



**CITY OF SUNNYVALE
REPORT
Planning Commission**

May 12, 2008

SUBJECT: 2008-0245 - Sheri DeCaire/Mission Bay Works
 [Applicant] **Peter Van Dyck** [Owner]: Application located at
230 Commercial St. (near E. Arques Ave.) in an M-S
 (Industrial & Service) Zoning District. (Mitigated Negative
 Declaration) (APN: 205-35-007)

Motion Use Permit to allow an adult vocational school.

REPORT IN BRIEF

Existing Site Conditions Research and Development, office, warehouse building

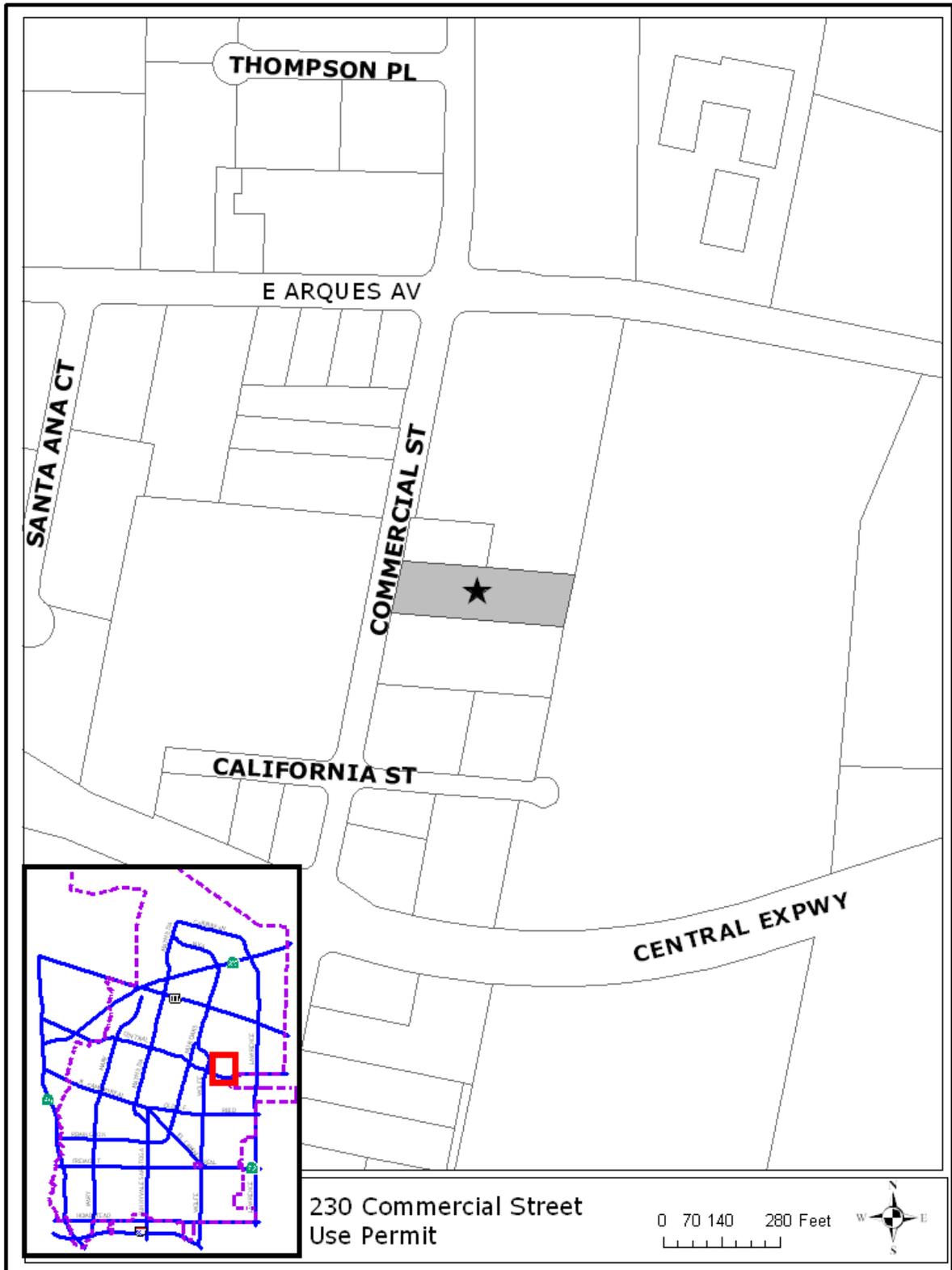
Surrounding Land Uses

North	Vacant Research and Development, office, warehouse building
South	Pool supply company
East	Applied Materials Research and Development, manufacturing, and office campus
West	City of Sunnyvale Corporation yard

Issues Compatibility of the proposed use with the Industrial zone, compatibility with adjacent uses, and parking.

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

Staff Recommendation Deny the Use Permit and encourage staff to work with the Mission Bay Works owner to help identify other sites in Sunnyvale which may be more suitable.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	51,836	Same	22,500 min.
Gross Floor Area (s.f.)	17,995	Same	21,300 max.
Lot Coverage (%)	35%	Same	35% max.
Floor Area Ratio (FAR)	35%	Same	35% max.
No. of Stories	1	Same	8 max.
No. of Tenants	1	Same	---
Landscaping			
★ Landscaping (s.f.)	5,992 (12%)	Same	20% min.
Parking			
• Total No. of Spaces	52	Same	Per Use Permit
• No. of Standards	50	Same	35 min.
• No. of Compacts / % of total	0	Same	17 max.
• No. of Accessible	2	3	3 min.

★ Starred item indicates existing deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Background**

The SMC allows consideration of an “Education-Institution of Higher Learning” use in an M-S (Industrial and Service) zoning district through a Use Permit application. “Education-Primary” and “Education-High School” uses are not

permitted in industrially zoned properties. “Education-Recreation and Enrichment” uses are only permitted in industrial zoned properties with the Place of Assembly (POA) combining district and approval of a Use Permit.

The SMC definition of “Education - Institution of Higher Learning” includes technical or trade schools where training is conducted and educational credits, degrees and “certificates of completion” are earned. The applicant represented such certificates of completion are issued to adult students upon program completion; therefore, the proposed school could be considered through a Use Permit.

Description of Proposed Project

Mission Bay Works would be a new adult vocational center in the M-S Industrial Zone. Under the Sunnyvale Municipal Code (SMC) it is considered an institute of higher learning for adults, the same as a new college or trade school. The proposed use would be located in an existing industrial building of 51,836 square feet.

Mission Bay is a school for individuals with developmental disabilities ages 18-55 years of age. The program provides job training through daily instruction of job coaches and skill classes. The intent of the program is to better integrate trainees by providing them certain life skills. The applicant indicates that trainees typically are employed in places such as Costco, Wal-Mart, mail rooms, print shops, etc. No medical care or physical rehabilitation services are provided.

Different classes or areas of training include:

- Daily living activities
- Communication skills
- Money management skills
- Arts and crafts
- Table top activities
- Community access skills
- Employment training

Mission Bay Works is licensed through the State of California Department of Social Services and currently has another school location in the City of Santa Clara (see applicant’s Business Description Letter in Attachment C for details).

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project with mitigation would not create any significant environmental impacts (see Attachment F).

Environmental Context – Surrounding Uses: The project site on Commercial Street is surrounded by industrial and office uses including Applied Materials, a pool supply warehouse, City of Sunnyvale’s corporation yard, and other vacant buildings. The site is located adjacent to two industrial tenants who use and store hazardous materials. The two tenants are Applied Materials located at 974 Arques Avenue and General Pool and Spa Supply located at 222 Commercial Street.

Applied Materials - Applied Materials is located directly to the east of the 230 Commercial Street site. 230 Commercial Street’s east property line is entirely bound by Applied Materials property. Applied Materials contains research and development activities as well as manufacturing of products. Applied Materials utilizes a variety of hazardous materials including but not limited to: ammonia, arsine, boron, trifluoride, chlorine, diborane, dichlorosilane, fluorine, germane, hydrochloric acid, hydrogen chloride, hydrogen fluoride, hydrogen sulfide, nitric oxide, octafluorocyclopentene, phosphine, phosphorous pentafluoride, silicon trichloride, sulfur dioxide, trichlorosilane, and tungsten hexafluoride.

Due to the volume of hazardous chemicals and the associated risk, Applied Materials is required by the State code to do a worst case off-site Risk Assessment in the event of an accidental release. A release typically occurs during delivery to the storage facility. This Risk Assessment Plan shows the “zone of potential impact” for accidental release scenarios for several chemicals used at Applied Materials. For two of the most hazardous chemicals, ammonia and chlorine, the 230 Commercial Street site is entirely within the impact zones.

As part of Applied Materials manufacturing processes, the production facilities contain exhaust stacks with pollution filtration scrubbers. Some of the stacks are located close to the adjacent property line with 230 Commercial Street. The City’s Hazardous Materials Specialist has stated that in 2006 there was a malfunction in the exhaust stack scrubbers and there was a release of hydrochloric acid which landed on the 230 Commercial Street site.

General Pool and Spa Supply - General Pool and Spa Supply is located a 222 Commercial Street, directly to the south of the 230 Commercial Street site. General Pool is a chain pool supply warehouse containing large amounts of hydrochloric acid, chlorine, as well as other oxidizers. The delivery route for trucks leading into the site is along the adjoining property line of the 230 Commercial site.

General Pool contains lower volumes of the above chemicals on-site, so is not required by the State to produce a worst case off-site Risk Assessment in the event of an accidental release. However, the City’s Hazardous Materials

Specialist has stated that if an accidental release occurs, the 230 Commercial Street site would likely be affected.

Environmental Mitigation Measures for Surrounding Uses: Based on the above discussion, the occupancy of the 230 Commercial Street site by a school, that includes a concentration of students, an irregular attendance, and irregular emergency training of students (as opposed to full time workers), could result in the exposure of a population to hazardous materials impacts in the event of an accidental release or upset. However, various local, State, and Federal laws, regulations, and ordinances require engineering controls to help prevent chemical releases, and in the event of a release, to help protect human health and the environment. The implementation and enforcement (State and City) of these regulations regarding the use, storage, transport, and disposal of hazardous materials, together with the proposed mitigation measures requiring emergency training and procedures, will reduce the potential for impacts to the school population to be Less Than Significant with Mitigation.

The following mitigation measures are proposed:

WHAT: The applicant shall develop a Site Safety Plan addressing the risks presented to employees and trainees/students, from the surrounding industrial facilities. The plan shall include the following components:

- Identification of high risk locations within 1000 ft.
- Knowledge of risks presented by these facilities (toxic gases, corrosive vapors, liquid leaks, fires).
- Contact information for nearby high risk facilities (names and phone numbers of management / safety personnel at nearby facilities).
- Arrangements with nearby facilities for phone notification in the event of a hazardous material release or potential release.
- Procedures for appropriate responses to chemical releases from nearby high risk facilities (complete evacuation / shelter in place procedures), addressing the specific needs of trainee/student population.
- Initial and ongoing safety training program for staff to insure on-site personnel are familiar with the Site Safety Plan and emergency procedures.
- Site and floor plan showing, at a minimum, building exits, evacuation routes, interior area of refuge (shelter in place), fire extinguishers and air handler shutoffs.
- The plan shall be reviewed and updated annually.

The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and

exposure to hazardous materials than would normally be encountered in non-industrial areas.

WHEN: These mitigation measures will be converted into conditions of approval for this Use Permit prior to its final review by the City's Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measures are required to be approved by the City prior to occupancy of the site by either employees or trainees/students.

WHO: The applicant shall draft and submit Mitigation measure 1) for review and approval of the Director of Community Development. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

The applicant shall draft and submit Mitigation measure 2) for review and approval of the City's Hazardous Materials Specialist. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

HOW: The conditions of approval will require these mitigation measures if the project is approved.

Environmental Context – Underground Pollution - The 230 Commercial Street site is located within the Mohawk Laboratories plume. The Mohawk property is located at 932 Kifer Road in Sunnyvale, California near the intersection of Commercial Street and Kifer Road. The area that includes Mohawk Laboratories and other dissolved plumes is referred to as the Commercial Street Operable Unit (CSOU). Subunit 1 consists of the Mohawk Laboratories site and the properties that extend north/northeastward, including the 230 Commercial site.

The Mohawk Laboratories site contained an above-ground storage tank farm with a capacity of 157,000 gallons, which was located onsite from the mid-1950s to 1988. Chemicals were transferred from the tank farm into the onsite warehouse building for blending prior to sale and distribution. Chemicals stored in the tank farm included chlorinated solvents, methylene chloride, mineral spirits, kerosene, xylenes and isopropanol. Mohawk removed the tank farm in 1988 when it was found that they were leaking chemicals into the soil and groundwater. Currently all chemicals at Mohawk Laboratories are stored within the plant warehouse.

The Mohawk Laboratories site is currently under regulatory oversight of the California Regional Water Quality Control Board (CRWQCB) and subject to Order No. 00-106, Revision to the Site Cleanup Requirements and Rescission of

Order No. 97-112, adopted by the CRWQCB on October 18, 2000. The order directs Mohawk to implement a Self-Monitoring Program to monitor groundwater conditions within the CSOU and adjacent areas and monitor ongoing operation of remedial systems.

Under CRWQCB oversight, Mohawk initiated site characterization activities in 1987. Subsurface investigations detected metals, volatile organic compounds (VOCs) and petroleum hydrocarbon compounds in soil, soil gas and groundwater. The remedial investigations indicated that a plume extends offsite in groundwater to the north up to and across Arques Avenue. The predominant contaminants of interest associated with the plume include the following:

- tetrachloroethene (PCE)
- trichloroethene (TCE)
- cis-1,2-dichloroethene (cis-1,2-DCE)
- total petroleum hydrocarbons (TPH)

Environmental Mitigation Measures for Underground Pollution: Based on the above discussion, the occupancy of the 230 Commercial Street site by a school, that includes a concentration of students, an irregular attendance, and irregular emergency training of students, could result in the exposure of a population to VOCs and petroleum hydrocarbon compounds in soil, soil gas and groundwater. However, CRWQCB has determined that exposure to hazardous materials is within acceptable State and Federal levels and does not pose a health risk at this time, although this may change as circumstances at the site and/or acceptable levels change. The implementation and enforcement of CRWQCB regulations makes this impact Less Than Significant with Mitigation.

The following mitigation measure is proposed:

WHAT: The CRWQCB is the oversight agency which will determine all applicable requirements, and any remediation activities that need to be completed in accordance with all applicable Federal, State, and local regulations.

WHEN: This mitigation measures will be converted into conditions of approval for this Use Permit prior to its final review by the City's Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measure is valid now and in the future.

WHO: The property owner will be solely responsible for implementation and maintenance of any CRWQCB requirements.

HOW: CRWQCB permits and compliance is required at this time.

Use Permit

Use: Mission Bay Works will operate from 9:00am to 2:30 pm, Monday through Friday with trainees attending the school on an irregular basis. The school will have a maximum of 50 students (trainees) and 17 employees at any one time. The trainee to staff ratio is up to 8:1. There are no outdoor activities for the trainees at the site.

Transportation is provided to the trainees from their homes to the subject location. Drop-offs and pick-ups occur once in the morning and once in the evening only.

Architecture: The applicant is proposing only minor changes to the existing roll-up doors on the rear elevation of the building. The proposed interior tenant improvements consist primarily of partition walls to create multiple class/training rooms.

Landscaping/Open Space: Current landscaping on site consists of linear lawn areas surrounding the site and a large lawn area in the front. The total square feet of the existing landscaping equals approximately 15% of the total site, where 20% is required by City Code. At the time this building was approved in 1968, landscaping was allowed to be less than 20%. The existing landscaping could be expanded to meet code, but this would require removing parking spaces or driveway area. Staff does not recommend this action in order to achieve compliance with the 20% required landscaping.

Parking/Circulation: There are currently 52 parking spaces on site, of which two are accessible spaces. As part of the California Department of Health license requirements, door-to-door transportation must be provided for all trainees on a daily basis. The applicant will utilize passengers vans varying in number as the number of the trainees demands. The vans will pick-up and drop-off once in the morning and once in the evening. There are approximately 11 vans needed to serve 50 trainees.

The following table represents the SMC parking requirements for an institute of higher learning:

Site Parking Analysis			
Square Footage	Parking Ratio for Schools	Parking Required by SMC	Number of Projected Spaces
Mission Bay 51,836 s.f.	1 space/ 3 fixed seats 1 space /21 sf open area 1 space/employee 1 space/special purpose vehicle	= 0 (no seats) = 426 (apprx. 8,951 sf) = 17 = 0	52
Total Spaces		443	52

Staff believes that the City’s current parking standards do not directly address the proposed use’s projected parking requirements for two reasons. First, there will not be a seating layout as found in a traditional classroom environment. Most open areas that could be used for seating will instead have tables, work stations, storage areas, and a minimal amount of seats. Second, all students will be bussed to the site, as required by the State.

Staff is recommending the Planning Commission treat this school differently than other schools by allowing flexibility in the number of required parking spaces. Staff has included a condition of approval that requires either 100% of students are bussed to the site, or, if students drive (for a possible future school at this site), that enrollment is limited to the maximum number of seats (plus employees) supported by the number of available parking spaces.

Sidewalks: SMC requires certain uses in Industrial zones to provide sidewalks along public street frontages. Section 19.38.080 states the following:

Such sidewalks shall be required at the time of any of the following and may be made a condition of issuance of any building permit, certificate of occupancy or other permit required for any of the following:

(4) Change in use requiring a tentative map, special development permit, use permit or design permit having the potential to cause a significant increase in pedestrian traffic.

Staff finds that this change in use will have a potential to cause a significant increase in pedestrian traffic since the new use will be a school. The applicant has stated there will be no increase in pedestrian traffic since students are not allowed to drive to the site and are not allowed outside of the building. Staff acknowledges this point but also acknowledges that, if approved, the Use Permit will run with the land, not the initial user. Therefore the sidewalk should be required, the same as it would be required at another school location in the Industrial zone. A Condition of Approval has been added which requires the installation of a sidewalk on the Commercial Street frontage.

Applicant's Justification: The applicant has submitted a brief letter of justification (Attachment E) outlining the reasons for approval of the Use Permit. The letter states as follows:

- The proposed use will not change the general appearance of the existing structure and will not impair the existing uses of existing adjacent properties.

Stormwater Management: This project does not require compliance with the new Stormwater Management requirements since the project is not disturbing 10,000 square feet or more of area.

Easements/Undergrounding: There are no overhead utilities located at the site. No new services are requested as part of this application.

Transportation Impact Fee

As a school, the project would be subject to a Transportation Impact Fee (TIF) as specified in the Conditions of Approval, since the new use would create additional PM peak hour trips in excess of the existing use. The fee is estimated to be \$1,227.44. The final fee is determined at the time building permits are issued for the tenant improvements. The TIF is based on 17 employees and 11 vans.

The TIF can be adjusted if the number of employees and/or van trips increases or if the vans remain on-site during the day (AM in and PM out trips only). Any future school that occupies the site may have a similar increase if the number of students and/or instructors is increased.

Compliance with Development Standards: With the condition of approval for a new sidewalk, the proposed project complies with current development standards with the exception of required landscaping, as previously discussed. No further improvements are required at this time.

Expected Impact on the Surroundings: The proposed use would not likely have physical impacts (e.g. noise, traffic, pollution) on the current surrounding uses. However, the use may have an indirect impact through the introduction of a school in an industrialized zone. The indirect impact could be to the existing uses being made of the surrounding properties and the future development of this industrial area.

Several surrounding property and businesses owners have contacted staff to express their concerns with the proposed use (see Attachment D). These concerns include:

- Ability to safeguard a school in an environment of heavy industry and manufacturing, including release of pollutants in the air.

- Loss of current tenants who do not wish to be located adjacent to a school.
- Difficulty in leasing to future industrial tenants.
- Potential problems or changes with insurance on existing businesses when a school is adjacent.

Fiscal Impact

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

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 53 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Staff has received letters of opposition to the proposed Use Permit stating concerns with potential impacts from a new school adjacent to their current and future businesses (see Attachment D).

Conclusion

Discussion: Staff’s fundamental concern is the compatibility of this education use at this location where the land use and zoning is predominately, if not exclusively, research and development and manufacturing oriented. As previously discussed, the surrounding uses have a heavy reliance on the storage, use, and release of chemicals. Staff’s concern is related not to the proposed business locating within the City, but rather concerned only with the site where the business has chosen to locate. Staff believes there are a number of other more appropriate locations for a school in the City’s Industrial, Commercial, or Office zones.

Staff is also concerned with potentially unforeseen impacts to the proposed business from the surrounding industrial uses. The Mitigated Negative Declaration outlines possible impacts and suggest mitigation measures (included as conditions of approval) to cover those impacts. Staff believes these measures will be effective but also understands that physical environmental

condition can change over time, as well as the levels of acceptable health and safety for school uses.

Staff finds the character of the area clearly industrial and would not likely find other non-industrial uses appropriate for this neighborhood. Staff is unable to make the required findings and is recommending denial of the Use Permit. Staff also recommends the Planning Commission encourage staff to work with the business owner to help them identify a site in Sunnyvale which may be more suitable. This would entail Economic Development and Planning staff working together to identify available sites for the applicant that do not face similar compatibility issues.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) could not be made. However, if the Planning Commission is able to make either of the required findings, staff is recommending the Conditions of Approval provided in Attachment B.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Adopt the Mitigated Negative Declaration and deny the Use Permit.
2. Adopt the Mitigated Negative Declaration and approve the Use Permit with the recommended Conditions of Approval in Attachment B.
3. Adopt the Mitigated Negative Declaration and approve the Use Permit with modified Conditions of Approval.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.
5. Encourage staff to work with the Mission Bay Works owner to help identify other sites in Sunnyvale which may be more suitable.

Recommendation

Alternatives 1 and 5.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Business Description Letter from the Applicant
- D. Letters from Other Interested Parties
- E. Applicant's Letter of Justification
- F. Mitigated Negative Declaration
- G. Photos of the Site
- H. Site and Architectural Plans

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element: Strong Economy Policies:

Policy C4.1 - *Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

Policy C4.3 - *Consider the need of business as well as residents when making land use and transportation decisions.*

Mission Bay Works is a unique and desirable use for the City that provides a service to a student population that cannot be provided by other schools currently located in Sunnyvale. However, the project is not appropriately located in a zone where the use will be compatible with the surrounding uses. Staff does not consider the subject site suitable for a school use, due to the nature of the adjacent uses, proximity to the project site, presence of hazardous chemicals, and potential health risks. There are a number of more appropriate areas in the City where Mission Bay Works could be appropriately located and stay within Sunnyvale.

Land Use and Transportation Element: The Neighborhoods Policies

Policy N1.1 - *Protect the integrity of the City's neighborhoods; whether residential, industrial, or commercial.*

Action Statement N1.1.1 - *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Policy N1.3 - *Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

Action Statement N1.3.1 - *Review development proposals for compatibility within neighborhoods.*

Policy N1.6 - *Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.*

Policy N1.14 - *Support the provision of a full spectrum of public and quasi public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

The proposed school would be located in an area that is predominantly industrial, warehouse, and research and development. While staff believes Mission Bay Works school is an appropriate use in Sunnyvale, staff finds that, based on the above report, the site selected by the applicant is not an appropriate site for any type of school use. Staff finds that a school is an incompatible use intruding in the Commercial Street industrial neighborhood and that it could realistically limit surrounding uses ability to operate effectively. Staff believes there are other areas of the City, including other industrially zoned areas, where a school would be compatible and would not impact the current uses in the neighborhood.

Socio-Economic Element: Economy and Employment

Goal B – *Maintain and establish policies that promote a strong economy which provides economic opportunities for all Sunnyvale residents within existing environmental, social, fiscal and land use constraints.*

Policy B.1 - *Provide existing employers with opportunities to expand employment within land use constraints and in accordance with regional planning goals.*

Policy B.3 - *Monitor the effect of City policies on business development and consider the effects on the overall health of business within the City.*

Goal C – *Endeavor to maintain a balanced economic base that can resist downturns of any one economic sector.*

Policy C.3 - *Maintain an attractive business community.*

Policy C.4 - *Promote business opportunities and business retention in Sunnyvale.*

Staff finds that the proposed school could hinder business development in this area of the City and would not promote a strong or balanced economy. As stated previously in this report, employers from surrounding businesses have stated they would not have the opportunity to expand their businesses if a school located in the immediate vicinity.

Socio-Economic Element: Education and Training

Goal E - *Support efforts to improve the availability and quality of education made available in Sunnyvale.*

Policy E.6 - *Support and/or consider the feasibility of attracting higher education into Sunnyvale and the region.*

Goal F - *Provide job training and employment services, within constraints of operative federal regulations and available federal funding, to address the locally-determined employment and training needs of economically disadvantaged residents and others with special needs.*

Action Statement F.1c - *Develop program alternatives to address the unique needs of special populations, such as youth, seniors, the disabled, welfare recipients and others.*

Action Statement F.1e - *Cooperate to the maximum extent feasible with other Federal, State and local agencies providing similar services or serving common clients.*

Mission Bay Works would provide unique job training to students who would otherwise not have access to this type of education within the City. Staff finds the proposed school would address the unique needs of certain students but also finds the site selected is not appropriate for a school. Staff believes the school should be located in an area of Sunnyvale with fewer impacts.

Socio-Economic Element: Health and Social Services

Policy H.9 - *Encourage programs and services that address the special needs of the disabled population and assure that disabled individuals have access to services.*

Action Statement H.9d - *Encourage and support efforts to allow disabled individuals to live independently.*

Action Statement H.9h - *Encourage and support efforts to provide residential, transitional facilities for disabled residents.*

Mission Bay Works would provide programs and services to students who would otherwise not have access to this type of education and training within the City. Staff finds the proposed school would address the unique needs of certain students but also finds the site selected is not appropriate for a school. Staff believes the school should be located in an area of Sunnyvale with fewer impacts.

Findings:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Not Met)*

As enumerated above, staff cannot make the first finding that the project meets the goals and policies of the General Plan of the City of Sunnyvale.

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, impair either the orderly development of, or the existing uses being made of, adjacent properties. (*Finding Not Met*)

Staff cannot make the second finding based on concerns that the proposed school will impair the orderly development of, and existing uses being made of, the adjacent industrially zoned properties. Staff has received correspondences from the adjoining businesses who have expressed concerns about the proposed school use, as previously discussed in this report. Staff finds that this education use, at this location, where the land use and zoning is predominately research and development, manufacturing, and warehouse use oriented could realistically impede the existing uses being made of the surrounding properties. As previously discussed, the surrounding uses have a heavy reliance on the storage, use, and release of chemicals. Staff's concern is related not to the proposed business locating within the City, but rather concerned only with the site where the business has chosen to locate. Staff believes there are other more appropriate locations for this school in the City's Industrial, Commercial, or Office zones.

Recommended Conditions of Approval - Use Permit

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Use Permit document prior to issuance of the building permit.
- B. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- E. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Use 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.
- G. 100% of the students will be transported to the site via bus, or, if students drive (future school), that enrollment is limited to the maximum number of seats and employees equal to the number of parking spaces.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements.
- B. Obtain the necessary Building permits for all tenant improvements related to this use.
- C. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed use prior to issuance of a Building Permit.

3. ENVIRONMENTAL

A. Under the oversight and direction of the CRWQCB, the applicant shall conduct yearly indoor air quality testing.

4. ENVIRONMENTAL MITIGATION MEASURES

A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

IMPACT HAZ (a) and (b)

- 1) The applicant shall develop a Site Safety Plan addressing the risks presented to employees and trainees/students, from the surrounding industrial facilities. The plan shall include the following components:
 - Identification of high risk locations within 1000 ft.
 - Knowledge of risks presented by these facilities (toxic gases, corrosive vapors, liquid leaks, fires).
 - Contact information for nearby high risk facilities (names and phone numbers of management / safety personnel at nearby facilities).
 - Arrangements with nearby facilities for phone notification in the event of a hazardous material release or potential release.
 - Procedures for appropriate responses to chemical releases from nearby high risk facilities (complete evacuation / shelter in place procedures), addressing the specific needs of trainee/student population.
 - Initial and ongoing safety training program for staff to insure on-site personnel are familiar with the Site Safety Plan and emergency procedures.
 - Site and floor plan showing, at a minimum, building exits, evacuation routes, interior area of refuge (shelter in place), fire extinguishers and air handler shutoffs.
 - The plan shall be reviewed and updated annually.

- 2) The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

These mitigation measures are required to be approved by the City prior to occupancy of the site by either employees or trainees/students.

The applicant shall draft and submit Mitigation measure 1) for review and approval of the Director of Community Development. The property owner will be solely responsible for implementation and maintenance of the mitigation measure. The applicant shall draft and submit Mitigation measure 2) for review and approval of the City's Hazardous Materials Specialist. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

IMPACT HAZ (d)

- 1) The California Regional Water Quality Control Board (CRWQCB) is the oversight agency which will determine all applicable requirements, and any remediation activities that need to be completed in accordance with all applicable Federal, State, and local regulations.

The property owner will be solely responsible for implementation and maintenance of any CRWQCB requirements.

5. OPERATIONS

- A. The maximum number of students, trainees, or participants at any given time, shall not exceed 50.
- B. All students shall be a minimum of 18 years old.

6. TRANSPORTATION IMPACT FEE

- A. Pay Traffic Impact Fee (TIF) estimated at \$1,227.44, prior to issuance of a Building Permit (SMC 3.50). The final fee is determined at the time building permits are issued for the tenant improvements. The TIF is based on 17 employees and 11 vans. The TIF can be adjusted if the number of employees and/or van trips increases or if the vans remain on-site during the day (AM in and PM out trips only). Any future school that occupies the site may have a similar increase if the number of students and/or instructors is increased.

7. LANDSCAPING

- A. All landscaping shall continue to be maintained in a neat, clean, and healthful condition.

8. PARKING

- A. At no time shall the number of students, employees, and teachers exceed the total number of available parking spaces on site.
- B. Employees shall be required to park on the site.

9. RECYCLING AND SOLID WASTE

- A. Per zoning code 19.38.030, a refuse/recycling enclosure shall be provided.
- B. Equal space shall be provided for recycling and refuse within enclosure.
- B. All exterior recycling and solid waste shall be on masonry construction and shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.

10. FIRE REGULATIONS

- A. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, Title 19 California Code of Regulations.
- B. Provide required number of approved fire extinguishers (minimum size of 2A10BC and/or K-class for kitchens as required) (CCR Title 19: 568)
- C. Buildings in excess of 3600 square feet require an automatic fire sprinkler system. Provide a fully automatic fire sprinkler system in accordance with NFPA 13. (16.52.270 SMC & Section 903 CFC)
- D. The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety
- E. Provide information/locations of any onsite and City fire hydrants. Project may require the installation of fire hydrants.
- F. A fire access road is required. Fire access roads require a minimum unobstructed width of 20 feet and a minimum inside turning radius of 30 feet. (MC 16.52.180)
- G. Fire access roads shall be marked in accordance with MC 16.52.170.
- H. Trash enclosures, within 5 feet of building exterior walls or overhangs require fire sprinkler protection (304.3.3 CFC, MC 16.52.270).
- I. If the facility is deemed to contain a public assembly occupancy (over 50 occupants) multiple exits, exit signs, and emergency lighting may be required depending on the occupant load.

- J. Places of assembly require a Fire Operations permit, to be obtained/issued at the time of the Fire Prevention inspection, after completion of all construction.
 - K. Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems if applicable. (Chapter 14 CFC)
 - L. Provide a written Fire Protection Plan. (Section 1408 CFC)(Refer to Unidocs.org , Fire Prevention documents).
- 11. SIGNS**
- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code and require separate review and permits.
- 12. STORAGE**
- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
 - B. Unenclosed storage of any kind shall be prohibited on the premises.
 - C. All exterior trash shall be confined to approved receptacles and enclosures.
- 13. SIDEWALKS**
- A. This project requires installation of sidewalks and curb and gutter along the frontage of Commercial Street. Consult with Trees and Landscaping Division for any tree relocation or removal as a result of new improvements.
- 14. PUBLIC WORKS**
- A. The owner/developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
 - B. All public improvements shall be installed per City's design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless otherwise approved by the Director of Public Works.
 - C. All public improvement plans shall be submitted to and be approved by the Department of Public Works.
 - D. Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works.
 - E. Obtain a separate encroachment permit with insurance requirements for all public improvements.

- F. Provide the Public Works Department with a detailed estimate of water consumption in gallons per day and peak water demand in gallons per minute, and estimate of sanitary sewer generation in gallons per day.
- G. If applicable, install cleanout(s) at the property line.
- H. Upgrading to new radio-read disk-type water meters shall be required.
- I. If applicable, upgrade/install an approved backflow prevention device on the discharge side of the irrigation, domestic (non-residential) and fire service meters.

15. TRAFFIC/ROAD IMPROVEMENTS

- A. Provide on-site bike racks, and lockers per the latest VTA standards (for workers and other potential users).
- B. Traffic control plan is required for any work being done in the public right-of-way, short-term and/or long-term. This plan must be submitted with the Encroachment Permit and must be approved by a Transportation Engineer.

16. MISCELLANEOUS

Replace existing underground Detector Assembly with new above ground Double Check Detector Assembly for Fire Services per City Standard Dwg. 26B. Fire Service-Double Check Detector Assembly shall be Wilkins 450DA or Febco 87



ATTACHMENT C
Page 1 of 1

Mission Bay Vocational Program

Maria Coker, RN is currently President and Program Director for Mission Bay Works located at 3269 Kifer Rd in Santa Clara. It is a state licensed site of approximately 11K sq ft. For the past 18 years she has worked with the developmentally disabled adult population. 14 of those years were with the Agnews Developmental Center as MS Coordinator, and Psychiatric Technician.

Brandon Coker is Vice President and Creative Director responsible for job opportunity's for consumers along with human resource responsibilities.

Mission Bay Works is licensed through the Department of Social Services California since 2004.

The new site will have 50 trainees and 12 employees.

Mission Bay Vocational Program is be a highly-structured program for individuals with developmental disabilities ages 18-55 years of age. The program operates from 9:00 A.M. to 2:30 P.M. (Monday through Friday). This program does not provide medical care. The program provides transportation for the trainees to and from the homes by way of company owned vans. There are no drop offs or pick ups by parents nor do any of the trainees drive. The ultimate goal is geared toward normalization where the services refer to integration of people with special needs into everyday community life, so that they may enjoy what we normally value for ourselves. Different areas of training will focus on assistance of daily living activities, communication skills, money-management skills, arts and crafts, table-top activities, community access skills, employment training (pre-vocational) and employment opportunities. One example of work site activities is kitting of projects such as counting parts and bagging them for electronic companies. With the assistance of the job coaches consumers can have a source of income.

There are currently 110,000 disabled adults in the Bay Area needing this kind of service. This is a very professional environment, with daily instructions of job coaches through written behavior plans from social workers. The clients work in places such as Costco, Wal-Mart, printing shops, mail rooms, and office environments.

On a daily basis, clients to staff ratio is 8 clients to 1 staff ratio. There are no outside activities on the building grounds and clients are required to stay indoors. Passenger van pick-up and drop-off occur only once in the morning and once in the afternoon.

Mission Bay Works, Inc is a for profit organization.

3269 Kifer Rd Santa Clara, CA 95051 • 408-636-0194 • Fax 408-636-0195

commercial property services
CORPAC INTERNATIONAL

475 El Camino Real, Suite 100, Santa Clara, CA 95050 • P (408) 615-3400 • F (408) 615-3444 • www.cps-co.com

May 7, 2008

Mr. Steve Lynch
City of Sunnyvale
456 W. Olive Ave.
P.O. Box 3707
Sunnyvale, CA 94086

RE: 230 Commercial Street Mitigated Negative Declaration

Dear Steve:

On behalf of the owner of 242 Commercial, Christopher Grimes, we are against approving the use for the neighboring tenant at 230 Commercial Street. The Commercial Street corridor is zoned M-S (industrial service) and allowing a school-use here would significantly hurt this industrial pocket of Sunnyvale. The City has designated areas where they allow for this type of use and if they permit a school-use here, the value of my client's property at 242 Commercial would be significantly decreased for the following reasons:

- o Allowing a school use in a commercial area will limit the potential tenant base that my client can attract on his commercial property.
- o The marketability of the property will suffer as most industrial tenants will not want to be near a tenant of that type.
- o Lease-up time will increase and therefore, rental rates and property value will decrease due to the effect on potential tenants.

Because of the nature of the potential neighboring tenant, it is not in my client's best interest to approve a school use in an industrial zoned area. Thank you for your consideration.

Sincerely,

Brian McClenahan
(408) 615-3463

cc: Christopher Grimes



ATTACHMENT D
Page 2 of 5

May 5, 2008

Steve Lynch
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94088

RE: 230 Commercial Street, Sunnyvale
File number 2008-0245
Application for Conditional Use Permit

Dear Mr. Lynch:

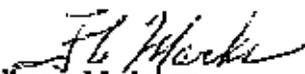
I am the managing partner of 222 Commercial which is next door to the subject property at 230 Commercial Street. We understand that a vocational school for developmentally disabled adults has applied for a use permit at the subject property. Based on the proposed use we do not support this application and request that the city deny its approval.

There are several reasons why we request denial of the application:

- 1) The proposed use would adversely impact the existing use in our building. General Pool & Spa has been our tenant since 2001. We have spoken with General Pool's management and they have told us that if this use is approved and occupies the neighboring building, they will leave. The chemicals that General Pool stores on site, although acceptable in an industrial area, are not conducive to being next to a school. (Note: The city yard across the street may also have chemicals stored on its site.)
- 2) The proposed use would make it difficult for us to release the building. A use that is not compatible with industrial uses common in the area would make it very difficult for us to find a replacement tenant.
- 3) We understand that there are other areas in the city designated for this type of use. These include the industrial area near Lawrence Expressway which we believe has an overlay for places of assembly which describes the proposed use. We also believe that the El Camino Real corridor has zoning that permits this type of use.
- 4) In the last few years, the city reviewed the zoning on Commercial Street and determined it should not be changed. This review was part of a city-wide review to change certain areas currently zoned industrial. Why would one particular applicant now change the zoning after the city has already determined to let it remain in its current state?

We are not opposed to having a vocational school for developmentally disabled adults in the city of Sunnyvale. We do believe that there are other locations designated for this type of use and believe the school should search for a building in those areas.

Sincerely,


Fillmore Marks
Manager and Principal
222 Commercial Street



May 5, 2008

Steve Lynch, Senior Planner
City of Sunnyvale
Department of Community Development
Planning Division
P.O. Box 3707
Sunnyvale, CA 94088-3707

Re: Project # 20008-0245
Project Address: 230 Commercial Street
Applicant: Mission Bay Vocation School Variance Request.

Dear Mr. Lynch,

As a stakeholder in the community, Applied Materials is obviously deeply interested in matters which may impact the long term growth and sustainability of the Sunnyvale community and Applied Materials' operations therein. While Applied Materials welcomes Mission Bay's decision to locate a vocational school in Sunnyvale, we are concerned that locating a school immediately adjacent to an advanced research and development center is not in the long term best interests of either the impacted parties or of the community overall.

The Arques Campus houses some of Applied Materials' most advanced R&D activities and we trust the City shares our interest in maintaining the long-term viability of those operations in Sunnyvale, along with all of the economic benefits. We are concerned whether our Arques operations will be impacted in the future by the introduction of possible "sensitive receptors" in immediate proximity to the Arques Campus. While we will always do our utmost to protect the environment and to safeguard our neighbors, there is no question that a school can pose issues for industry that commercial and industrial neighbors do not.

Given the circumstances, we recommend that the City preserve a land use scheme conducive to cutting edge R&D operations taking place in Sunnyvale, and further suggest that Mission Bay should select an alternate site so as to avoid the possibility of future adverse impacts to existing businesses such as Applied Materials.

Respectfully,

A handwritten signature in black ink, appearing to read "Victor M. Arrañaga, Jr.".

Victor M. Arrañaga, Jr.
Senior Manager Government & Corporate Affairs

May 9, 2008

Mr. Steve Lynch
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94088

RE: 230 Commercial Street, Sunnyvale
File Number 2008-4245
Application for Conditional Use Permit

Dear Mr. Lynch:

On May 5th my father, Fillmore Marks, submitted a letter on behalf of the ownership of 222 Commercial Street. Since submitting that letter, Brandon at Mission Bay sent him a letter (copy reportedly on file with city) clarifying the proposed use. As my father is now out of the country and not available to follow-up on the letter, he has asked me to do so. Below is the follow-up:

- A) My father does not have, nor do any of the owners of 222 Commercial Street have, issues with developmentally disabled people. We support helping disabled people. My mother has a disability and my family is very understanding of handicapped persons. The fact that the school (or adult day program) has disabled participants was not relevant to our letter.
- B) The May 5th statement that General Pool & Spa would leave our building if the use is approved and the applicant occupies the neighboring building was inaccurate. We have had subsequent discussions with General Pool's management and they have stated that they will continue to stay in our building if the conditional use permit is approved.
- C) Regarding points 3 & 4 in my father's May 5th letter, we wish to let the city determine if the proposed use is warranted and do not wish to comment. Accordingly, based on all the above, we wish to rescind the May 5th letter.

Because of the letter sent by Brandon to my father on May 6th, we did visit the applicant's existing facility at 3269 Kifer Road as well have a conversation with Brandon. Based on the visit and the conversation, we do have two requests if the application is approved:

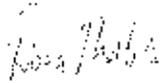
- 1) The exterior of 230 Commercial Street would remain similar to its current condition. Our understanding based on the conversation with Brandon is that this is the intent with exception of perhaps changing the paint color to another earth-tone color with which we are fine. We do request that exterior paintings/posters on windows/doors at Mission Bay's existing site (see attached) are not used on Commercial Street as that would seem somewhat incongruous with other property

and uses in the area. If the application is approved, keeping the exterior of 230 Commercial Street in a similar existing condition would support Mission Bay's position that "there is no difference in what we do than the business down the street" as stated in their letter.

- 2) Should Mission Bay commence outdoor activities, they would install screening (i.e. landscape or fence) between our properties. Brandon has indicated that there are no plans to have outdoor activities. Should Mission Bay change, that would be our request.

Please feel free to contact me should you have any questions.

Sincerely,



Doug Marks
W: 650-494-5567

cc: Rory Manley, General Pool & Spa
Brandon, Mission Bay
Fillmore Marks, Banker, Marks & Kirk
Elaine Kirk, Banker, Marks & Kirk



USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

ATTACHMENT E

Page 1 of 1

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

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

OR

- 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 as ...

The proposed use will not change the general appearance of the existing structure and will not impair the existing uses of existing adjacent properties.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

One-Stop Permit Center - City Hall - 456 W. Olive Avenue - (408) 730-7444
Planners and Building Division staff are available 8:00 a.m. to noon and 1:00 to 5:00 p.m.
www.SunnyvalePlanning.com / www.SunnyvaleBuilding.com

Rev. 7/07 (white)



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

File Number: 08-0245
No. 08-07

ATTACHMENT F

Page 1 of 19

**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 Use Permit filed by Sheri DeCaire.

PROJECT DESCRIPTION AND LOCATION (APN):

2008-0245 – Sheri DeCaire [Applicant] Peter Van Dyck [Owner]: Use Permit to allow a vocational school for developmentally disabled adults. The property is located at 230 Commercial St. (near E. Arques Ave.) in an M-S (Industrial & Service) Zoning District. (APN: 205-35-007) SL

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, May 12, 2008. 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, May 12, 2008 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 April 17, 2008

Signed: Gerri Caruso
Gerri Caruso, Principal Planner

INITIAL STUDY
 City of Sunnyvale
 Department of Community Development
 Planning Division
 P.O. Box 3707
 Sunnyvale, CA 94088-3707

E-14709

ATTACHMENT F

2 of 19

Project #: 2008-0245
 Project Address: 230 Commercial Street
 Applicant: Mission Bay Vocational School

Project Title	Application for a new institute of higher learning (adult vocational school) in an existing industrial building.
Lead Agency Name and Address	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707
Contact Person	Steve Lynch, Senior Planner
Phone Number	(408) 730-2723
Project Location	230 Commercial Street Sunnyvale, CA 94086
Project Sponsor's Name	Mission Bay Vocational School Davidson & Seals Contact: Sheri DeCaire
Address	383 4 th St. #201 Oakland, CA 94607
Zoning	M-S (Industrial and Service)
General Plan	Industrial
Other Public Agencies Approval Required	None

Description of the Project: Application for a new institute of higher learning (Mission Bay adult vocational school) in an existing industrial building. Mission Bay is a school for individuals with developmental disabilities ages 18-55 years of age. The program provides job training through daily instruction of job coaches and skill classes. The intent of the program is to better integrate trainees by providing them certain life skills. The trainees typically are employed in places such as Costco, Wal-Mart, mail rooms, print shops, etc. The program operates from 9:00am to 2:30 pm, Monday through Friday. No medical care or physical rehabilitation services are provided.

Different classes or areas of training include:

- Daily living activities
- Communication skills
- Money management skills
- Arts and crafts
- Table top activities
- Community access skills
- Employment training

Transportation is provided to the trainees from their homes to the subject location. Drop-offs and pick-ups occur once in the morning and once in the evening only. The trainee to staff ratio is up to 8:1, with trainees attending the location on an irregular basis. There are no outside activities for the trainees at the site.

Surrounding Uses and Setting: The property is surrounded by industrial and office uses including Applied Materials, a pool supply warehouse, City of Sunnyvale's corporation yard, and other vacant buildings.

EVALUATION OF ENVIRONMENTAL IMPACTS

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

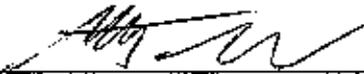
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

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.


Signature

Steve Lynch, Senior Planner

4/16/08
Date

For the City of Sunnyvale
(Lead Agency)

Environmental Checklist Form

Project Number: 2008-0245
 Project Address: 230 Commercial St.
 Applicant: Mission Bay Vocational School

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 101
d. 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"/>	2, 94
2. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 94, 100, 111
b. 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"/>	3, 94, 100, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 96, 97, 100, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	62, 63, 111, 112
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111, 112
3. BIOLOGICAL RESOURCES:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109
b. Have a substantially adverse impact on any riparian habitat or other sensitive natural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112,

Environmental Checklist Form

Project Number: 2008-0245
 Project Address: 230 Commercial St.
 Applicant: Mission Bay Vocational School

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?					109
c. 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"/>	2, 94, 111, 112, 109
d. 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"/>	2, 94, 111, 112, 109
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 109
f. 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"/>	41, 94, 111, 112
4. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See disc.
b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 94
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 94, 111
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
5. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 21, 28
b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	31, 28, 111

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Project Address: 230 Commercial St.
Applicant: Mission Bay Vocational School

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 41, 94, 111
6. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
7. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 16, 26, 94, 111, 112
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 16, 26, 94, 111, 112
c. A substantial permanent 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"/>	2, 16, 26, 94, 111, 112
d. A substantially temporary 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"/>	See disc.
8. POPULATION AND HOUSING. Would the project:					
a. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
b. 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"/>	2, 11, 111, 112
c. Displace substantial numbers of people, necessitating the construction of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 111, 112

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
replacement housing elsewhere?					
9. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	26, 65, 66, 103, 104
c. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	26, 65, 66, 103, 104
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
e. Other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
10. MANDATORY FINDINGS OF SIGNIFICANCE					
a. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 10, 26, 42, 59, 60, 61, 111, 112
b. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 111, 112
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111, 112

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
11. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
i) 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? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
b. Result in substantial soil erosion or the loss of topsoil?					"
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
d. Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
12. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 87, 88, 89, 90,

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
					111, 112
b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
e. Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20, 24, 25, 87, 88, 89, 111, 112
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 22, 90, 111, 112
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 22, 90, 111, 112
13. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 71, 75-77, 111, 112
b. Exceed, either individually or cumulatively, a level of service standard 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"/>	2, 12, 71, 75-77, 80, 84, 111, 112
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112, 113

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 Applicant: Mission Bay Vocational School

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
d. 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"/>	2, 12, 71, 75-77, 80, 84, 111, 112
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	37, 111
g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 81, 111, 112
14. HAZARDS AND HAZARDOUS MATERIALS.					
Would the project?					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussion at end of checklist
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Discussion at end of checklist
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	65, 103, 104, 105, 108, 115
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Discussion at end of checklist
e. For a project located within 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"/>	65, 103, 104, 105, 108
f. 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"/>	65, 103, 104, 105, 108
g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	65, 103, 104, 105, 108

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ATTACHMENT F

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	65, 103, 104, 105, 108
15. RECREATION					
a. Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18, 111, 112
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18, 111, 112
16. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
b. 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"/>	94
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
17. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112

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ATTACHMENT 13
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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112

DISCUSSION OF IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

14. HAZARDOUS AND HAZARDOUS MATERIALS (a) The 230 Commercial Street site is located adjacent to two industrial tenants who use and store hazardous materials. The two tenants are General Pool and Spa Supply located at 222 Commercial Street and Applied Materials located at 974 Arques Avenue.

Applied Materials - Applied Materials is located directly to the east of the 230 Commercial Street site. 230 Commercial Street's east property line is entirely bound by Applied Materials property. Applied Materials contains research and development activities as well as manufacturing of products. Applied utilizes a variety of hazardous materials including but not limited to: ammonia, arsine, boron, trifluoride, chlorine, diborane, dichlorosilane, fluorine, germane, hydrochloric acid, hydrogen chloride, hydrogen fluoride, hydrogen sulfide, nitric oxide, octafluorocyclopentene, phosphine, phosphorous pentafluoride, silicon trichloride, sulfur dioxide, trichlorosilane, and tungsten hexafluoride.

Due to the volume of the above chemicals and the associated risk, Applied Material is required by the State code to do a worst case off-site Risk Assessment in the event of an accidental release. A release typically occurs during delivery to the storage facility. This Risk Assessment Plan shows the "zone of potential impact" for accidental release scenarios for several chemicals used at Applied Materials. For two of the most hazardous chemicals, ammonia and chlorine, the 230 Commercial Street site is entirely within the impact zones.

As part of Applied Materials manufacturing processes, the production facilities contain exhaust stacks with pollution filtration scrubbers. Some of the stacks are located close to the adjacent property line with 230 Commercial Street. The City's Hazardous Materials Specialist has stated that in 2006 there was a malfunction in the exhaust stack scrubbers and there was a release of hydrochloric acid which landed on the 230 Commercial Street site.

General Pool and Spa Supply - General Pool and Spa Supply is located a 222 Commercial Street, directly to the south of the 230 Commercial Street site. General Pool is a chain pool supply warehouse containing large amounts of hydrochloric acid, chlorine, as well as other oxidizers. The delivery route for trucks leading into the site is along the adjoining property line of the 230 Commercial site.

General Pool contains lower volumes of the above chemicals on-site, so are not required by the State to produce a worst case off-site Risk Assessment in the event of an accidental release. However, the City's Hazardous Materials Specialist has stated that if an accidental release occurs, the 230 Commercial Street site would likely be affected.

IMPACT HAZ (a) - Based on the above discussion, the occupancy of the 230 Commercial Street site by a school, that includes a concentration of students, an irregular attendance, and irregular emergency training of students, could result in the exposure of a population to

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F

hazardous materials impacts in the event of an accidental release or upset. However, various local, State, and Federal laws, regulations, and ordinances require sufficient engineering controls to help prevent chemical releases, and in the event of a release, to help protect human health and the environment. The implementation and enforcement of these regulations regarding the use, storage, transport, and disposal of hazardous materials, together with the proposed mitigation measures requiring emergency training and procedures, will reduce the potential for impacts to the school population to be Less Than Significant with Mitigation.
(Less Than Significant Impact with Mitigation)

Mitigation Measures

The following mitigation measures are proposed:

WHAT: 1) The applicant shall develop a Site Safety Plan addressing the risks presented to employees and trainees/students, from the surrounding industrial facilities. The plan shall include the following components:

- Identification of high risk locations within 1000 ft.
- Knowledge of risks presented by these facilities (toxic gases, corrosive vapors, liquid leaks, fires).
- Contact information for nearby high risk facilities (names and phone numbers of management / safety personnel at nearby facilities).
- Arrangements with nearby facilities for phone notification in the event of a hazardous material release or potential release.
- Procedures for appropriate responses to chemical releases from nearby high risk facilities (complete evacuation / shelter in place procedures), addressing the specific needs of trainee/student population.
- Initial and ongoing safety training program for staff to insure on-site personnel are familiar with the Site Safety Plan and emergency procedures.
- Site and floor plan showing, at a minimum, building exits, evacuation routes, interior area of refuge (shelter in place), fire extinguishers and air handler shutoffs.
- The plan shall be reviewed and updated annually.

2) The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

WHEN: These mitigation measures will be converted into conditions of approval for this Use Permit prior to its final review by the City's Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measures are required to be approved by the City prior to occupancy of the site by either employees or trainees/students.

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WHO: The applicant shall draft and submit Mitigation measure 1) for review and approval of the Director of Community Development. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

The applicant shall draft and submit Mitigation measure 2) for review and approval of the City's Hazardous Materials Specialist. The property owner will be solely responsible for implementation and maintenance of the mitigation measure.

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

14. HAZARDOUS AND HAZARDOUS MATERIALS (b) See notes for 14.(a)

IMPACT HAZ (b) – See discussion for **IMPACT HAZ (a)**.

14. HAZARDS AND HAZARDOUS MATERIALS (d) The 230 Commercial Street site is located within the Mohawk Laboratories plume. The Mohawk property is located at 932 Kifer Road in Sunnyvale, California near the intersection of Commercial Street and Kifer Road. The area that includes Mohawk Laboratories and other dissolved plumes is referred to as the Commercial Street Operable Unit (CSOU). Subunit 1 consists of the Mohawk Laboratories site and the properties that extend north/northeastward, including the 230 Commercial site.

The Mohawk Laboratories site contained an above-ground storage tank farm with a capacity of 157,000 gallons, which was located onsite from the mid-1950s to 1988. Chemicals were transferred from the tank farm into the onsite warehouse building for blending prior to sale and distribution. Chemicals stored in the tank farm included chlorinated solvents, methylene chloride, mineral spirits, kerosene, xylenes and isopropanol. Mohawk removed the tank farm in 1988 when it was found that they were leaking chemicals into the soil and groundwater. Currently all chemicals at Mohawk Laboratories are stored within the plant warehouse.

The Mohawk Laboratories site is currently under regulatory oversight of the California Regional Water Quality Control Board (CRWQCB) and subject to Order No. 00-106, Revision to the Site Cleanup Requirements and Rescission of Order No. 97-112, adopted by the CRWQCB on October 18, 2000. The order directs Mohawk to implement a Self-Monitoring Program to monitor groundwater conditions within the CSOU and adjacent areas and monitor ongoing operation of remedial systems.

Under CRWQCB oversight, Mohawk initiated site characterization activities in 1987. Subsurface investigations detected metals, volatile organic compounds (VOCs) and petroleum hydrocarbon compounds in soil, soil gas and groundwater. The remedial investigations indicated that a plume extends offsite in groundwater to the north up to and across Arques Avenue. The predominant contaminants of interest associated with the plume include the following:

- tetrachloroethene (PCE)
- trichloroethene (TCE)
- cis-1,2-dichloroethene (cis-1,2-DCE)
- total petroleum hydrocarbons (TPH)

IMPACT HAZ (d) – Based on the above discussion, the occupancy of the 230 Commercial Street site by a school, that includes a concentration of students, an irregular attendance, and irregular emergency training of students, could result in the exposure of a population to VOCs and petroleum hydrocarbon compounds in soil, soil gas and groundwater. However, CRWQCB has determined that exposure to hazardous materials is within acceptable State and Federal levels and does not pose a health risk at this time, although this may change as circumstances at the site and/or acceptable levels change. The implementation and enforcement of CRWQCB regulations makes this impact Less Than Significant with Mitigation.
(Less Than Significant Impact with Mitigation)

Mitigation Measures

The following mitigation measures are proposed:

WHAT: The CRWQCB is the oversight agency which will determine all applicable requirements, and any remediation activities that need to be completed in accordance with all applicable Federal, State, and local regulations.

WHEN: This mitigation measures will be converted into conditions of approval for this Use Permit prior to its final review by the City’s Planning Commission. The conditions will become valid when the Use Permit is approved. The mitigation measure is valid now and in the future.

WHO: The property owner will be solely responsible for implementation and maintenance of any CRWQCB requirements.

HOW: CRWQCB permits and compliance is required at this time.

Steve Lynch, Senior Planner

4/16/2008

Completed By

Date



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3. Air Quality Sub-Element
4. Community Design Sub-Element
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9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element

26. **City of Sunnyvale Municipal Code:**
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation
- Specific Plans**
43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan

- Environmental Impact Reports**
48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)
51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of

- Santa Clara)
52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

Lists/Inventories

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III

Transportation

71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pegnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short Range Transit Plan
82. Santa Clara County Transportation Plan
83. Traffic Volume Studies, City of Sunnyvale Public

Environmental Checklist Form

Project Number: 2008-0245
 Project Address: 230 Commercial St.
 Applicant: Mission Bay Vocational School

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- works Department of Traffic Engineering Division
 84. Santa Clara County Sub-Regional Deficiency Plan
 85. Bicycle Plan

Public Works

86. Standard Specifications and Details of the Department of Public Works
 87. Storm Drain Master Plan
 88. Sanitary Sewer Master Plan
 89. Water Master Plan
 90. Solid Waste Management Plan of Santa Clara County
 91. Geotechnical Investigation Reports
 92. Engineering Division Project Files
 93. Subdivision and Parcel Map Files

Miscellaneous

94. Field Inspection
 95. Environmental Information Form
 96. Annual Summary of Containment Excesses (BAAQMD)
 97. Current Air Quality Data
 98. Chemical Emergency Preparedness Program (EPA Interim Document in 1985?)
 99. Association of Bay Area Governments (ABAG) Population Projections

100. Bay Area Clean Air Plan
 101. City-wide Design Guidelines
 102. Industrial Design Guidelines

Building Safety

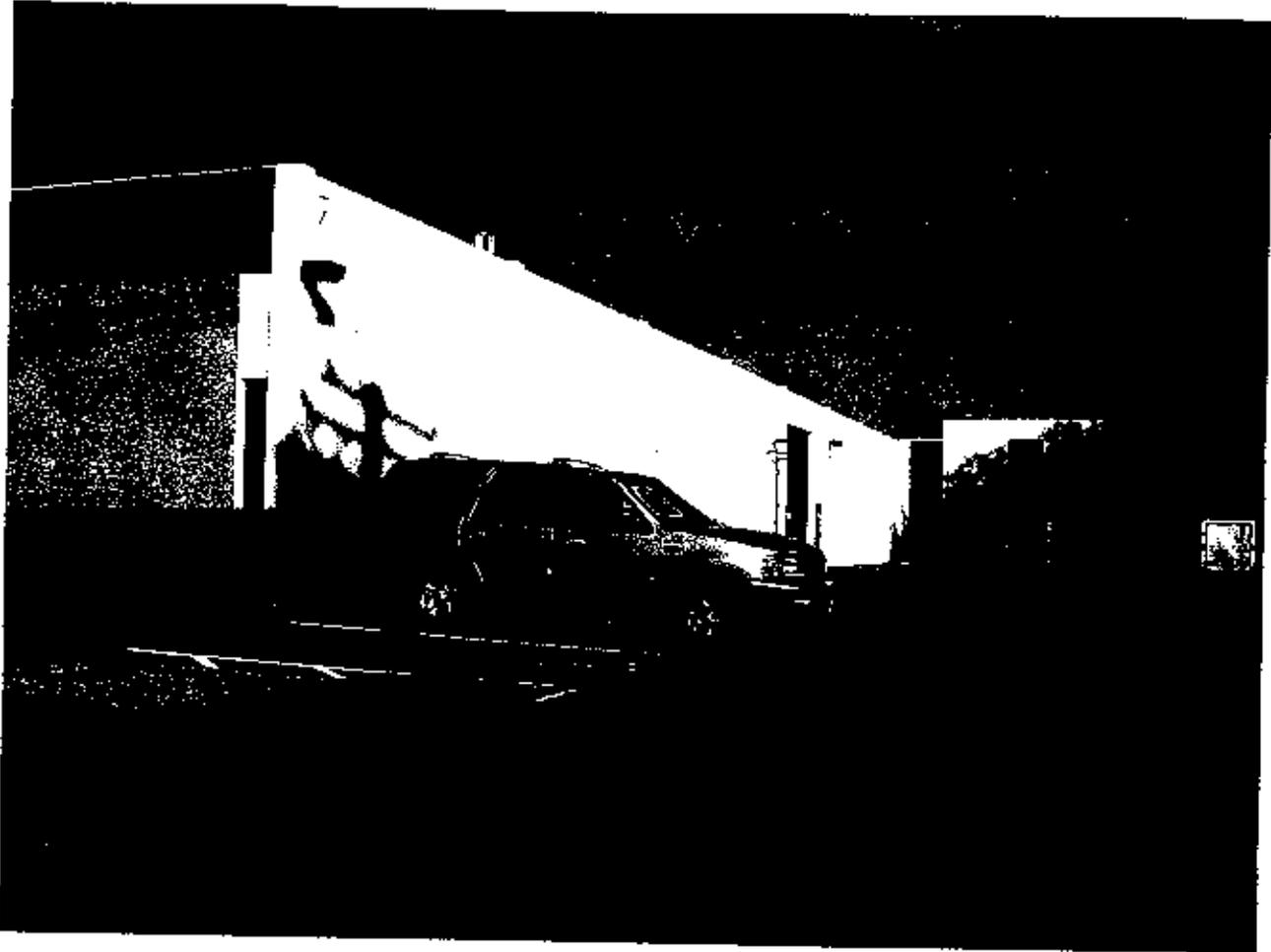
103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
 104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
 105. Uniform Plumbing Code, (Including the California Plumbing Code)
 106. Uniform Mechanical Code, (Including the California Mechanical Code)
 107. National Electrical Code (Including California Electrical Code)
 108. Title 16 of the Sunnyvale Municipal Code

Additional References

109. USFWS/CA Dept. F&G Special Status Lists
 110. Project Traffic Impact Analysis
 111. Project Description
 112. Project Development Plans
 113. Santa Clara County Airport Land Use Plan
 114. Federal Aviation Administration
 115. State Cortese List



SOUTH VIEW FROM COMMERCIAL ST.



MISSION BAY VOCATIONAL CENTER
230 COMMERCIAL STREET
Parking lot views of front building
and front view of rear building



MISSION BAY VOCATIONAL CENTER
230 COMMERCIAL STREET
Rear of building from parking lot



MISSION BAY VOCATIONAL CENTER
230 COMMERCIAL STREET
Front view from parking lot



DATE: 10/1/01

USE ON BAY
VOCATIONAL
CENTER
121 COMMERCIAL ST
EMERYVILLE, CA

EXISTING
SITE PLAN

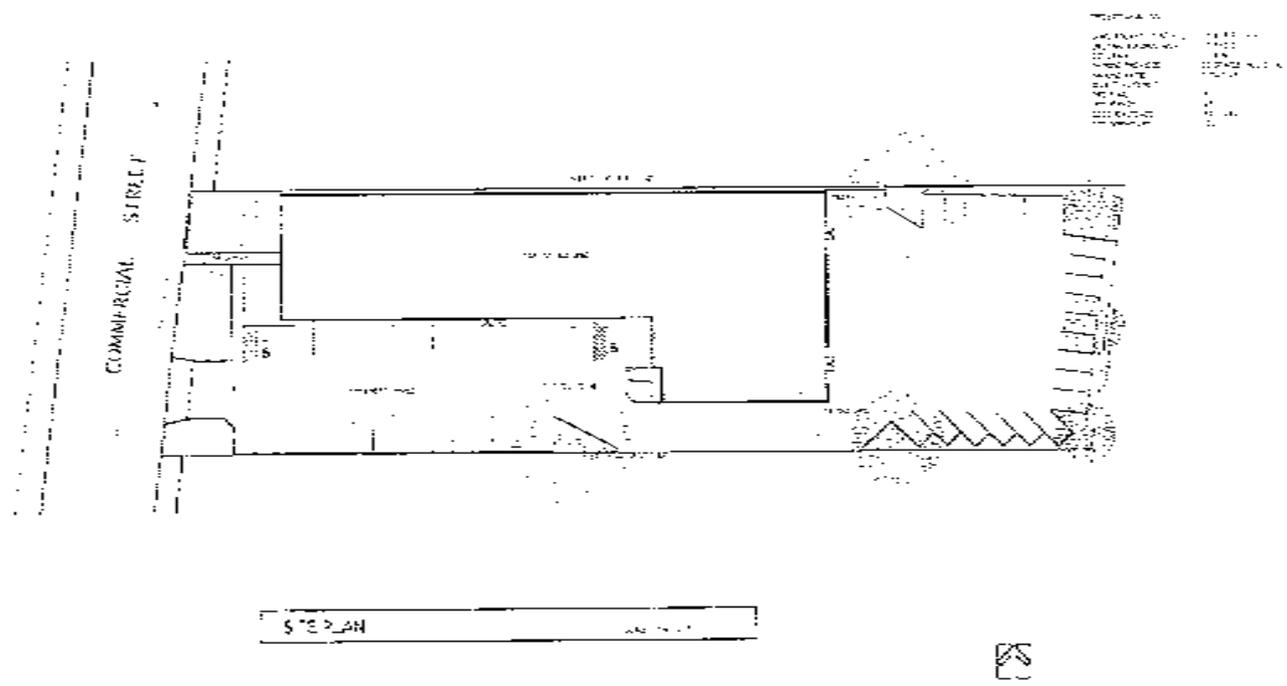
SCALE
AS SHOWN

DATE: 10/1/01

A1.0

ATTACHMENT H

Page 1 of 3



COMMERCIAL STREET

