between commercial uses and residential uses. Staff finds that this section is intended to require non-residential uses to step down buildings when adjacent to single-family residential uses to minimize potential visual and noise impacts. In the vicinity of this project, the Olive frontage is multi-family residential; therefore, this design guideline does not apply. However, transition with adjacent land uses was encouraged, and staff required the applicant to modify the original four-story proposal along Olive Avenue to a stepped three-story elevation by eliminating residential units. The resulting building height along Olive is approximately 43 feet. While this is taller than the existing two and two and half story multi-family buildings on Olive Avenue, it is within the allowable height for the site. Staff believes that along with stepping down the building, the applicant has further broken up the massing through varied building setbacks and architectural details and a substantial landscape buffer on Olive Avenue.*

Comment 1c. A buffer is recommended to residential areas, including a visual buffer, and evergreen trees for screening. (4.3.2). The aesthetics of this project viewed from the residential area to the north are screened in part by deciduous trees and this screening, while portrayed in the submitted materials (Attach. H, p.1), is not shown to be effective in the winter months.

*Staff Response:* As noted above, this section is intended for interfaces between commercial and residential uses. The entire Olive frontage is residential and the project is stepped down to three stories with a minimum 20-foot landscape buffer. The City-designated street trees along Olive Avenue are deciduous. The trees proposed in the planter beds have not been determined yet. Staff recommends that these trees should primarily be deciduous since this is the north side of the building. Planting all evergreen trees could result in dark units in the winter and create maintenance issues with the exterior of the structure. As an alternative, the Conditions of Approval can specify that the trees should be larger columnar deciduous trees or a mixture of deciduous and evergreen trees to provide additional screening. If the Council concurs with the change, the language should be added to Condition of Approval BP-12.a.

Comment 1d. Existing mature trees should be preserved and incorporated. This guideline appears not to be hewed to with respect to those trees lining Olive Avenue. (4.3.3). The trees are tall and appear to leave room for a sidewalk.

*Staff Response:* Staff evaluated the existing trees on Olive Avenue and felt that they should not be retained as they are Red Iron Bark Eucalyptus trees (*E. sideroxylon rosea*). This tree is well-known for maintenance problems due to its poor branching structure and brittle branches. It is now rarely specified by landscape architects/designers. In addition, a Tree Survey found that all of these trees were generally in poor condition due to improper pruning practices in the past. The proposed landscape plan will increase the amount of landscaping and number of trees along the Olive Avenue street frontage through new street trees and additional ornamental trees in the landscape setback.

Comment 1e. Designs that greatly contrast with the streetscape are to be avoided, such as “highly reflective glass boxes”. “The goal of the City is to create a vibrant commercial and mixed use district that has a visual unity and a unique sense of place, and that is more than just a collection of individual projects.” (4.2.1) Depictions of this project in the context of its surroundings are needed. As-is, it is left to the imagination whether or how visual unity is established with the Cala Center, for example.

*Staff Response:* The Cala Center, located to the west of the site, is primarily set back from the street (approximately 300 feet) with Felipe’s Market (closest to the project site) providing a front building setback of approximately 50 feet. The proposed development brings the building up to

*a 21-foot setback, consistent with the Plan. From an urban design perspective, the residential frontage on El Camino Real provides a leasing office at the ground floor to provide active space with a similar storefront height as the market space. Staff finds this design meets good urban design principles set for El Camino Real. The office building is predominantly glass with metal accents. Staff worked with the applicant to better relate the residential structure to the office building so contextually, the two are better integrated. While the glass windows for the office building will not be highly reflective, the Council could add a condition requiring the glass to have a low-reflective quality for additional assurance. The project applicant will also provide some additional streetscape studies at the City Council meeting on December 17, 2013.*

Comment 2: In addition, by code

Comment 2.a: The maximum lot coverage for a project in a C-2 district is 35% (Table 19.32.020), where the approval was for 45.7%.

*Staff Response: The City's lot coverage standards do not take into consideration a project with mixed uses and structured parking. While the maximum lot coverage for the C-2 commercial zoning district is 35%, this standard generally pertains to the building coverage exhibited by a typical stand-alone commercial retail business or shopping center dominated by surface parking lots with limited landscaping. Staff felt it was more appropriate to review the proposed project relative to the zoning standards for the R-4 residential zoning district since the project is a mixed-use residential development. The maximum lot coverage for R-4 development is 40%. The proposed lot coverage exceeds the site landscaping requirements by approximately 20% and the residential portion of the development exceeds the required usable open space requirements for the R-4 zoning standards. The greater lot coverage is justified since this project includes a 41,000 square foot office building and most of the parking for the mixed-use development has been placed underground. This is a considerably more expensive design approach and results in a higher quality project with enhanced pedestrian spaces and minimal surface parking. A deviation for lot coverage can be requested and approved through a Special Development Permit. Staff believes the project meets the overall design goals of the Plan and that the benefits of the project justify the deviation.*

Comment 2.b: There appears to be a requirement for a buffer wall for the north side of the property, and materials in the record do not support this deviation.

*Staff Response: The code requires a buffer wall when a nonresidential use abuts a residential use. The project is required to install 8-foot buffer walls on the east and west sides of the site (BP-14). Since the rear portion of the site is residential, a buffer wall along Olive is not required and a deviation is not required.*

Comment 3. Several of these conflicts point to a question as to the appropriateness of this density in this location. The reasoning supporting deviations should make clear how the concern is addressed of the environmental consequences of piecemeal deviations from the ECPP, one of which is traffic congestion. Congestion has potential consequences for the economic prosperity of the ECR Corridor, a key purpose of the ECPP. The effect of density on congestion is an area of widespread public concern and informs the identification of nodes in the ECPP, limited areas, where higher density, residential and mixed-use would be considered.

*Staff Response: As part of the project review, a TIA was conducted. The TIA found that the proposed project would result in 1,656 new daily trips with 168 trips during the a.m. peak and 217 trips during the p.m. peak hours. The TIA found the resulting trips would not result in any significant impacts for the intersections that were studied. The payment of the TIF would result in appropriate mitigation for the project, which is estimated to be approximately \$225,701.46.*

Comment 4. In addition there are certain details that could be clarified that relate indirectly to traffic:

Comment 4a. Current maps show this site as located within the Vargas attendance boundary, 3 About 0.5 miles down Leota. Safe routes to school improvements from the site should be evaluated.

*Staff Response: Staff has confirmed that children from the development would be attending Vargas School (K-5 grade). Student population estimates for multi-family are estimated as approximately 11-17 students spread between elementary, middle and high school. Typically, Safe Routes to School are project based and handled by the City's Transportation Division. At this time there are not any improvements identified in the area. However, if the Council is concerned about ensuring safe routes to Vargas School for the new residents of the development, the Council could consider adding the following condition prior to final inspection:*

**SAFE ROUTES TO SCHOOLS:**

*Once the residential project has been finalized (receive occupancy), staff will evaluate if there are any additional improvements needed to provide safe paths of travel for residents in the development. If improvements are identified, the project applicant shall provide funding for the improvement up to a maximum of \$2,100. [COA] [Public Works/Transportation]*

Comment 4b. Use of the bicycle at lunch-time for the office, or before or after work for the residents, would be favored by having easily accessible bicycle parking, in addition to the parking for residential use in the garage, and the 10 spaces provided for the office use. (Attach. B page.2; D, page.11).

*Staff Response:* The project is required to provide a total of 39 secured spaces for the residential units, which is located in the garage. The office development is required to provide two secured and eight unsecured spaces. Attachment L indicates the proposed locations of the unsecured bicycle parking available for visitors of the office and residential project. If the Council would like to specify the location of the unsecured or secured spaces for the office development, they could amend condition of approval BP-25 to provide further clarification.

Comment 4c. Eco pass for residents and workers should be considered.

*Staff Response:* The applicant will provide a response regarding how well the Eco-passes are used in their existing residential projects and they will also consult with PAMF regarding their TDM programs at the council meeting.

## **CONCLUSION**

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Although the project site is not located within a node, the site is a through-lot that is adjacent to an existing medium density residential neighborhood. Staff finds the residential uses on this site are compatible with the adjacent residential neighborhood. The project applicant has designed the project to comply with the 25% commercial requirement for non-node areas and placed the commercial (office) building on the El Camino Real frontage. The residential portion of the building has been designed to provide active space on the El Camino frontage with the larger four-story portion located at the center of the site. The architecture is stepped down to three stories on Olive Avenue. The project will be enhancing the pedestrian realm on both street frontages. In addition, the project will be dedicating a public access easement connecting Olive Avenue and El Camino Real. The Findings for the Special Development Permit and Tentative Map are located in Attachment C and the project is subject to the Recommended Conditions of Approval in Attachment D.

## **ALTERNATIVES**

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1. Deny the Appeal and Uphold the Decision of the Planning Commission and Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.
2. Grant the Appeal and Adopt the Mitigated Negative Declaration and Deny the Special Development Permit and Vesting Tentative Map.

3. Deny the Appeal and Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

## **RECOMMENDATION**

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Alternative 1: Deny the Appeal and Uphold the Decision of the Planning Commission and Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Reviewed by:

Hanson Hom, Director, Community Development  
Prepared by: Shaunn Mendrin, Project Planner  
Reviewed by: Trudi Ryan, Planning Officer

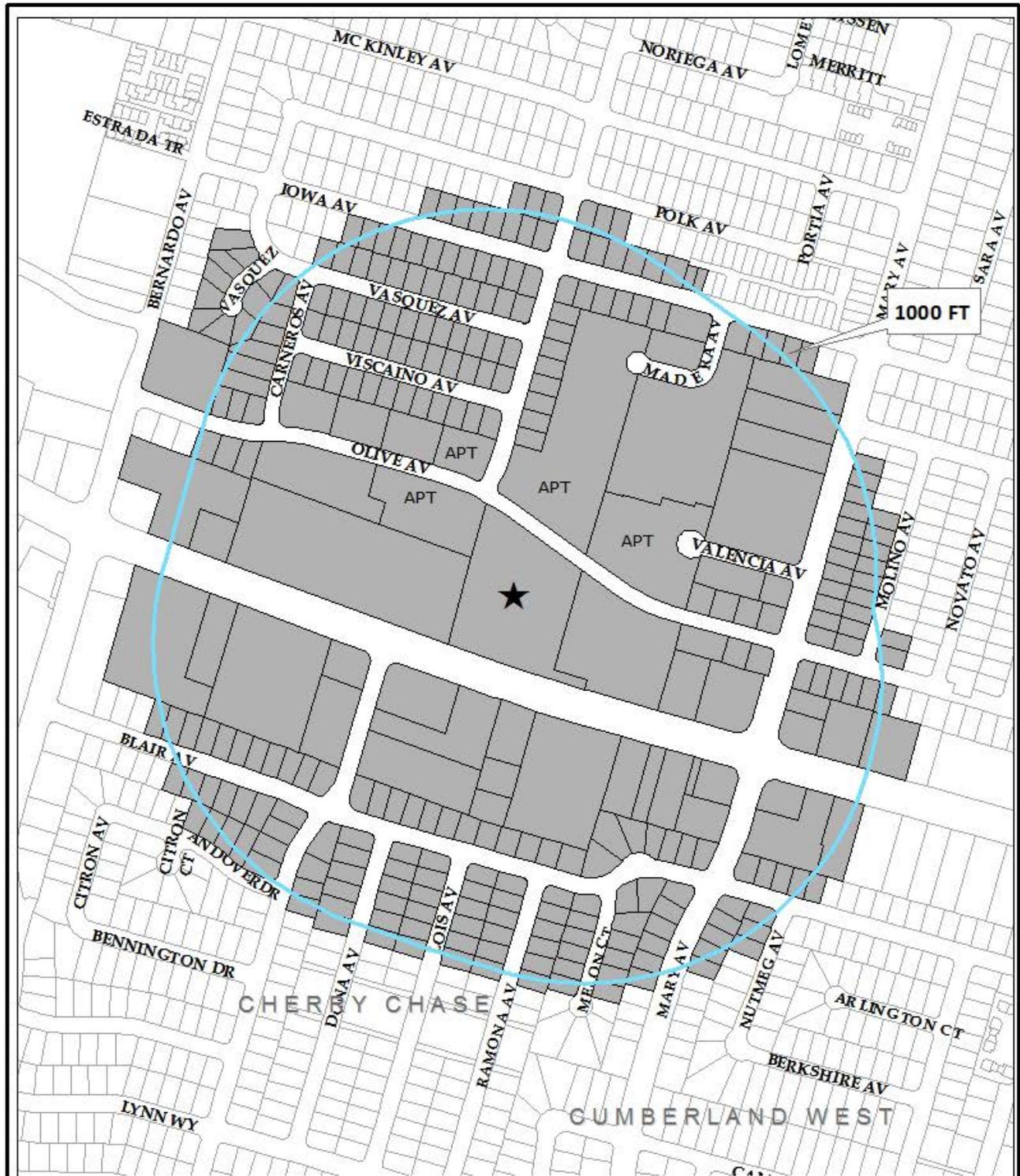
Approved by:

Gary M. Luebbers  
City Manager

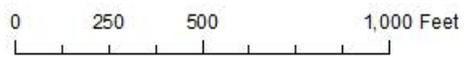
## **Attachments**

- A. Vicinity Map
- B. Data Table
- C. Findings for Approval
- D. Conditions of Approval
- E. Mitigated Negative Declaration
- F. Project Plans
- G. Project Description
- H. Context Studies
- I. Traffic Impact Analysis
- J. Appeal Letter, dated November 27, 2013 (Councilmember)
- K. Planning Commission Draft Minutes dated November 25, 2013
- L. Site Plan Indicating Surface Bicycle Parking
- M. Second Appeal Letter, dated December 9, 2013 (Member of the Public)
- N. Response to Second Appeal Letter

### VICINITY AND NOTICING MAP



PUBLIC NOTICING MAP  
2013-7258  
1095 W El Camino Real  
SPECIAL DEVELOPMENT PERMIT | VESTING TENTATIVE MAP



**PROJECT DATA TABLE**

		<b>EXISTING</b>	<b>Proposed</b>	<b>REQUIRED/ PERMITTED</b>
<b>★ General</b>	<b>General Plan</b>	Commercial Business District	No Change	Commercial Business District
	<b>Zoning District</b>	C-2/ECR	No Change	C-2/ECR
	<b>Lot Size (s.f.)</b>	179,467 (4.12 acres)	No Change	None
	<b>Gross Floor Area (s.f.)</b>	N/A	N/A	None
	<b>Lot Coverage (%)</b>	15%	45.7%	35%
	<b>Floor Area Ratio (FAR)</b>	15%	105%	None
<b>Residential</b>	<b>No. of Units</b>	N/A	156	N/A (156 with 110 Build-it-Green Points for R-4)
	<b>Density (units/acre)</b>	N/A	37.9	N/A
	<b>Meets 75% min?</b>	N/A	Yes	111 (R-4)
	<b>Bedrooms/Unit</b>	N/A	1 Bed: 82 2 Bed: 74	N/A
	<b>Unit Sizes (s.f.)</b>	N/A	1 Bed: 740-759 2 Bed: 1460-1098	N/A
	<b>Lockable Storage/Unit (cf)</b>	N/A	300 total per unit Partial in Unit and Lockers in Garage	300 cubic feet
<b>General</b>	<b>No. of Buildings On-Site</b>	3	2	2
	<b>Distance Between Buildings</b>	N/A	40'	26'
	<b>Building Height (ft.)</b>	24'	55'	55' (19.26.160)
	<b>No. of Stories</b>	1	4 (Res) 3 (Office)	N/A
<b>General</b>	<b>Setbacks</b>			
	<b>Front -El Camino (ft)</b>	N/A	18	15
	<b>Rear - Olive (ft)</b>	N/A	20 (38.2 Avg.)	20 (38 for R4)
	<b>Left Side - west (ft)</b>	N/A	40	0

		<b>EXISTING</b>	<b>Proposed</b>	<b>REQUIRED/ PERMITTED</b>
	<b>Right Side –east (ft)</b>	N/A	17	0
<b>General</b>	<b>Landscaping</b>			
	<b>Total Landscaping</b>	N/A	40%	20%
<b>Residential</b>	<b>Landscaping/Unit (sf)</b>	N/A	374/unit	N/A (374/unit for R4)
	<b>Usable Open Space/Unit</b>	N/A	411/unit	N/A (380/unit for R4)
	<b>Frontage Width (ft.)</b>	N/A	20 (Olive Ave)	N/A
	<b>Recreation Building (s.f.)</b>		2,227	450
<b>General</b>	<b>Parking Lot Area Shading (%)</b>	N/A	50% for Surface Lot	50%
	<b>Water Conserving Plants</b>	N/A	83%	80%
<b>General</b>	<b>Parking</b>			
	<b>Total Spaces</b>	N/A	439	433
	<b>Office</b>	N/A	163	162 (4/1,000)
	<b>Residential</b>	N/A	235	123 (82 1 bed) 148 (74 2 bed) Total 271
	<b>Standard Spaces</b>	N/A	428	428
	<b>Compact Spaces/ % of Total</b>	N/A	11 Max	155 (Residential Unassigned)
	<b>Covered Spaces</b>	N/A	381	156
	<b>Aisle Width (ft.)</b>	N/A	24	24
	<b>Bicycle Parking</b>	N/A	Provided in Garage	1 per 4 Dwelling Units 5% for Office Parking Spaces

		<b>EXISTING</b>	<b>Proposed</b>	<b>REQUIRED/ PERMITTED</b>
<b>General</b>	<b>Stormwater</b>			
	<b>Impervious Surface Area (s.f.)</b>	166,413	155,625	No max.
	<b>Impervious Surface (%)</b>	93	87	No max.

★ *Starred items indicate deviations from Sunnyvale Municipal Code requirements.*

1. Fire code requirement, per Fire Marshall.

## RECOMMENDED FINDINGS

### Special Development Permit

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#### General Plan Goals and Policies:

- **Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- **Policy LT-3.1** Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.
- **Policy LT-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.4** Preserve and enhance the high quality character of residential neighborhoods.
- **Policy CC-2.1** Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.
- **Policy HE-1.1** Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.
- **Policy HE-4.2** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

#### Precise Plan for El Camino Real

- **3.2.1** To provide a variety of needed retail services for residents, particularly those types of retail services which are not normally found in the downtown or in neighborhood shopping areas.

- **3.2.3.** To maintain and enhance the capacity of the street to accommodate automobile and transit traffic, while providing improved facilities for bicyclists and pedestrians.
  - **3.2.5** To ensure that properties are developed and operated in such a manner as to minimize their negative impacts upon adjacent residential areas.
  - **3.2.6** To design, develop and maintain the public right-of-way in a manner which creates a strong, positive image of the city of Sunnyvale for both residents and visitors.
1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (*Finding Met*).

The proposed project meets the goals and policies of the General Plan as listed above by creating 156 residential units that promote housing goals for the community. In addition, the project also meets the intent of non-node areas on El Camino by providing 41,000 square feet of office space on the site.

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

Although the project is not located in a node, the project meets the intent of the mid-block areas by providing approximately 41,000 square feet of office space (25% of the lot size). The parcel is unique for lots along El Camino in that the site is a through lot having frontages on both El Camino Real and Olive Avenue. The development has been designed to provide an active presence on El Camino Real with a residential leasing office and medical office building. The Olive side of the project has been designed to be sensitive to existing residential uses. In addition, the residential component has been designed to be sensitive to the existing commercial and loading areas at the Cala Center. The proposed streetscape improvements will enhance the pedestrian realm on both frontages of the project site. In addition, the project will be dedicating a new public easement along the west side of the site to provide a connection from Olive Avenue to El Camino Real, which provides a public benefit.

## **Tentative Map**

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

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

Staff was not able to make any of the findings (1-8), and recommends approval of the Vesting Tentative Map.

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

**Planning Application 2013-7258**

1095 W El Camino Real

Special Development Permit to allow a new 156 residential unit structure achieving 110 Build-it-Green Points and a 41,000 square foot office building (LEED Silver) and Vesting Tentative Map

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

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

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

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

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

**GC-2. PERMIT EXPIRATION:**

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

- to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]
- GC-3. INDEMNITY:  
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OCA]
- GC-4. NOTICE OF FEES PROTEST:  
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]
- GC-5. GREEN BUILDING REQUIREMENTS:  
The residential structure shall achieve 110 Build-it-Green points and the office building shall achieve LEED Silver. The applicant may propose alternatives to achieve the 110 Build-it-Green points for the residential structure in the common, leasing and recreational areas subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- GC-6. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-7. BELOW MARKET RATE PROGRAM:  
Prior to recordation of a Final Map establishing condominium units, the developer shall comply with S.M.C. 19.67.080 by signing and

- recording a Below Market Rate Home Ownership Program Developer Agreement with the City. [SDR] [PLANNING]
- GC-8. RECREATION FACILITIES:  
The recreation facilities (pool and clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-9. SIGNS:  
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [PLANNING] [COA]
- GC-10. TEMPORARY TRAILERS:  
The temporary trailer(s) shall be subject to following requirements:
- a) Trailer(s) shall be placed on the premises not sooner than 15 days following the date of City approval and shall be removed on or before 30 days of occupancy of the first building.
  - b) Trailer entrance(s) shall be oriented towards El Camino Real
  - c) Area lighting shall be provided in the vicinity of the trailer(s).
- Any variation from the location of the trailer(s), as represented by the submitted plan, is subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- GC-11. STORMWATER MANAGEMENT PLAN:  
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-12. PUBLIC IMPROVEMENTS:  
The developer is required to install all public improvements, including but not limited to: curb and gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, streetlights, etc. as required by the Director of Public Works. All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and American with Disabilities act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. All public improvement plans shall be submitted to and be approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-13. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. All construction-related materials, equipment and construction workers parking shall be on-site. Public streets shall be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

GC-14. FINAL MAP RECORDATION:

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

GC-15. PEDESTRIAN, BICYCLE AND EMERGENCY VEHICLE ACCESS EASEMENT:

The dedicated 36'-wide Emergency Vehicle Access, Pedestrian Access and bicycle pathway for public purpose along the westerly property line shall remain open to the public 24 hours a day 7 days a week. If the applicant wishes to changes the hours, then the request along with a reason for the request shall be reviewed through a staff level permit subject to Director of Community Development review. [COA] [PLANNING]

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

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address the following:

- a) The color palette of the exterior materials shall be further refined to provide more architectural interest and to reduce the amount of beige;
- b) The number of compact spaces shall be reduced to no more than 11% of the residential unassigned spaces. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

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

PS-3. PARKING AND CIRCULATION PLAN:

Submit a revised parking and circulation plan subject to review and approval by the Director of Community Development prior to submittal of a building permit including signage samples and enforcement mechanisms for the shared areas. [COA] [PLANNING]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR BUILDING SUPERSTRUCTURE PERMIT AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT.**

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

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

- BP-4. BLUEPRINT FOR A CLEAN BAY:  
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:  
The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:
- a) Match the design, materials and color of the main building.
  - b) Be of masonry construction. [COA] [PLANNING]
- BP-6. RECYCLING AND SOLID WASTE CONTAINER:  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-7. SOLID WASTE DISPOSAL PLAN:  
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-8. FEES AND BONDS:  
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$225,701.46, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
  - b) PARK IN-LIEU - Pay Park In-lieu fees based on the acreage requirement of 3.5 acres per 1,000 (.98 acres) estimated at \$2,953,942.99, prior to approval of the Final Map or Parcel Map. (SMC 19.74). [SDR] [PLANNING]
  - c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the office building portion of the project will be required prior to issuance of a building permit. The bond will not released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]
- BP-9. MECHANICAL EQUIPMENT (EXTERIOR):  
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have

- minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]
- BP-10. EXHAUST AND OPENINGS:  
No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Planning Director. [COA] [PLANNING]
- BP-11. ART IN PRIVATE DEVELOPMENT REVIEW:  
An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artworks along El Camino Real or as approved by the Art Commission. The applicant may post the required art bond while developing the art proposal. The project will not be finalized or occupancy released until the art has been installed or in-lieu fee paid. [COA] [PLANNING]
- BP-12. LANDSCAPE PLAN:  
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:
- a) The planter beds within the rear setback located along Olive Ave shall include some flowering specimen trees for accent elements.
  - b) All areas not required for parking, driveways or structures shall be landscaped.
  - c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
  - e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
  - f) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
  - g) Provide a ten-foot wide landscape buffer along the west property line.

- 
- h) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
  - j) Provide a fifteen-foot deep band of decorative paving for the width of the private drive(s) immediately behind the public sidewalk. [COA] [PLANNING]
- BP-13. LANDSCAPE MAINTENANCE PLAN:  
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit, this may be included with the above condition. [COA] [PLANNING]
- BP-14. LANDSCAPE BUFFER:  
Install and maintain a 8 foot solid decorative masonry wall, along the west and east property lines in areas adjacent to the residential structure measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]
- BP-15. STORMWATER MANAGEMENT CALCULATIONS:  
Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]
- BP-16. STORMWATER MANAGEMENT PLAN:  
Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]
- BP-17. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:  
Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]
- BP-18. BEST MANAGEMENT PRACTICES - STORMWATER:  
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best

management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- d) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- e) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- f) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- g) Covered trash, food waste, and compactor enclosures.
- h) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-19. CITY STREET TREES:**

The landscape plan shall including street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]

**BP-20. EXTERIOR LIGHTING PLAN:**

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 8 feet for the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.

- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

BP-21. PHOTOMETRIC PLAN:

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

BP-22. LIGHTING POLE HEIGHTS:

Pole heights shall not to exceed 8 feet. [COA] [PLANNING]

BP-23. PARKING MANAGEMENT PLAN:

A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) A clear definition of “guest” as proposed by the property manager/owner’s association and subject to review and approval by the Director of Community Development.
- b) The property manager/owner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use.
- c) Clearly indicate that the property manager/owner’s association shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents that number of parking spaces provided for each unit on-site as per the approved plans.
- g) Employee parking locations shall be away from the building, in parking spaces that are the least used.
- h) Specify the location and term of short-term parking.
- i) Allow the use of valet parking when appropriate on sites with limited parking.
- j) Employees shall be required to park on the site.
- k) Provide adequate signage to direct traffic and pedestrians [PLANNING] [COA]

BP-24. COMPACT SPACES:

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

BP-25. BICYCLE SPACES:

For the 156 residential units, provide 39 secured bicycle parking spaces. For the office (non-residential development), provide 2 secured bicycle parking spaces and 8 unsecured bicycle parking spaces. Bicycle parking shall be dispersed in several common areas throughout the site and shown on the building permit plans. Locate the office-related bicycle parking in close proximity of the office building near the building entrance and the residential parking within the residential parking area. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING/PUBLIC WORKS]

BP-26. NOISE REDUCTION:

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

BP-27. DEMOLITION AND GRADING:

All demolition and grading work shall comply with the Bay Area Air Quality District and the Santa Clara County Department of Health requirements for removal, transport and disposal. The project applicant shall provide the appropriate documentation demonstrating compliance with these regulations. [COA] [BUILDING] **Mitigation Measure**

BP-28. CONSTRUCTION TRAFFIC AND STAGING PLAN:

The project applicant shall prepare a construction truck traffic route that does not use Mathilda Avenue during the hours of 7:00-9:00 a.m. and 4:00-6:00 p.m. The truck route shall be included on a plan sheet and include all staging areas and noise coordinator sign locations. [COA] [PLANNING AND PUBLIC WORKS] **Mitigation Measure**

BP-29. HISTORIC AND CULTURAL REMAINS:

Although the discovery of cultural resources on these sites is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level:

WHAT:

1) For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California

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

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

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

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

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

## DC-1. BLUEPRINT FOR A CLEAN BAY:

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

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

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

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

## EP-2. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:

As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works. [COA] [PUBLIC WORKS]

## EP-3. THE PRECISE PLANS FOR EL CAMINO:

This project is in the El Camino Precise Plan area, therefore, the developer shall comply with all of the design guidelines as identified in the Plan or as amended and approved by the City. [COA] [PUBLIC WORKS]

## EP-4. UTILITY CONNECTION:

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

## EP-5. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole, except where the point of the connection is within close vicinity of an existing down-stream manhole where a "Y" connection is permitted as determined by the Director of Public Works. All storm drain lateral connecting to the main shall be with a new storm drain manhole, except where a pipe to

- pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. The conceptual utility design shown on the vesting tentative map is subject to review and approval by the City during the plan check review stage. [SDR] [PUBLIC WORKS]
- EP-6. EXISTING UTILITY ABANDONMENT:  
Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-7. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:  
Developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]
- EP-8. DRY UTILITIES:  
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. All dry utility companies shall be contacted for their review/approval requirements and/or procedures to establish appropriate easements to provide service and to eliminate conflicts with each utility during construction. [SDR] [PUBLIC WORKS]
- EP-9. WET UTILITIES:  
All wet utilities (water, sanitary sewer, storm drain) beyond the property line shall be privately owned and maintained. For each public domestic master water meter installation, install a reduced pressure double check detector assembly per City standard detail 20B. For private sanitary sewer and storm, install a manhole or cleanout at the right-of-way line. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS]

- EP-10. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:  
The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]
- EP-11. SEPARATE AND INDEPENDENT UTILITY SERVICE LINES  
Each building shall have separate and independent utility service lines. [COA] [PUBLIC WORKS]
- EP-12. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINES:  
Provide separate fire protection and domestic service line to each building. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install separate double check detector assembly (DCDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-13. PUBLIC FIRE HYDRANTS:  
Remove and replace the existing two public fire hydrants barrel(s): both located along El Camino Real with Clow Rich 75. Public fire hydrants shall be free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-14. DUAL CONNECTION WATER SERVICE SYSTEM:  
Provide two domestic water and two fire service points of connections, with two separate radio-read domestic master water meters, two separate reduced pressure backflow assemblies and two separate double check detector assemblies (DCDA) with fire service meter(s) for the new residential development in accordance with current City standards. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-15. WATER METER:  
Install new radio-read domestic master water meter(s) at each point of connection to the water main. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. [SDR] [PUBLIC WORKS]
- EP-16. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:  
Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow preventor per City standards. All landscape and irrigation systems located in the

- public park strip areas shall be connected to the water system metered to the property owner. Install new backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventor enclosure where applicable. [SDR] [PUBLIC WORKS]
- EP-17. **SANITARY SEWER ANALYSIS:**  
Submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:
- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
  - b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed and allocation of wastewater discharge from the project site. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. [COA] [PUBLIC WORKS]
- EP-18. **SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:**  
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-19. **SEWER CLEANOUT:**  
Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]
- EP-20. **STORM DRAIN RELOCATION:**  
This project is subject to relocation of an existing storm drain system along the westerly property. After project approval and before map recordation, unless an alternative schedule is approved by the Director of Public Works, developer shall obtain an on-site utility permit to complete installation of the new storm drain pipe. Subsequently, developer shall obtain an encroachment permit to abandon the existing storm drain pipe. The improvement plans and hydraulic calculations for the storm drain relocation shall be reviewed and approved by the Department of Public Works prior to aforementioned permit issuance. [SDR] [PUBLIC WORKS]

## EP-21. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site only shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

## EP-22. STREETLIGHTS:

Replace existing HPS light fixtures to new LED light fixtures for two existing streetlights along Olive Avenue.

Provide photometric analysis on Olive Avenue based upon the new LED light fixtures to confirm if the street lighting along Olive Avenue street frontage is in accordance with the City's Roadway Lighting Design Criteria. The minimum average illuminance shall be 0.4fc and the uniformity ratio shall be 4.0. If new streetlights need to be installed or existing streetlights need to be relocated to comply with City's design criteria, the following items are required:

- a) Replace existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.
- b) Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, location of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by Developer per latest City standard details and specifications. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

## EP-23. DRIVEWAY APPROACHES:

Replace existing driveway approaches with new driveway approaches per City standard detail 5C-5. All unused driveway approaches shall be replaced with City standard curb, gutter and sidewalk per current City standards. [COA] [PUBLIC WORKS]

## EP-24. CURB, GUTTER AND PUBLIC SIDEWALK:

Install new curb and 1-foot wide gutter along the Olive Avenue project frontage. Remove existing sidewalk and install 10-foot wide sidewalk with 4-foot by 5-foot tree wells (spaced approximately 35 feet apart) along Olive Avenue. Along El Camino Real, remove existing sidewalk and install a new 12-foot wide sidewalk with 4-foot by 5-foot tree wells (spaced approximately 35 feet apart) behind the curb. The construction of a smooth curb, gutter and sidewalk transition into the existing sidewalks based upon applicable design standards will be evaluated during the public improvement plan review phase. Any proposed transition shall occur only fronting the

project site without impact to the frontage of the adjacent property.  
COA] [PUBLIC WORKS]

EP-25. STREET PAVEMENT RESTORATION:

Developer shall install Type II slurry seal along the entire street width of Olive Avenue, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-26. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to the City for review and approval by the Public Works Department. [COA] [PUBLIC WORKS]

EP-27. TRAFFIC CONTROL

Submit a traffic control plan with the off-site improvement plans for review and approval. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

EP-28. CITY STREET TREES:

Submit landscape plans, including existing and proposed City street trees for review and approval by the City prior to issuance of encroachment permit. The street tree shall be 15 gallon (or 24 inch box) of Shumard Oak on El Camino Real and Autumn Purple Ash on Olive Avenue (approximately 35 feet apart). No street trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-29. ROOT BARRIER:

Install a continuous root barrier along the project frontages per City standard details and specifications. [SDR] [PUBLIC WORKS]

EP-30. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

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

EP-31. RECORD DRAWINGS:

Record drawings, including all off-site improvements, shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]

## EP-32. CALTRANS APPROVAL:

An encroachment permit from the Department of Transportation (Caltrans) is required for any improvements along El Camino Real. Submit improvement plans to Caltrans for review and approval. Traffic signal upgrades at El Camino Real/Mary and/or El Camino Real/Grape may be required by Caltrans. Temporary traffic signal modification during construction would be part of the traffic control plan reviewed and approved by Caltrans. Coordinate with Caltrans regarding any asphalt paving restoration/slurry seal requirements along El Camino Real. [COA] [PUBLIC WORKS]

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

## TM-1. TENTATIVE MAP ITEMS:

The final map shall address comments provided on November 11, 2013. The plans shall provide a written response clarifying how each item has been addressed and the appropriate sheet. [COA] [PUBLIC WORKS]

## TM-2. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&amp;RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works. [COA] [PUBLIC WORKS]

## TM-3. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:

The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. The existing buildings shall be demolished prior to final map recordation. [COA] [PLANNING/PUBLIC WORKS]

## TM-4. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements.

[COA] [PUBLIC WORKS]

## TM-5. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the

- project site shall be delineated on the map or recorded concurrently with the map with a separate instrument. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Quitclaim existing Non-Access recorded under Book 7807 O.R. 737 before or concurrently with the map. [COA] [PUBLIC WORKS]
- TM-6. PEDESTRIAN, BICYCLE AND EMERGENCY VEHICLE ACCESS EASEMENT:  
The developer shall dedicate a new 36'-wide easement for Emergency Vehicle Access, Pedestrian Access and bicycle pathway for public purpose along the westerly property line. Define a single easement on the final map. [COA] [PUBLIC WORKS]
- TM-7. MAINTENANCE AGREEMENT FOR EASEMENT AREA:  
Prior to encroachment permit issuance, developer shall execute a Maintenance Agreement for perpetual maintenance of the easement area. The subject Maintenance Agreement shall be recorded prior to first building occupancy. The facilities to be maintained by the developer include but not limited to the following: all private improvements such as walkways, color concrete paths, turf block, grass cell paving, trees, groundcover, irrigation system, entry/exit bollards, walkway lighting, fire hydrant and fire hydrant laterals, etc. and includes provisions for maintenance and repair responsible party, indemnification, insurance requirements and binding succession, etc. except public storm drain. [COA] [PUBLIC WORKS]
- TM-8. STORM EASEMENTS:  
Upon completion of the new storm drain pipe and abandonment of the existing storm pipe, the developer shall dedicate a new 15' wide City storm drain easement and vacate the existing easement on the final map, unless otherwise separate instrument is recorded for the new easement and a vacation process is completed for the existing easement. [COA] [PUBLIC WORKS]
- TM-9. PEDESTRIAN REALM EASEMENT:  
This project requires a 7' wide dedication as a pedestrian realm easement on El Camino Real for public purpose. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. The property owner shall be responsible for the maintenance of all improvements within the easement area, including but not limited to, repair and/or replacement of the public sidewalk. [COA] [PUBLIC WORKS]

**TM-10. PUBLIC WORKS DEVELOPMENT FEES:**

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. An initial minimum fee of \$3,741.00 is due upon submittal of the first completed plan check set to Public Works and subject to change to the city's fee schedule. The incremental sewer and water connection fees are as follows based on FY13/14 fee schedule:

- a) Residential water connection fee (based on 156 low occupancy units and 9,826 square feet of amenities/leasing space) is \$63,283.68.
- b) Residential sanitary sewer connection fee (based on 156 low occupancy units and 9,826 square feet of amenities/leasing space) is \$362,892.49.
- c) Commercial water connection fee (based on an office building of 40,544 square feet) is \$2,704.77.
- d) Commercial sanitary sewer connection fee (based on an office building of 40,544 square feet) is \$54,904.53.

The exact fee amount shall be determined based upon the fee rate at the time of fee payment.[COA] [PUBLIC WORKS]

**TM-11. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:**

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

**TM-12. COVENANTS, CONDITIONS AND RESTRICTIONS:**

This project requires covenants, conditions and restrictions (CC&R's) to be recorded with provisions including, but not limited to, the following items:

- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- b) The owners association shall maintain landscaping in perpetuity along the public street fronting the project site except City trees.
- c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowner's Association following sale of at least 75% of the units, whichever comes first.

- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. [COA] [PUBLIC WORKS]

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

- PF-1. LANDSCAPING AND IRRIGATION:  
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. COMPACT SPACES:  
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- PF-3. PARKING LOT STRIPING:  
All parking lot striping, carpool and compact spaces shall be striped as per SMC. [COA] (PLANNING/ENGINEERING)
- PF-4. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):  
The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]
- PF-5. IRRIGATION METERS:  
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-6. NOISE REDUCTION VERIFICATION:  
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]  
**Mitigation Measure**

## PF-7. COMPLETION OF PUBLIC IMPROVEMENTS:

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

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

## AT-1. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

## AT-2. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

## AT-3. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

## AT-4. LOUDSPEAKERS PROHIBITED:

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

## AT-5. EXTERIOR EQUIPMENT:

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

## AT-6. LANDSCAPE MAINTENANCE:

- All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-7. **PARKING LOT MAINTENANCE:**  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  - b) Maintain all parking lot striping and marking.
  - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
  - d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
  - e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-8. **UNENCLOSED STORAGE (PROHIBITED):**  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-9. **OFF-STREET PARKING:**  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-10. **PARKING LOT MAINTENANCE:**  
The parking lot shall be maintained as follows:
- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
  - b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  - c) Maintain all parking lot striping and marking.
  - d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]
- AT-11. **RECREATIONAL VEHICLE STORAGE PROHIBITED:**  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding

attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-12. SOLID WASTE RECYCLING MANAGEMENT:

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

AT-13. BMP MAINTENANCE:

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

AT-14. BMP RIGHT OF ENTRY:

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

**End of Conditions**



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

File Number: 2013-7258  
No. 13-23

**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** and **Vesting Tentative Map** filed by **The Sobrato Organization**.

**PROJECT DESCRIPTION AND LOCATION (APN):**

**FILE #:** 2013-7258  
**Location:** 1095 W. El Camino Real (APN: 161-41-008)  
**Proposed Project:** **SPECIAL DEVELOPMENT PERMIT** to allow a mixed-use project with 156 residential apartment units in a four-story building and an approximately 41,000 square foot three-story office building.  
**VESTING TENTATIVE MAP** for condominium purposes.  
**Applicant / Owner:** The Sobrato Organization / Sobrato Interests 2  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Shaunn Mendrin, (408) 730-7429, [Smendrin@sunnyvale.ca.gov](mailto:Smendrin@sunnyvale.ca.gov)

**WHERE TO VIEW THIS DOCUMENT:**

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, November 25, 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:**

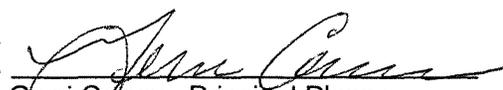
A public hearing on the project is scheduled for:

**Monday, November 25, 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 November 1, 2013

Signed:   
Gerri Caruso, Principal Planner

Project Title	Special Development Permit for 156 apartment units and 40,554 square feet of office uses and Tentative for condominium purposes.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Shaunn Mendrin
Phone Number	408-730-7429
Project Location	1095 W. El Camino Real
Applicant's Name	The Sobrato Organization / Rich Truempler
Project Address	1095 W. El Camino Real, Sunnyvale CA
Zoning	C-2/ECR
General Plan	General Business
Other Public Agencies whose approval is required	None

#### DESCRIPTION OF THE PROJECT:

The proposed project is a Special Development Permit to allow development of 156 apartment units and a 40,554 square foot nonresidential building for office uses and Tentative Map for condominium purposes.

#### DETAILED PROJECT DESCRIPTION:

On-site Development: Currently, the project area is comprised of a lot totaling 4.12 acres that has historically been used for auto sales uses. There are several buildings on the site totaling approximately 24,509 square feet of the floor area. These buildings were constructed in 1968 and are approximately 45 years old. The remaining site is paved with asphalt and concrete for parking and circulation, with minimal landscaping. The landscaping includes some trees adjacent to the front of the existing building and also has perimeter landscaping with mature trees on both West El Camino Real and W. Olive Avenue.

The project includes full demolition of the entire site and construction of two buildings, one containing residential units and the other for medical office uses. The project includes 20-foot building setbacks along the perimeter of the site, which includes frontages along W. El Camino Real and W. Olive Avenue. The buildings would be constructed above two levels of below grade parking. A total of 439 parking spaces are provided as part of the project with a combination of below grade parking and at grade parking spaces for visitors (residential and medical) and drop-off. A 36-foot wide pedestrian and emergency vehicle access is also provided at the western border of the site. Access to the site is provided via two driveways along El Camino Real and one driveway providing access to the residential units from W. Olive Avenue.

The residential building will vary between three and four stories in height (47-56 ft. in height) and will contain 156 apartment units, including 82 1-bedroom units and 74 2-bedroom units. The units will range in size from 740 to 1,098 square ft. This building will front onto both W. El Camino Real and W. Olive Avenue and is centered around an open space courtyard with amenities, including a pool. The primary drive entrance to the building and the residential leasing office will be located on the ground floor fronting W. El Camino Real, with residential units above. This portion of the building will be four stories in height. The portion of the residential building directly adjacent to Olive Avenue will be limited to three stories in height and has a view of the open space through a grand staircase providing residents pedestrian access along W. Olive Avenue. A secondary vehicular access is provided via a driveway along the Olive Avenue frontage.

The office building will be three stories (49 ft. 8 inches in height) and will contain approximately 41,000 square feet of medical office uses. This building fronts directly onto W. El Camino Real and will share primary access with the apartments via the main driveway along W. El Camino Real. A secondary driveway from El Camino Real is proposed for this building along the eastern project boundary.

Construction Activities and Schedule: Construction activities include full demolition of all existing buildings and hardscape on the subject properties and construction of two new buildings and associated site improvements. The project will be subject to the Sunnyvale Municipal Code requirements for noise and hours of construction contained in Chapters 19.42.0.0 and 16.08.030.

Construction of the proposed project is likely to occur over a period of 18 months. The initial building construction and site preparation would take place over a period of approximately 12 months, with site preparation and grading of the site occurring during the two months. The remaining time would include the light construction and interior finish work.

Surrounding Uses and Setting: The subject property is located on the north side of W. El Camino Real, between Grape Avenue and S. Mary Avenue, in an area that contains retail commercial and auto sales related uses. The site is bounded to the north by Olive Avenue. This portion of Olive Avenue primarily includes low-scale multi-family uses. The site is bordered along the west property lines by a shopping center, including a market directly adjacent to the site and by auto sales and commercial uses to the east.

Off-site Improvements: A new sidewalk will be installed along the entire project frontage on both W. El Camino Real and W. Olive Avenue, which can be accommodated within the public right-of-way. Standard water, sewer, right-of-way and utility upgrades will be provided as required by the Municipal Code. This will also include the planting of street trees along both frontages.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

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

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

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

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

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

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

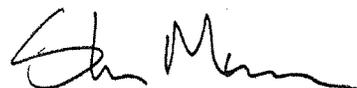
Checklist Planner Name: Shaunn Mendrin, AICP

Date: 11/1/13

Title: Senior Planner

City of Sunnyvale

Signature:



Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Sunnyvale General Plan Map</li> <li>• Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees</li> <li>• Precise Plan for El Camino Real</li> </ul>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Sunnyvale General Plan Map</li> <li>• Community Character and Land Use Chapters of the Sunnyvale General Plan</li> </ul>
3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• General Plan Map</li> <li>• Community Character, Land Use and Transportation Chapters of the Sunnyvale General Plan</li> <li>• City-Wide Design Guidelines</li> </ul>
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• City of Sunnyvale General Plan Housing and Community Revitalization Sub-element</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• Housing Chapter, Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• City of Sunnyvale General Plan, Housing Chapter <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>,</li> </ul>
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Sunnyvale General Plan Map</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>

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"/>	<ul style="list-style-type: none"> <li>Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>Title 19 (Zoning) of the Sunnyvale Municipal Code</li> <li><a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a></li> </ul>
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code</li> <li><a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a></li> <li>TIA dated 9/20/13</li> </ul>
10. For a project located within 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"/>	<ul style="list-style-type: none"> <li>Moffett Field Air Installations Compatible Use Zones (AICUZ)</li> <li>Sunnyvale Zoning Map</li> <li>Sunnyvale General Plan Map</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>There are no private airstrips in or in the vicinity of Sunnyvale</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Moffett Field Air Installations Compatible Use Zones (AICUZ) Study Map</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Sunnyvale Zoning Map</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>19.42 Noise Ordinance</li> <li><a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a></li> <li>Site Noise Assessment</li> <li>Project Noise Study dated 6/12/13</li> </ul>
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>Project Description</li> </ul>

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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"/>	<ul style="list-style-type: none"> <li>• Safety and Noise Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• Project Noise Study dated 6/12/13</li> </ul>
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 Wildlife or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• General Plan Map</li> <li>• Project Description</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• General Plan Map</li> <li>• Project Description</li> </ul>
19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• General Plan Map</li> <li>• Project Description</li> </ul>
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees</li> <li>• Tree Inventory dated 4/13/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• General Plan Map</li> <li>• Project Description</li> </ul>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Community Character Chapter of the Sunnyvale General Plan</li> <li>• Sunnyvale Inventory or Heritage Resources</li> <li>• The United States Secretary of the Interior's "Guidelines for Rehabilitation"</li> <li>• Criteria of the National Register of Historic Places</li> </ul>

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					<ul style="list-style-type: none"> <li>CHRIS Historic and Archaeological Records Search-7/12/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>CHRIS Historic and Archaeological Records Search-7/12/13</li> </ul>
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District.
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>BAAQMD CEQA Guidelines</li> <li>Sunnyvale General Plan Map</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>BAAQMD Screening Analysis Tables - Advanced Screening for Mobile Hazardous Sources within 1,000 feet of Project Site</li> <li>AQ/GHG Study dated 9/17/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>BAAQMD CEQA Guidelines</li> <li>Air Quality and GHG Studies</li> <li>AQ/GHG Study dated 9/17/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>BAAQMD CEQA Guidelines</li> <li>AB 32</li> <li>AQ/GHG Study dated 9/17/13</li> </ul>
28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>BAAQMD CEQA Guidelines</li> <li>CalEEMod Results</li> <li>AQ/GHG Study dated 9/17/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>BAAQMD CEQA Guidelines</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>AQ/GHG Study dated 9/17/13</li> </ul>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• AQ/GHG Study dated 9/17/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• Safety and Noise Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• California Geological Survey - Alquist-Priolo Earthquake Fault Zones Map</li> </ul>
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Safety and Noise Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
33. Seismic Safety - Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Safety and Noise Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• California Building Code</li> </ul>
34. Seismic Safety - Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Safety and Noise Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• 2001 ABAG Liquefaction Hazard Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a></li> <li>• California Building Code</li> </ul>

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

**4. Population and Housing (Less Than Significant)** – The 156 proposed residential units will provide additional housing opportunities in the City of Sunnyvale and are allowed to be developed on the site with approval of a Special Development Permit consistent with the Zoning and General Plan designation of the site. The project's impact will be a slight incremental beneficial impact to the City's Jobs/Housing balance. As a result, this positive aspect of the project is a less than significant impact.

**9. Transportation and Traffic (Less than Significant with Mitigation)** – The parking supplied by the proposed project was evaluated in a Traffic Impact Analysis prepared for the project by TJKM Consultants on September 20, 2013. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The project includes a total of 443 parking spaces, including 41 shared-use spaces, 239 residential spaces and 163 commercial office spaces. The City Municipal Code requires multi-family residential uses to provide a minimum of one covered assigned space per unit and an additional 0.5 unassigned spaces per each one-

bedroom unit or one unassigned space per each two-bedroom unit. Additionally, commercial office uses are required to provide between 3.3 to four spaces per 1,000 sq. ft. of gross floor area. The overall site commercial office parking supply rate of four spaces per 1,000 sq. ft. resulting from the proposed project is at the maximum end of the Municipal Code required range. Therefore, the proposed project is expected to be adequately parked with respect to the Municipal Code requirements.

#### Shared Parking

Based TJKM's shared parking analysis, the project is expected to generate its highest weekday parking demand in January at the peak hour of 10:00 a.m., when 362 parked vehicles are expected on site. Similarly, a worst-case weekend peak parking demand of 252 vehicles is expected during the peak month of January at the peak hour of 9:00 p.m. These totals represent the highest parking demand expected on the project site during a typical year of operation. Therefore, the proposed onsite parking supply of 443 spaces is expected to easily satisfy expected peak parking demand generated by the proposed project throughout the year, based on shared parking principles.

#### Onsite Bicycle Parking

The City Municipal Code includes specific bicycle parking supply requirements for both multi-family and general office uses. Multi-family uses of five or more units shall provide bicycle parking in the amount of one Class I space for every four units. Non-residential uses shall provide bicycle parking in the amount of five percent of the total number of vehicular parking spaces provided, with at least 75 percent of the required amount of bicycle parking consisting of Class II spaces. Class I bicycle parking consists of facilities such as bicycle lockers or enclosed rooms, while Class II facilities include bicycle racks.

Based on the Municipal Code requirements, the proposed project would be required to provide a total of 48 bicycle parking spaces, including 41 Class I spaces and seven Class II spaces. According to the project site plan, 60 bicycle spaces will be provided by 15 Class II bicycle racks, with a capacity of four bicycle spaces per rack. The 60 spaces will be located below the residential portion of the project and will be located within a secured card access area. The project will also need to provide additional secured bicycle spaces for the office component. As a condition of approval, the project applicant will be required to demonstrate compliance with the bicycle parking requirements.

**14. Noise (Less Than Significant with Mitigation)** – A Noise Assessment prepared by Illingworth and Rodkin was completed for the project site on June 12, 2013. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. The study included long-term noise measurements at three locations and short-term measurements at two locations. Based on the potential growth in the project area, it is anticipated that future noise levels on the project site would range from levels of 59 dBA Ldn (35 ft. from centerline of Olive Ave.) up to 62 dBA Ldn at property line shared with the shopping center and up to 73 dBA Ldn (65 ft. from centerline of El Camino Real).

The noise in these areas is generally generated by local traffic and by the noise generated by the adjacent loading dock in the commercial center. The Building Code requires the interior noise level to meet a 45 dB, which will be accommodated through common building techniques. Future residential uses developed on the project site adjacent to El Camino Real and on the western property line facing the commercial loading area to the west would be exposed to exterior noise levels greater than 60 dBA Ldn. These areas would need to have closed windows and ventilation to meet the required rating levels. The applicant has included heating and air conditioning units for all dwellings. The remaining buildings will need additional minor STC rated windows. The primary residential outdoor use area at the project will be located in an area shielded from roadway and commercial noise sources by the proposed residential buildings. Exterior noise levels at this outdoor use area are calculated to be less than 60 dBA Ldn, meeting the City's 60 dBA Ldn exterior noise level standard for common recreational outdoor use areas.

Considering the placement of the office building on the site, future noise levels at the closest office facades to El Camino Real are calculated to reach a level of 72 dBA Ldn under future conditions. This exterior noise environment would exceed the City's 70 dBA Ldn compatibility threshold for office type land uses. Similarly, the façade of the office building facing El Camino would be exposed to noise levels exceeding 65 dBA Ldn. For office developments, the noise and land use compatibility guidelines are designed to screen projects and provide guidance in determining when special building sound insulation treatments may be necessary in order to adequately control the intrusion of environmental noise. The noise level goal for average noise levels inside offices varies depending upon the type of office space. Typically, traffic noise levels should be reduced to an hourly average noise level between 35 and 45 dBA Leq. Standard office construction normally provides 30 dBA of noise reduction in interior spaces. Based on this and the calculated future exterior noise environment, interior noise levels at offices would be about 42 dBA Leq assuming standard office construction methods. These interior noise levels would be compatible with the proposed use and would meet the 50 dBA Leq noise limit established in CALGreen Code Section 5.507.4.2.

The following noise-reducing measures would be required to comply with noise standards and to reduce the impact to a less than significant level. The following noise-reducing mitigation measures are proposed:

WHAT: 1) A qualified acoustical consultant shall review final site plan, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dBA Ldn or lower. The specific determination of what noise insulation treatments are necessary will be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

2) Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all perimeter residential units, so that windows could be kept closed at the occupant's discretion to control noise.

WHEN: These mitigations shall be converted into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the UP is approved and prior to building permit issuance. Prior to submittal of a building permit, the applicant will be required to submit a noise analysis showing that residential unit windows and wall construction shall be designed to limit interior noise levels to a maximum of 45 db Ldn when all windows and doors are closed. A second study providing evidence of compliance shall be submitted prior to occupancy of units. The compliance report shall comply with the provisions of the current building codes.

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.

**15. Noise and Groundborne Vibration (Less Than Significant)** – Vibration levels generated during demolition and construction activities may at times be perceptible at neighboring land uses, but vibration levels would not be excessive enough to cause cosmetic or structural damage to buildings.

The proposed project is not expected to substantially increase traffic noise levels on roadways serving the project on a permanent basis at noise sensitive uses in the vicinity.

The project will introduce short-term sources of noise to the project area during construction and demolition of the site. Through the City's implementation of the Municipal Code noise regulations contained in Chapters 19.42.030 and 16.08.030 and measures outlined in the noise study this impact will be lessened to a less than significant level during construction.

**20. Biological Resources - Conflict with a Tree Preservation Policy or Ordinance (Less Than Significant with Mitigation)** – A tree inventory and evaluation was performed on the project site. There are 39 trees located on the site with a range of 8 different species including liquid ambar (street trees), fan palm, queen palm, acacia, tulip, juniper, xyloma, red ironbark trees. The trees were evaluated based on the species, condition and location. Based on these factors it was determined that the value of the existing trees is \$89,700. The project proposes removal of all trees on the project site and to plant trees on the site that will exceed this value or will mitigate the loss of these trees in accordance with the Municipal Code Section 19.94 Tree Preservation Ordinance.

**22. Historic and Cultural Resources - Significance of a historical resource or a substantial adverse change in an Archeological Resource (Less Than Significant with Mitigation)** – The existing vacant buildings located on the site were constructed in 1967 and are typical of construction for that time, using wood construction with stucco and metal windows. As such, the buildings are not yet 50 years old, and therefore do not meet the criteria for considering the building eligible for either the California and/or National Register nor are the buildings listed on the Sunnyvale Cultural Resources Inventory List. In addition, the buildings do not possess high artistic value nor do they represent the work of a master. Based on this information it has been determined that the buildings are not historically significant and the demolition of the buildings would not result in a significant impact.

Based upon review the Northwest Information Center (NWIC) archaeological base maps for the project area, it has been determined that the project site does not contain any recorded archaeological resources.

**23. Historic and Cultural Resources (Less Than Significant with Mitigation)** - The proposed project includes grading and land disturbance for construction of the proposed project. Given the proximity of the project area to historic and prehistoric archaeological discoveries; there is a moderate possibility of discovery of archaeological resources and human remains, and such disturbance would result in a significant impact unless mitigated. The project will be required to implement the following mitigation measure to reduce potential impacts to human remains to a less than significant level:

- WHAT: 1) Prior to ground disturbance, archival research shall be conducted to determine the appropriate locations for archaeological monitoring during removal of asphalt or concrete, fill, vegetation, or structures. Following the exposure of the original soils, a field inspection shall be conducted and a report containing "next-step" recommendations shall be provided.
- 2) If archaeological resources are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials and workers shall avoid altering the materials and their context, until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources.
- 3) Any identified cultural resources be recorded on DPR 523 historic resource recordation forms.
- 4) The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity within the project shall comply with applicable State laws. Pursuant to Section 7050.5 of the California Health and Safety Code, and California Public Resources Code (PRC) Section 5097.94, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara

County Medical Examiner shall be immediately notified and shall make a determination as to whether the remains are Native American.

In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission (NAHC), is required who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

**WHEN:** These mitigations shall be converted into conditions of approval for this Special Development Permit and Tentative Map prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit and Tentative Map are. 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.

**24. Public Services (Less Than Significant)** -Unlike utility services, public services are provided to the community as a whole, usually from a central location or from a defined system. The resources base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. Usually, new development will create an incremental increase in the demand for these services; the amount of the demand will vary widely, depending on both the nature of the development and the type of services, as well as on the specific characteristics of the development.

The impact of a particular project on public services and facilities is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). These impacts are not considered environmental issues.

Due to the development of new residential and office uses on the site, some increase in the demand for services will result from this project. The project will be subject to various impact fees (including school impact fees) due to an incremental increase in demand on City services and will therefore be required to pay fees to meet its demand for services. However, the project is located in an urbanized area currently served by municipal services, therefore, it is not anticipated that an infill project of this type and size will significantly change or impact public services or require the construction of new or remodeled public service facilities. The project will not require the construction of any new service facilities; therefore, the project would not result in a significant public services impact.

**26. Air Quality - Greenhouse Gas Emissions (Less Than Significant)** - A Green House Gas Analysis prepared by Illingworth and Rodkin was completed for the project site on September 17, 2013. The study is

available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The BAAQMD May 2011 CEQA Guidelines included GHG emissions-based significance thresholds. These thresholds include a "bright-line" emissions level of 1,100 metric tons per year for land-use type projects and 10,000 metric tons per year for stationary sources. Projects with emissions above the thresholds would be considered to have an impact, which, cumulatively, would be significant. The project size, 156 multi-family dwelling units, exceeds the screening size listed in the 2011 BAAQMD CEQA Air Quality Guidelines as having less than significant GHG emissions. Therefore, a refined analysis that includes modeling of GHG emissions from the project was conducted.

Annual emissions resulting from the proposed project are predicted to be 2,001 MT of CO<sub>2</sub>e. These emissions would be above the BAAQMD "Bright-Line" threshold of 1,100 MT of CO<sub>2</sub>e/yr. Emissions were then compared against the per capita thresholds, where emissions are divided by the number of new residents and new workers. The per capita emissions of 3.52 MT of CO<sub>2</sub>e/yr/capita are below the BAAQMD threshold.

**28. Air Quality (Less Than Significant)** - An Air Quality Analysis prepared by Illingworth and Rodkin was completed for the project site on September 17, 2013. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. The project falls below BAAQMD's applicable operational-criteria air pollutant levels and screening criteria; therefore, this impact will be less than significant.

**29. Air Quality (Less Than Significant)** - An Air Quality Analysis prepared by Illingworth and Rodkin was completed for the project site on September 17, 2013. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. Implementation of the proposed project would increase the number of dwelling units and office space within the City of Sunnyvale. An increase in dwelling units and office space typically results in an increase in traffic, which results in an increase in local and regional pollutant levels. However, the project would have emissions well below the BAAQMD thresholds which was identified at 451 residential dwelling units or 346,000 square feet of office. Since the project proposes 156 multi-family units and 41,000 square feet of office, it is concluded that emissions would be below the BAAQMD significance thresholds. In addition, development of the project site would be considered urban "infill"; development would occur near employment centers, and development would be near existing transit with regional connections. The project, at 156 residential units and 41,000 square feet of office space, is too small to exceed any of the significance thresholds.

The project would include new sensitive receptors near sources of Toxic Air Contaminant (TAC) emissions. Substantial sources of air pollution can adversely affect sensitive receptors proposed as part of new projects. A review of the area indicates that there are two roadways within 1,000 feet of the site that could adversely affect new residences and two stationary sources of air pollution are located near the site. There are thresholds that address both the impact of single and cumulative TAC sources upon projects that include new sensitive receptors.

A review of the area indicates that the proposed project would place new residences near El Camino Real, which has over 10,000 average daily vehicle trips per day. In addition, two stationary sources with reported screening risks greater than the BAAQMD thresholds at a distance of 50 feet from the source are located within 1,000 feet of the project site. The analysis of these sources used screening data provided by BAAQMD to identify the potential cancer risk and PM<sub>2.5</sub> exposure risks posed by roadways and stationary sources located within 1,000 feet.

The closest residential portion of the project to El Camino Real traffic would be 2nd story units that are over 25 feet from the nearest travel lane. No other roadways with substantial traffic affect the project. Permitted stationary sources of air pollution near the project site were also identified. All of the sources within 1,000 feet

of the project site were identified to have maximum reported risks or PM<sub>2.5</sub> concentrations below the BAAQMD thresholds.

- Plant G11866, a gas station located at 1005 W El Camino Real, about 500 feet east of the project. According to BAAQMD, the screening risk level is 28.851 per million. This risk was adjusted to account for the 500-foot or greater setback. As a result, this facility would result in an excess cancer risk of 1.3 per million and little or no PM<sub>2.5</sub> impacts or hazards.
- Plant 2238 is Betty Brite Cleaners at 631 Grape Avenue, more than 400 feet south of the project. BAAQMD data indicate a lifetime cancer risk of 11.2 per million. However, dry cleaners are required by State Law to eliminate the use of perchloroethylene by 2023. Therefore, the lifetime cancer risk computed by BAAQMD was adjusted for the shorter exposure duration (9 years actual compared to 70-year lifetime). There was no distance adjustment applied. The excess cancer risk is 6.8 per. There hazards impacts from this source are quite low and there are no PM<sub>2.5</sub> emissions.

There are both single and cumulative source thresholds for TAC sources affecting the project site. Based on screening data provided by BAAMQD, the maximum excess lifetime cancer risk would be just below the excess cancer risk threshold of 10 per million for El Camino Real traffic and below the single-source thresholds for hazards and PM<sub>2.5</sub>. The combination of exposures from El Camino Real traffic and nearby stationary sources would result in excess cancer risks of less than 30 per million, PM<sub>2.5</sub> exposures of less than 0.2 µg/m<sup>3</sup>, and a Hazard Index well below 0.1. These exposures are below the cumulative source thresholds of significance identified by BAAQMD

**30. Air Quality (Less than Significant with Mitigation):** Due to the project size, construction period emissions would be less than significant. In their 2011 update to the CEQA Air Quality Guidelines, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. For construction impacts, the multi-family project size was identified at 240 dwelling units or 277,000 square feet of office. Since the project proposes 156 multi-family units and 41,000 square feet of office, it is concluded that emissions would be below the BAAQMD significance thresholds for construction exhaust.

The project requires significant grading of the site, including demolition and removal of the existing building and landscaping. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. Nearby residents could be affected by the change in air quality if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations, and the Bay Area Air Quality Management District (BAAQMD) regulations, and the measures outlined in the Air Quality Study, this impact will be lessened to a less than significant level during construction.

This could be accomplished through the following mitigation measures:

**WHAT:** Permits must be obtained from the City of Sunnyvale and Bay Area Air Quality Management (BAAQMD). The City of Sunnyvale requires all project to comply with the requirement of BAAQMD.

**WHEN:** This mitigation shall be converted into conditions of approval for this Special Development Permit and Tentative Map prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit and Tentative Map approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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

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

**33. Seismic Safety (Less Than Significant)** – While the site is not located on or near an earthquake fault, severe ground shaking is probable during the useful life of the proposed buildings. The proposed project will be designed and constructed in conformance with the City guidelines for Seismic Zone 4 and the most recent California Building Code to avoid or minimize potential damage from seismic shaking and seismic-related hazards. With implementation of standard design measures, the proposed project would have less than significant seismic-related impacts.

**34. Seismic Safety (Less Than Significant)** - The proposed project site is located within a geographic area susceptible to liquefaction. The probability of liquefaction of silt at the project site is moderate. The proposed project will be designed and constructed in conformance with the most recent California Building Code to avoid or minimize potential damage from liquefaction. With implementation of standard design measures, the proposed project would have less than significant impacts.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 11/1/13

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• TIA dated 9/20/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• 2009 VTA Congestion Management Program</li> <li>• TIA dated 9/20/13</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• TIA dated 9/20/13</li> </ul>
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• TIA dated 9/20/13</li> </ul>
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale</li> </ul>

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
future planned and approved bicycle or pedestrian circulation?					General Plan • <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> • TIA dated 9/20/13
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"/>	• Land Use and Transportation Chapter of the Sunnyvale General Plan • <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> • 2009 VTA Congestion Management Program • TIA dated 9/20/13

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

**Transportation and Traffic (Less than Significant with Mitigation):** A Traffic Impact Analysis was prepared for the project by TJKM Consultants on September 20, 2013. The study is available for review at the City of Sunnyvale’s Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. This study evaluated existing and background conditions, project impacts and cumulative traffic conditions. The study also includes evaluations and recommendations concerning project site access for vehicles, transit, bicycle, and pedestrians, evaluation of onsite vehicle and bicycle parking supply, and evaluation of potential traffic impacts during construction.

This study includes traffic analysis results for six study scenarios, 13 study intersections, and two freeway segments that would potentially be impacted by proposed project traffic. For the purposes of this analysis, potential traffic operational effects from this project are identified based on established traffic operational thresholds for the Santa Clara County Valley Transportation Authority (VTA) Congestion Management Program (CMP) and the City of Sunnyvale.

Existing Conditions

Currently, all study intersections operate at acceptable level of service (LOS) during both weekday a.m. and p.m. peak hours based on City of Sunnyvale (LOS D) and VTA CMP (LOS E) traffic operational standards.

Based on operational results reported in VTA’s 2011 CMP Monitoring and Conformance Report, the following freeway segments exceed the VTA CMP operational standard of LOS E or better during specified peak hours:

- SR 85 Southbound, SR 237 to El Camino Real (p.m. peak hour)
- SR 85 Southbound, El Camino Real to Fremont Avenue (p.m. peak hour)
- SR 85 Northbound, Fremont Avenue El Camino Real (a.m. peak hour)

Project Trip Generation

The proposed project is expected to generate 1,656 new daily vehicle trips, including 168 during the a.m. peak hour and 217 during the p.m. peak hour. These trip totals include application of a maximum three (3) percent trip discount that accounts for the project’s internal trips given its mixed-use configuration, as well as a maximum two (2) percent reduction given its proximity to major bus stops per VTA Transportation Impact Analysis guidelines.

### Existing plus Project Conditions

With the addition of traffic from the proposed project, all intersections are expected to continue operating at acceptable service levels of LOS D or better. Therefore, the proposed project is expected to have a less-than-significant impact with respect to project traffic under Existing plus Project Conditions, and no mitigations are required.

In terms of freeway operations under this scenario, the proposed project is not expected to add trips greater than one percent of the capacity of any freeway segment already operating at LOS F under Existing Conditions per VTA CMP standards. Therefore, the addition of proposed project traffic is expected to result in a less-than-significant impact for the study freeway segments under Existing plus Project Conditions. As a result, no mitigation measures are required.

### Background No Project Conditions (2015)

Background Conditions represent the anticipated year of project completion, 2015. Under Background No Project Conditions (without the proposed project), all study intersections are expected to continue operating at acceptable level of service (LOS) during both weekday a.m. and p.m. peak hours based on City of Sunnyvale and VTA CMP traffic operational standards.

### Background plus Project Conditions (2015)

With the addition of traffic from the proposed project to baseline Background Conditions, all intersections are expected to continue operating at acceptable service levels of LOS D or better. Therefore, the proposed project is expected to have a less-than-significant impact with respect to project traffic under Background plus Project Conditions, and no mitigations are required under this scenario.

### Cumulative No Project Conditions (2023)

Under Cumulative No Project Conditions, all study intersections are expected to continue operating at acceptable level of service (LOS) during both weekday a.m. and p.m. peak hours based on City of Sunnyvale and VTA CMP traffic operational standards.

### Cumulative plus Project Conditions (2023)

With the addition of traffic from the proposed project to baseline Cumulative Conditions, all intersections are expected to continue operating within the applicable jurisdictional standards of LOS D (Sunnyvale) and LOS E (CMP) or better. Therefore, the proposed project is expected to have a less-than-significant impact with respect to project traffic under Cumulative plus Project Conditions, and no mitigations are required under this scenario.

### Vehicle Access Evaluation

In terms of external access, the project conceptual plan shows three 2-way access driveways that the proposed project would use, including two existing driveways. Of these driveways, the two existing are on El Camino Real, while the proposed driveway would access Olive Avenue. El Camino Real west of Bernardo Avenue provides direct access to the northbound and southbound SR 85 on- and off-ramps. Based on review of the three access driveways, the proposed configurations would be adequate for the proposed mixed-use project.

### Construction Impacts/Traffic Operations

Construction truck traffic be limited to using Mathilda Avenue if traveling from/to SR 237 or US 101, El Camino Real if traveling from/to SR 85, and Evelyn and Mathilda Avenues if traveling from/to Central Expressway. These roadways provide the most direct access for construction trucks to/from the project site and would generally avoid residential areas.

The addition of construction truck traffic is not expected to have a significant impact in terms of intersection operations, since all study intersections are expected to operate at LOS D or better under Existing plus Project

and Background plus Project Conditions. It should also be noted that construction traffic would not follow the same circulation patterns as project trips. However, Mathilda Avenue currently experiences significant congestion at the closely spaced SR 237 ramp terminals north of the project site during commute peak hours.

WHAT: 1) Although the project would not result in significant traffic impacts, the project will add vehicle trips to the surrounding roadway system. As such, it is subject to the City's Transportation Impact Fee requirement, which includes payment of the estimated fee of \$225,701.46, therefore, this impact is less than significant.

2) Since Mathilda Avenue currently experiences significant congestion at the closely spaced SR 237 ramp terminals north of the project site during commute peak hours. Construction truck access to the site shall be restricted during weekday commute peak periods (7:00-9:00 a.m. and 4:00-6:00 p.m.), to limit potential impacts to traffic operations for that section of Mathilda Avenue.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit and Tentative Map prior to its final approval by the City's Planning Commission. The conditions will become valid when the Special Development Permit and Tentative Map are 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.

**41. Transportation and Traffic (Less than Significant) - Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?**

#### Pedestrian and Bicycle Access Evaluation

In terms of pedestrian facilities, the project site has good accessibility. The proposed project will utilize well-defined existing pedestrian facilities external to the existing project site, and will include internal pedestrian paths upon completion of the project. Sidewalks are provided along the El Camino Real and Olive Avenue project frontages. Both of these streets connect pedestrians to Bernardo Avenue, where VTA bus stops are located in addition to those on El Camino Real. In terms of internal circulation, the proposed project will include pedestrian paths connecting the two buildings, as well as an additional pathway along the project's western boundary, which will provide access to the residential building on its west side, and provide a connection between Olive Avenue and El Camino Real.

In terms of bicycle access to the project site, there are no existing Class I bicycle paths or Class II bicycle lanes in the vicinity that serve the project site. Primary bicycle access would be provided at the existing site driveways on El Camino Real, the proposed driveway on Olive Avenue, and the potential multi-use path along the project site's western boundary. El Camino Real and Olive Avenue are sufficiently wide for bicyclists to share the road with vehicles. Overall, most of the existing infrastructure appropriately accommodates bicyclists and pedestrians, since the project site is located within a developed area.

**42. Transportation and Traffic (Less than Significant) - Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?**

#### Transit Access

The proposed project would not have a potentially significant impact on transit service. The project will have access to three VTA bus routes within 2,000 feet walking distance. It should be noted that the 1.7-mile walking

distance from the project site to the Sunnyvale Caltrain Station is greater than the VTA CMP guideline of 2,000 feet reasonable walking distance to a transit stop. The bus stops are accessible via sidewalks for pedestrians and roadways for bicyclists on a relatively flat terrain amenable to these transportation modes. The impacts that would occur on these transit lines are expected to be less than significant, even if full VTA TDM reductions were shifted to just these public transit lines and not to carpools, bicyclists, pedestrians, or other transit lines. This is because the average commute peak hour load factors on the area VTA bus routes are below 1.0 (seating capacity), except one route that has a slightly higher overall average commute peak hour load factor of 1.05 (Route 522). However, VTA planning staff expects that Route 522 would still be able to accommodate additional riders using available standing room capacity. Therefore, the number of peak hour riders the project would potentially add to any individual bus route would be negligible and no impact on existing VTA area transit operations is anticipated.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 11/1/13