



**CITY OF SUNNYVALE
REPORT
Planning Commission**

August 11, 2008

SUBJECT: **2008-0459 – TMG-Moffett, LLC [Applicant/Owner]:**
Application for a property located at **399 West Java Avenue**
(at Bordeaux Dr.) in an MP-TOD (Moffett Park – Transit
Oriented District) Zoning District.

Motion Major Moffett Park Design Review to allow a new 7-
story office building resulting in 209,500 square feet and
70% Floor Area Ratio and a 4-level parking structure

REPORT IN BRIEF

Existing Site Conditions Vacant Site (buildings previously demolished 2003)

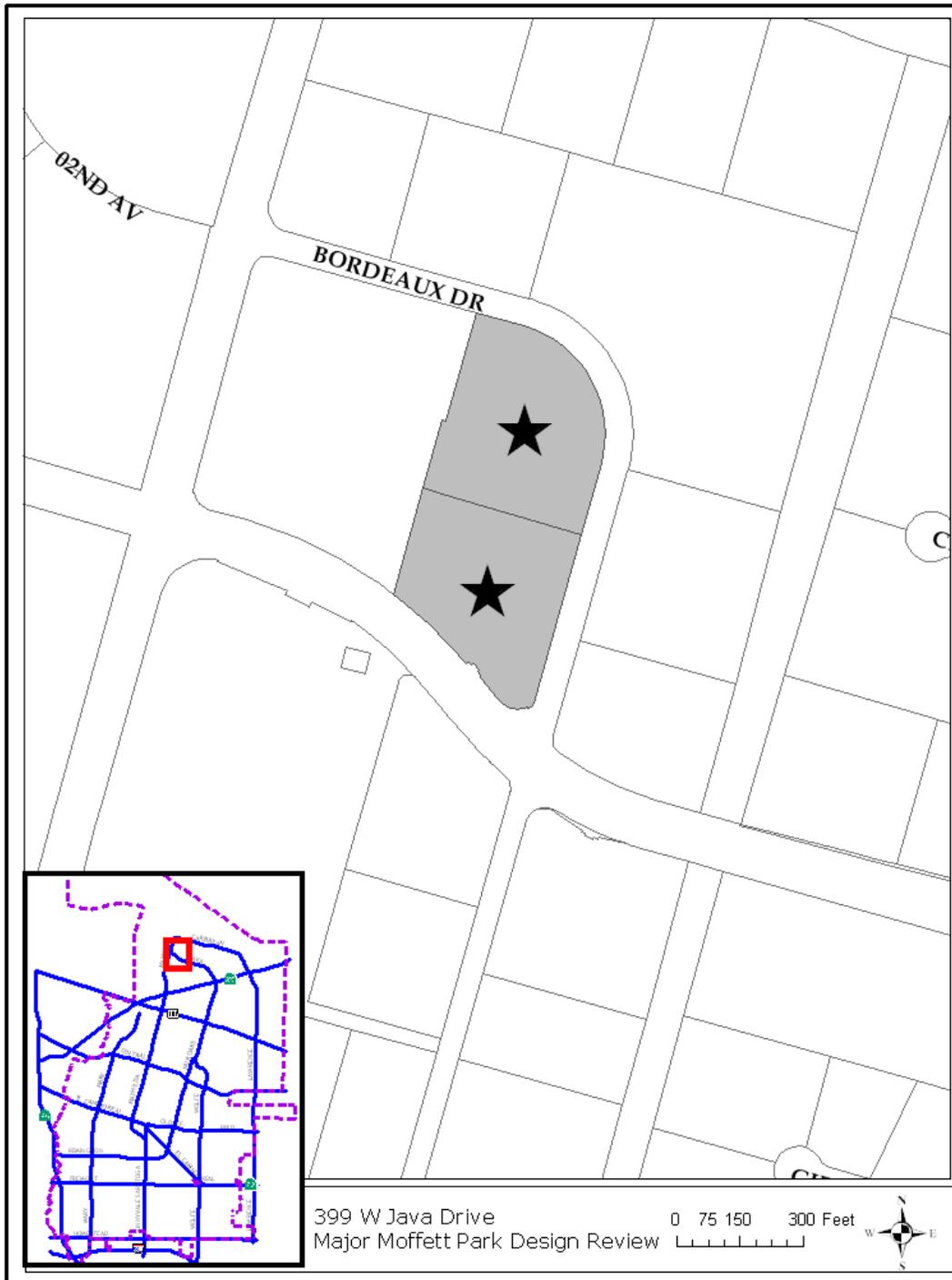
Surrounding Land Uses

North	Industrial/R&D
South	Industrial/R&D and VTA Lightrail
East	Industrial/R&D
West	Industrial/R&D

Issues Floor Area Ratio, Site Plan and Architecture

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

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Moffett Park Specific Plan	Moffett Park Specific Plan	Moffett Park Specific Plan
Zoning District	MP-TOD	Same	MP-TOD
Lot Size (s.f.)	299,286	Same	22,500 min.
Gross Floor Area (s.f.)	0 (99,000 sq. ft. demolished in 2003)	209,498	209,498 max.
Lot Coverage (%)	N/A	23%	45% max.
Floor Area Ratio (FAR)	N/A	70%	70% max. without PC review
No. of Buildings On-Site	N/A	1 office building, 1 parking structure	---
Distance Between Buildings	N/A	195' to parking structure	32' min.
Building Height (ft.)	N/A	125' office building, 35' parking structure	130' max.
No. of Stories	N/A	7-story office building, 4-level parking structure	---
Setbacks (office building/parking structure)			
Front (Java)	N/A	47'/370'	15' min.
Left Side	N/A	67'/52'	0' min.
Reducible Front	N/A	53'/190'	15' min.
Front (Bordeaux)	N/A	570'/66'	15' min.
Landscaping (sq. ft.)			
Total Landscaping	Unknown	82,282 (27%)	59,857 (20%) min.
Frontage Width (ft.)	Unknown	20'-53'	15 ft. min.
% Based on Floor Area	Unknown	39.3%	10% min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
% Based on Parking Lot	Unknown	27%	20% min.
Parking Lot Area Shading (%)	Unknown	50%	50% min. in 15 years
Water Conserving Plants (%)	Unknown	70%	70% min.
Parking			
Total Spaces	N/A	733	698 min.
Standard Spaces	N/A	441	349 min.
Compact Spaces/ % of Total	N/A	277/38%	349/50% max.
Accessible Spaces	N/A	15	15 min.
Aisle Width (ft.)	N/A	26'	26' min.
Bicycle Parking	N/A	35 (26 Class I & 9 Class II)	35 min. (26 Class I & 9 Class II)
Stormwater			
Impervious Surface Area (s.f.)	107,743	217,004	---
Impervious Surface (%)	36%	73%	---

ANALYSIS

Description of Proposed Project

The proposal is for the redevelopment of 6.9 acres comprised of two parcels located in the Moffett Park Specific Plan Transit-Oriented Development (MP-TOD) Zoning District. The site is located on the northwest corner of W. Java Drive and Bordeaux Drive. The two previous office buildings were demolished in 2003 and the site has been vacant since then. The applicants propose to construct a new 7-story Class A office building fronting W. Java Drive, and an associated 4-story parking structure tucked towards the back of the property along Bordeaux Drive.

The standard Floor Area Ratio (FAR) for the MP-TOD Zoning District is 50%. The Moffett Park Specific Plan (MPSP) allows up to 70% FAR if the project is designed to meet "Green Building" standards. The project incorporates

Sustainable Design and Green Building features into the project design for both site and building development. The applicant meets the MPSP requirements for Leadership in Energy and Environmental Design (LEED) with the Silver-level design intent, with the potential for Gold, by incorporating at least 38 LEED points where a minimum of 23 points are required for certification.

Background

The site was previously occupied by two office buildings and associated surface parking, totaling approximately 99,000 square feet. The buildings were used for semiconductor manufacturing and research and development, and were demolished in 2003. The site has been vacant since then. Only landscaping and hardscape remain on this site.

Closure applications for hazardous materials were obtained as part of the demolition of the buildings. Staff consulted with the City's Hazardous Waste Inspector, who indicated that the hazardous waste issues on this site have been resolved, and the closure application has been closed.

Environmental Review

The subject site is located within the Moffett Park Specific Plan which was subject to certification of a Program EIR and a mitigation-monitoring program in 2003. In accordance with California Environmental Quality Act (CEQA) guidelines §15152, only those issues that were not previously addressed in the EIR are subject to additional environmental review.

A Transportation Impact Analysis was prepared by Hexagon Transportation Consultants, Inc. on June 12, 2008, which found that the proposed project would generate 258 net project trips during the AM peak hour and 237 net project trips during the PM peak hour (with a 3% reduction allowed by VTA for sites within 2,000 feet of an existing light rail system). Credit was not given for the previous buildings that were demolished.

As a result of these findings, a Mitigated Negative Declaration was prepared in compliance with the CEQA provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (Attachment C, Mitigated Negative Declaration/Initial Study). The mitigations, which have been incorporated into the conditions of approval, include payment of transportation impact fees, upgrading driveway widths and radii to comply with City standards, and developing a mutually acceptable Transportation Demand Management (TDM) and bicycle parking plan for the project site (Attachment B, Recommended Conditions of Approval).

Major Moffett Park Design Review

Detailed Description of Use: The application is classified as a Major Moffett Park Design Review (MPDR) due to the site exceeding the standard FAR limit and including a proposal to meet LEED Silver-level of sustainability. As a MPDR, the entitlement to the requested additional floor area above the standard FAR is granted by right due to the project's incorporation of LEED Silver-level of sustainability. Approximately 59,855 square feet has been deducted from the development reserve (square footage above the standard FAR level), leaving a balance of 2,506,937 square feet in the Moffett Park Development Reserve.

The MPDR addresses site plan and architectural plan details. Issues itemized in the Specific Plan to guide the review include the following:

- Aesthetic appeal of the building/ site layout
- Exterior appearance and quality of materials
- Setbacks
- Access to site or building
- Building height
- Building bulk
- Pedestrian and bicycle supportive features
- Retention of natural features
- Landscaping
- Number and arrangement of parking spaces
- Manner of operation and conduct on the site

The MPDR permit also allows the decision-making body to consider deviations to development standards. There are no deviations proposed for this project. This project meets all development standards of the Moffett Park Specific Plan, including landscaping, height, and parking.

While tenants have not been identified, all uses permitted in the MP-TOD Zoning District will be allowed on this site. The building shell has been designed with the capability of accommodating a future cafeteria on the first floor, as well as shower facilities. Outdoor seating area has also been incorporated on the southeast side of the building, as well open lawn area surrounding the building.

Site Layout: The 7-story office building is situated towards the corner of W. Java Drive and Bordeaux Drive, with a front entry facing W. Java Drive and an additional building entry facing the parking lot area. An associated 4-story parking structure is located towards the back of the property, with additional surface parking surrounding the garage (Attachment D, Site and Architectural Plans).

Landscaping is dispersed throughout the parking lot to provide needed shading and relief of the paved area. A VTA bus stop and light rail station is located directly in front of the project site along W. Java Drive.

Stormwater Management: A Preliminary Stormwater Management plan has been provided per Municipal Code requirements. The plan indicates the use of CDS (continuous deflection separation) units as a stormwater treatment device, as well as a bioretention area to treat building runoff along the east side of the building. A final stormwater management plan will be required for review and approval, as contained in the recommended conditions of approval in Attachment B.

Easements and Undergrounding: There is an existing shared driveway easement for the driveway along the west property line. This driveway is shared with the adjacent site. Upgrades to the site will not conflict with this existing easement. New easements will be established as deemed appropriate by the Department of Public Works.

All new utilities on this site will be undergrounded, as required by the MPSP, and are incorporated into the recommended conditions of approval contained in Attachment B.

The following Guidelines were considered in analysis of the project site design.

MPSP Design Plan (Site Layout)	Comments
<i>Site Layout 2. Buildings located on corner parcels should be placed at or near the setback lines of each street. A strong pedestrian connection to the street should be established through the use of open plaza areas and enhanced landscaping, lighting, artwork, and pedestrian amenities.</i>	The proposed building will be sited on the lot to face both street frontages, with parking areas located in back of the building. Additionally, pedestrian walkways, landscaping and artwork that is visible from both street frontages enhance the building architecture, while creating a strong pedestrian connection.
<i>Site Layout 3. Buildings near transit stations should orient their main entrances toward the stations and provide convenient pedestrian connections between the two.</i>	The front entry of the building fronts W. Java Drive, which faces the existing light rail station and bus stop that are located in front of the project site. Pedestrian walkways provide a connection between the building and transit stations.

Architecture: The proposed office building is modern and has been designed with sustainable considerations. The building includes a steel-frame structure, with exterior building materials consisting of primarily light cream-colored composite metal panel and a combination of glass types and colors. The building features a glass “jewel box” design along the corner of W. Java Drive and Bordeaux Drive, with a steel eyebrow along the top of the building (Attachment E, Perspective Renderings).

The building has been designed with solar orientation in mind. The architecture includes sunshades along the south elevation (front). The north elevation incorporates a simple plane of clear glazing (floor to ceiling) and is transparent to maximize daylight. Maximizing the daylight also adds to the project's LEED points.

The parking structure has also been designed with metal panels and fins, with tower staircases along the corners that utilize a combination of metal and glass. The intent of the architectural design is to provide an "open-feel", while integrating building materials similar to the office building. The top floor of the parking structure includes metal canopy structures to support future solar panels, which will require a separate staff-level application.

The architectural plans were reviewed by the City's architectural consultant, who was supportive of the design of the office building. However, the consultant expressed concerns with the design concept of the parking structure. The "open-feel" will expose elements of the parking structure to the street frontage (i.e. automobiles and mechanical equipment), and does not appear to be compatible with the elegant design of the office building. In an attempt to address these concerns, the applicant has added trees and groundcover along the building perimeter, and additional metal detailing along the elevations. However, staff finds that these modifications are not enough to mask the exposed elements of the parking structure. Therefore, staff recommends that the applicants continue to work with staff and the City's architectural consultant on a final parking structure design that further hides the exposed elements of the parking structure and is compatible with the design of the office building (Attachment B, Recommended Conditions of Approval).

If the Planning Commission is satisfied with the proposed design of the parking structure and finds that no additional detailing is necessary, this condition of approval #6.A.1 may be omitted.

The following Guidelines were considered in the analysis of the project architecture.

MPSP Design Plan (Architecture)	Comments
<i>Architecture 1. Large scaled elements of undifferentiated mass make buildings appear bulky and monotonous.</i>	The office building has been designed to differentiate the base, mid section and top of building. The glass "jewel box", metal detailing and varying glass types help break up the mass of the building.

MPSP Design Plan (Architecture)	Comments
<i>Architecture 2. Corner buildings shall place prominent architectural features and detailing at the corner of the building adjacent to the streets or provide a strong entry feature with a high level of design details and appropriate materials.</i>	The prominent feature of the building is the glass “jewel box” feature, which is visible along both street frontages. The front entry is recessed and includes a metal canopy, which helps to enhance the high-quality character of the building.
<i>Architecture 5. The use of varied materials and colors is generally encouraged. Materials should be of high quality and should relate to each other in logical ways.</i>	The varying glass types provide a color contrast with the steel-frame and composite metal panels.

Landscaping: The proposed project includes landscaping throughout the site, with a higher concentration around the building. Most of the entire frontage along both streets is landscaped with a variety of ground cover and trees, many of which are existing trees and will be retained as part of the project. Additional landscaping will be incorporated into the parking lot area, with a row of landscaping along the pedestrian pathway that is adjacent to the parking structure. Approximately 29% of the site (82,282 square feet) will be landscaped, where 20% minimum is required. The proposed landscaping plan utilizes 70% water-conserving plant species.

An arborist report was provided, which surveyed 33 existing trees on-site, of which 28 are protected trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project include preserving 17 protected trees and removing 11, either due to the tree being in poor condition or conflicting with the construction plans. A variety of additional trees will be added to the site. All existing and new trees will provide shading of 50% of the parking lot within 15 years.

The City Arborist will work closely with the applicant to determine the final species selected and site improvements to ensure full growth of landscaping. Proper maintenance once the landscaping is installed is a necessity for trees to reach their full potential. The final landscaping plan will be reviewed by the City Arborist (Attachment B, Recommended Conditions of Approval).

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

MPSP Design Plan (Landscaping)	Comments
<i>Landscaping 1. Landscaping serves a variety of purposes and shall be designed to serve multiple needs.</i>	The site exceeds the minimum amount of landscaping required, and enhances the streetscape of the new building and project site. The adequate landscaping area provides opportunities for future tenants to utilize the space as outdoor amenity areas.
<i>Landscape 3. Existing trees shall be incorporated to the extent feasible into the site designs of new buildings.</i>	Most of the existing mature trees along the perimeter of the site will be preserved as part of the project.

Parking/Circulation: On-site parking is located towards the back of the site, provided by surface parking and a 4-story parking structure. Office uses within the Moffett Park Specific Plan require 1 space per 300 square feet minimum and 1 space per 250 square feet maximum. By this standard, a range of 699 – 838 spaces are required. The project meets the parking requirement by providing 733 on-site parking spaces, including 15 handicap accessible parking spaces. The project also meets the minimum number of bicycle parking spaces by providing 35 bicycle parking spaces within the project site. There are 26 Class I spaces and 9 Class II spaces proposed, which will be designed to meet VTA standards. The bicycle parking spaces are located around the perimeter of the building.

Walkways provide pedestrian access to the office building from the sidewalk along W. Java Drive and from the parking lot. Vehicular access will be provided by an existing shared driveway on W. Java Drive and two new driveways along Bordeaux Drive. There is an existing bus stop directly in front of the site along W. Java Drive. Therefore, potential upgrades to the bus stop may be required by the Santa Clara Valley Transportation Authority (VTA).

TDM Program: The project is required to provide a Transportation Demand Management (TDM) Plan which calls for a reduction in total trip generation by 20% and a 30% peak hour reduction. The preliminary TDM plan was provided by the applicant and has been reviewed by the City's Transportation Division. The preliminary plan proposes measures that include carpool/vanpool program, transit subsidy program, parking program, and alternative work scheduling/location programs. As conditioned, a final TDM plan is required for approval.

Art in Private Development: The project is subject to Art in Private Development requirements as required per SMC Section 19.52. The applicant is required to provide artwork in publicly viewable areas equal to 1% of the construction valuation of the project. A tentative location for the art piece has been identified at the southeast corner of the building, which will be visible from both street frontages. The applicant has contacted the City's Visual Arts coordinator, and a separate application and public hearing by the Arts Commission will be conducted to determine the appropriate art piece and location.

Compliance with Development Standards/Guidelines: The site complies with all standard development requirements for the MP-TOD Zoning District and conforms to the Moffett Park Specific Plan, including parking, landscaping and FAR. The project will implement public facility upgrades along W. Java Drive and Bordeaux Drive for sanitary sewer improvements in accordance with Chapter 4 of the MPSP, connect to the recycled water system, provide sidewalks along both street frontages to current City standards, and dedicate portions of the property that run under the sidewalks. Additionally, the project incorporates 38 LEED points, where a minimum of 23 are required for certification. A TDM plan will also be implemented with peak hour trip reduction goals of 30%.

Expected Impact on the Surroundings: The redevelopment will significantly improve the visual appearance to the surrounding area by introducing high-quality modern architecture and site design. Additional landscaping and site upgrades will also have a beneficial impact to the site and nearby area.

Fiscal Impact

Transportation Impact Fee: The project is subject to citywide transportation impact fees established in the Transportation Strategic Program for all net new square footage. Credit will be given to the previous 99,000 square foot office buildings that were demolished in 2003. The net increase in square footage is equal to 110,498 square feet for an estimated transportation impact fee (based on FY '08-'09) of \$502,911.76. The applicant is required to pay the fee in place at the time of payment.

Housing Mitigation Fee: The City of Sunnyvale requires a payment of housing mitigation fees for high intensity development greater than the standard FAR levels adopted in the 1997 General Plan. For this project, the standard FAR is 50%, and the total allowable square footage for the site is then equal to 149,643 square feet before the housing mitigation fee of \$8.95 per square foot is assessed. The applicant proposes an FAR of 70% or 209,498 square feet, for a total of 59,855 square feet above the standard FAR for this project. The

estimated housing mitigation fee (based on FY '08-'09) for this project is \$535,702.25.

Public Contact

Staff has not received comments from the public regarding the proposed project.

Planning Commission Study Session - June 9, 2008: A Planning Commission Study Session was held on June 9th, 2008. During the study session, the Commission expressed an overall satisfaction with the proposed architectural design of the office building and parking structure. Several Commissioners recommended that the applicant explore additional architectural detailing along the north elevation to help break up the massing. The applicant submitted a letter to respond to the comments received during the study session (Attachment G, Applicant's Response to Study Session). The applicant states that the intent of the north elevation is to maximize access to natural daylight, which contributes to the LEED points for design of the building.

The Commission also requested additional detailing along the building parapet. The applicants have agreed to consider the possibility of adding a metal reveal between the top of the parapet and top of window head at the seventh floor. Staff finds that this added detailing will help to integrate the parapet into the design of the whole building, and is contained in the recommended conditions of approval.

Staff was also asked to review the shared driveway along the west project line (adjacent to Yahoo!) for potential conflicts with pedestrian flow and parking. Staff has confirmed that the proposed project does not conflict with existing pedestrian walkways at the Yahoo! property, and that site modifications will not conflict with the access into the driveway. There is not a parking agreement between the subject property and Yahoo!; therefore, the site modifications will not conflict with existing parking patterns.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 23 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

	Library	
--	---------	--

Conclusion

Discussion: Staff finds that the project is consistent with and promotes the goals of the Moffett Park Specific Plan, while meeting or exceeding all development standards for the MP-TOD Zoning district. The project provides high quality Class A office development and contributes positively to the Moffett Park area. Staff finds that the requested FAR of 70% is justified, as the project meets provisions for Green Building design, transportation demand management, and site design and architecture.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Major Moffett Park Design Review Permit. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

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

Recommendation

Alternative 1.

Prepared by:

Noren Caliva
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration/Initial Study
- D. Site and Architectural Plans
- E. Perspective Renderings
- F. Applicant's Project Description
- G. Applicant's Response to Study Session
- H. Site Photos

Recommended Findings – Design Review

The Planning Commission may approve any major MPDR, upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will both:

(A) Attain the objectives and purposes of the MPSP; and

Guiding Principle 1.0: Positively influence the Sunnyvale business climate and enhance economic vitality by providing comprehensive land use policies and permitting processes that encourage development of additional needed Class A office space to diversify the industrial base of Sunnyvale.

Guiding Principle 5.0: Focus areas of higher intensity development in areas adjacent to public transportation facilities.

Specific Plan Objective LU-4: Establish land use districts that encourage high quality corporate headquarter and Class A office development.

Specific Plan Objective CIR-2: Provide for improved pedestrian and bicyclist mobility within the Specific Plan area.

Specific Plan Objective ENV-5: Encourage high intensity developments to incorporate sustainable design features as a whole building concept.

Specific Plan Objective UD-1: Ensure consistency with the Citywide Design Guidelines, Industrial Design Guidelines, and Moffett Park Design Plan for all new development and renovations.

The proposed project meets the objectives of the Specific Plan of providing high quality Class A office development. Furthermore, the project achieves sustainable design goals with a development that targets at least 38 LEED points (minimum of Silver-level, with a potential for Gold-level certification), where 23 points minimum are required for core and shell buildings. The project is adjacent to existing light rail and bus facilities and enhances pedestrian and bicycle mobility.

(B) Substantially conform with the Moffett Park Design Guidelines set forth in Chapter Six of the MPSP. Relevant MPSP design guidelines are cited on the following page.

The proposed project attains the primary design objectives of the Specific Plan through site planning and architectural design, as well as Green Building design. The project has coordinated the site layout to emphasize connectivity to the existing transit facilities, while enhancing pedestrian access. The building architecture utilizes both building forms and high quality materials to distinguish

the design, while also providing consistency with the character of the Moffett Park area.

Site Plan

1. Buildings should generally be placed at or near the front setback line without parking between. This layout is especially important adjacent to Java Drive where it is the City's policy to encourage a more pedestrian environment and urban character. Upper stories may be required to be stepped back to create a comfortable and proportional pedestrian environment.

The proposed building will be sited on the lot to face both street frontage, with parking areas located in back of the building.

3. Buildings near transit stations should orient their main entrances toward the stations and provide convenient pedestrian connections between the two.

The front entry of the building fronts W. Java Drive, which faces the existing light rail station and bus stop that are located in front of the project site. Pedestrian walkways provide a connection between the building and transit stations.

Architecture

1. Large scaled elements of undifferentiated mass make buildings appear bulky and monotonous.

- Differentiate the three traditional parts of the building; base, mid section, and top.
- Vary the planes of exterior walls and provide articulation through use of color, change of materials, and arrangement of façade elements.
- Create buildings of varying heights and roof lines.

The office building has been designed to differentiate the base, mid section and top of building. The glass "jewel box", metal detailing and varying glass types help break up the mass of the building.

2. Corner buildings shall place prominent architectural features and detailing at the corner of the building adjacent to the streets or provide a strong entry feature with a high level of design details and appropriate materials.

The prominent feature of the building is the glass "jewel box" feature, which is visible along both street frontages. The front entry is recessed and includes a metal canopy, which helps to enhance the high-quality character of the building.

5. The use of varied materials and colors is generally encouraged. Materials should be of high quality and should relate to each other in logical ways.

The varying glass types provide a color contrast with the steel-frame and composite metal panels.

Landscaping

1. Landscaping serves a variety of purposes and shall be designed to serve multiple needs:

- Retain natural features.
- Provide focal points at site and building entrances.
- Shade parking lots, pedestrian walkways, plazas, and seating areas.
- Define circulation routes for vehicles and pedestrians.
- Screen parking lots, outside work/storage areas, and accessory/utility buildings.
- Provide visual interest and contrast with the more uniform shapes of buildings.
- Provide areas for recreation.
- Satisfy Stormwater Runoff and infiltration BMP requirements.

The site exceeds the minimum amount of landscaping required, and enhances the streetscape of the new building and project site. The adequate landscaping area provides opportunities for future tenants to utilize the space as outdoor amenity areas.

3. Existing trees shall be incorporated to the extent feasible into the site designs of the new buildings.

Most of the existing mature trees along the perimeter of the site will be preserved as part of the project.

Sustainable Design

4. Impervious surface design shall incorporate methods to reduce impacts such as heat island effect and stormwater runoff. Use of light colored materials, vegetation, permeable pavement, tree shading, phasing of parking, are examples of methods to address the negative impacts of impervious surfaces.

A Preliminary Stormwater Management Plan has been prepared, which indicates the use of CDS (continuous deflection separation) units as a stormwater treatment device, as well as a bioretention area to treat building runoff along the east side of the building. The site exceeds the minimum landscaping requirements.

Recommended Conditions of Approval – Major Moffett Park Design Review

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. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development without a public hearing, major changes may be approved by the Planning Commission at a public hearing.
- B. The Conditions of Approval shall be reproduced on the front page of the plans submitted for a building permit for this project. The “Green Building” checklist shall also be included with the conditions of approval.
- C. The Major Moffett Park Design Review shall be null and void two years from the date of approval at a public hearing by the final review authority if the approval is not exercised. The project may request up to two separate one-year extensions prior to expiration of the approval. Pre-payment of 25% or more of the transportation impact fee extends the non-refundable entitlement period a total of seven years.
- D. The developer shall work with the Santa Clara County Transit District to determine if modifications are required to the existing bus stop along the project frontage on W. Java Drive.

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 approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building permit. Incorporate Public Safety alarm ordinance requirements into the final design.
- C. Obtain approval of and record a Lot Line Adjustment prior to issuance of a building permit.

3. ENVIRONMENTAL MITIGATION MEASURES

- A. The project is subject to project specific environmental mitigations identified in the mitigated negative declaration. The specific requirements are outlined below:

WHAT:

- 1) Transportation impact fees shall be paid to the City of Sunnyvale, in order to make a fair share contribution forward the City's planned improvements.
- 2) Driveway widths and curb radii shall comply with City standards.
- 3) The applicant shall work with City staff to develop a mutually acceptable TDM and bicycle parking plan for the project site

WHEN: These mitigation measures will be converted into conditions of approval for this MPDR (Moffett Park Design Review) prior to its final approval. The conditions will become valid when the MPDR is approved and prior to building permit issuance.

WHO: The developer is responsible for completing all of the above mitigation measures.

HOW: These measures shall be clearly marked and demonstrated in the plans submitted for building permits.

4. GREEN BUILDING AGREEMENT

- A. The approved project has targeted a minimum of 38 LEED points for implementation in the proposed project. The new building on the site is required to implement a minimum of 23 LEED points.
- B. Building permit plans shall include a sheet noting the green building features incorporated into the design subject to review and approval by the Director of Community Development. The plan sheet shall include notes on where specific provisions are included on which plan sets.
- C. Prior to the issuance of any building permit, a signed Green Building Agreement shall be submitted to the Planning Division for recording against the property identifying requirements for all new development to implement Green Building requirements and to maintain facilities in accordance with the installed green building techniques. The agreement is subject to review and approval by the Director of Community Development.
- D. Of the 38 targeted points, the educational program point may only be utilized one time towards the minimum requirement. Other points will be evaluated on a building by building basis for applicability.

5. ART IN PRIVATE DEVELOPMENT

- A. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52.
- B. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building permit.
- C. A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the development project will be required prior to applying for a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque.

6. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The final design shall incorporate the following modifications:
 - 1. The design of the parking structure shall be modified to further screen the exposed elements of the parking structure and shall be compatible with the design of the office building.
 - 2. A metal reveal shall be added between the top of the parapet and top of window head at the seventh floor, to better integrate the parapet with the architecture of the building.
- B. The final design, exterior building materials and color scheme is subject to review and approval by the Director of Community Development, in consultation with the City's architectural consultant, prior to issuance of a building permit.

7. EASEMENTS AND DEDICATIONS

- A. Provide sidewalk easements for areas along Java Drive and Bordeaux Drive where the sidewalk goes beyond the existing property line, per the Department of Public Works.
- B. A 10-foot wide public utility easement is required along the entire frontage of Java Drive and Bordeaux Drive, per the Department of Public Works.
- C. Site improvements shall not conflict with the existing shared driveway easement along the west property line, or pedestrian walkways along the adjacent property.

8. EXTERIOR EQUIPMENT

- A. Any modification or expansion of unenclosed uses are subject to review and approval by the Director of Community Development.

- B. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

9. FEES

- A. Pay Traffic Impact fee estimated on a net increase of 110,498 square feet for an estimated impact fee of \$502,911.76 for fiscal year 2008-2009 (SMC 3.50) The fee may be paid at anytime prior to issuance of building permit and is subject to the fee in place at the time the payment is made.
- B. Pay Housing Mitigation fee estimated at \$535,702.25 for 59,855 square feet above the 1997 General Plan levels (SMC 19.22). The fee may be paid at anytime prior to issuance of building permit and is subject to the fee in place at the time the payment is made.

10. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.

11. STORMWATER

- A. An Impervious Surface Calculation worksheet for each phase and the final project is required to be completed and submitted for the California Regional Water Quality Control Board and a copy provided to the city prior to issuance of a building permit.
- B. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
- C. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit in conformance with 12.60 of the Sunnyvale Municipal Code, including third party certification of the final plan.
- D. Certified Stormwater plans must be recorded with the property deed. The owner is responsible for maintaining the Stormwater Best Management Practices (BMPs).
- E. Final Certified Stormwater plan needs to indicate no conflict with civil, landscape and tree protection plan.

12. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted and are subject to approval by the Director of Community Development prior to issuance of a building permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:

1. Enhanced paving for pedestrian paths.
 2. Provide detailed specifications for bicycle parking and locations.
 3. Note location of informational kiosks on site.
- B. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- C. Provide separate meter for domestic and irrigation water systems.
- D. Landscaping is required to utilize recycled water. Extensions of the system and connections to the site are at the expense of the applicant.
- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. Specific care for the pruning of the parking lot trees is required to ensure full canopy development to meet shading requirements.
- G. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- H. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- I. At the expense of the applicant, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building permit.
- J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- K. The project is approved for the removal of 11 “protected trees”, as specified in the arborist report prepared by Deborah Ellis, dated April 17, 2008.

13. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review.

- B. The tree protection plan shall be installed prior to issuance of any Building permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan measures shall remain in place for the duration of construction. Phased implementation of protection may be approved by the Director of Community Development.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
 - 4. Provide relocation and storage measures for trees to be replanted on site.
 - 5. Irrigation for protected trees shall be maintained during construction activities
- E. Provide a landscape plan overlay with civil plans, including utility lines, to ensure that the tree root system is not damaged.
- F. The tree protection plan shall include recommendations contained in the arborist report prepared by Deborah Ellis, dated April 17, 2008.

14. LIGHTING

- A. Prior to issuance of a Building permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - 1. Sodium vapor (of illumination with an equivalent energy savings).
 - 2. Pole heights (including base and fixture) shall not exceed 22 feet in height; an alternative height may be permitted by demonstrating its necessity in order to achieve green building design techniques for energy efficiency and outdoor lighting.

Parking Garage upper level lighting may be required to be of lower height to mitigate glare concerns upon final review by the Director of Community Development.

3. Pedestrian-scaled lighting shall be provided as appropriate, for the pedestrian area adjacent to the lighting.
 4. Provide photocells for on/off control of all security and area lights.
 5. All exterior security lights shall be equipped with vandal resistant covers.
 6. Wall packs shall not extend above the roof of the building.
 7. Lighting shall be design to be directed downward.
- B. Prior to issuance of a Building permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.

15. ON-SITE AMENITIES

- A. Design details of the amenity recreation areas to be reviewed by the Director of Community Development subject to approval of design, location and colors.
- B. On-site amenity features shall be accounted for in the stormwater management plan calculations.

16. PARKING

- A. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to issuance of a Building permit.
- B. Specify compact parking spaces on the Building permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- C. Specify preferential parking stalls in the first row of parking adjoining the building shall be reserved and so marked for pool vans capable of carrying at least eight people.
- D. Specify preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle.

17. BICYCLE PARKING

- A. Provide a minimum of 35 (75% Class I/25% Class II) bicycle parking spaces per VTA guidelines and as approved by the Director of

Community Development. The secured bicycle lockers shall meet the latest VTA standards.

18. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste 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.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- E. Interior wheel stops shall be increased to 8-12 inches.

19. TRANSPORTATION DEMAND MANAGEMENT

- A. Provide a final Transportation Demand Management (TDM) Program which establishes specific required measures and provides an estimate of the resulting trip reductions. The TDM Program shall achieve a 25% reduction in total trips and a 30% reduction in peak hour trips at a minimum. Trip calculations shall be based upon the number of employees over a 24-hour period. The TDM Program must be approved by the Director of Community Development prior to occupancy.
- B. Provide the city with annual progress reports on the functioning of the TDM Program, including a description of ongoing trip reduction measures and a report on the actual trip reductions achieved by the program during the year. The TDM monitoring reports shall be due on January 1 of each year.
- C. The TDM Program shall incorporate a schedule of monetary fines for non-compliance with TDM goals. The schedule of fines shall be determined by the Director of Community Development and indexed for inflation.
- D. TDM plan shall include a commitment to join the Moffett Park Business and Transportation Association.

20. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code and require separate Planning and Building Division approval.
- B. A Master Sign Program will be required if the building is occupied by more than one tenant.

C. Separate Planning and Building permits are required for signage.

21. RIGHT-OF-WAY IMPROVEMENTS

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Obtain an encroachment permit with insurance requirements for all public improvements.
- C. Maintain 40-foot corner vision triangle at Java/Bordeaux corner and 10-foot vision triangles at all project driveways, which shall be incorporated into the Building permit plan sets. No large signs, landscaping, or other obstruction over 3 feet in height are permitted within the vision triangles.
- D. Remove and replace all driveways with current City standards. Unused driveway approaches shall be replaced with standard curb, gutter and sidewalk.
- E. Sidewalks shall be installed along entire project frontage, per City standards.
- F. Remove and replace all cracked, failing sidewalk, curb and gutter along entire project frontage.
- G. Remove and replace all cracked, failing AC pavement along entire project frontage to half street width.
- H. Slurry seal Java Drive and Bordeaux Drive along entire project frontage to half street width.
- I. Remove and replace the existing curb ramp on the northwest corner of Java Drive and Bordeaux Drive with current ADA City standard ramp.
- J. Install three truncated dome pads on porkchop island on the northwest corner of Java Drive and Bordeaux Drive.
- K. Parking shall remain prohibited on Bordeaux Drive, south of southern driveway to Java Drive. Additional signs and poles may be required, as deemed appropriate by the Department of Public Works.
- L. Parking shall be prohibited for a minimum distance of 20 feet on both sides of driveways on Bordeaux Drive.
- M. Remove and replace two pedestrian pushbuttons at the northwest corner of Java Drive and Bordeaux Drive with current ADA City standard pushbuttons.
- N. Remove and replace two pedestrian signals at the northwest corner of Java Drive and Bordeaux Drive with countdown pedestrian signals.

- O. Remove and replace all signs that are currently at back of curb to back of sidewalk along entire project frontage.
- P. Install cleanout(s) at the property line.
- Q. Install new radio-read meters.
- R. Upgrade/install double check detector assembly for all fire service lines per latest City standards.
- S. Fire service and domestic service shall be separate.
- T. Install an approved backflow prevention device on the discharge side of the irrigation, domestic and fire service meters.
- U. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, remove, relocated and/or disposed to the satisfaction of the City.
- V. 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.
- W. The developer shall execute a Development Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to map recordation or any permit issuance, whichever occurs first.
- X. The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.

22. TRAFFIC/ROAD IMPROVEMENTS

- A. A 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 Public Improvement Plans and must be approved by a Transportation Engineer.
- B. No decorative paving can be used within the City right-of-way.
- C. Install bus stop improvements at the Java bus stop, if required by VTA.
- D. Relocate all signs on stand-alone poles to the back of sidewalk.
- E. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building permit.

23. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded including boundary lines and transformers.
- B. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- C. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- D. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- E. Improvement plans showing conduits for future undergrounding of existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.
- F. Any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plans to the Director of Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.



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

ATTACHMENT C
Page 1 of 18

**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 Design Review filed by TMG-Moffett, LLC.

PROJECT DESCRIPTION AND LOCATION (APN):

2008-0459 - TMG-Moffett, LLC, [Applicant/Owner]: Application for a Major Moffett Park Design Review to allow a new 7-story office building resulting in 209,500 square feet and 70% Floor Area Ratio and a 4-level parking structure. The property is located at 399 W Java Drive (at Bordeaux Dr.) in an MP-TOD (Moffett Park Transit Oriented District) Zoning District. (Mitigated Negative Declaration) (APN: 110-26-047) NC

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, August 11, 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, August 11, 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 July 18, 2008

Signed:


Gerri Caruso, Principal Planner

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

Project #: 2008-0459
 Project Address: 399 W. Java Drive
 Sunnyvale, CA 94085
 Applicant: TMG – Moffett, LLC

Project Title	Application for a Major Moffett Park Design Review Permit to allow the construction of a 209,498 square foot 7-story industrial R&D office building on a 6.87-acre site.
Lead Agency Name and Address	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707
Contact Person	Noren Caliva, Assistant Planner
Phone Number	(408) 730-7637
Project Location	399 W. Java Dr. Sunnyvale, CA 94085
Project Sponsor's Name	TMG – Moffett, LLC
Address	100 Wilshire Blvd. Ste. 1845 Santa Monica, CA 90401
Zoning	MP-TOD (Moffett Park – Transit-Oriented Development)
General Plan	Moffett Park Specific Plan
Other Public Agencies whose approval is required	None

Description of the Project

The project consists of an application for a Major Moffett Park Design Review Permit for the construction of a 209,498 square foot 7-story industrial R&D office building on a 6.87-acre site. The site is currently vacant, with existing impervious surface and landscaping. The previous industrial office buildings were demolished in 2003.

The layout of the proposal includes one 7-story office building positioned towards the front of the lot, with frontage on W. Java Drive and Bordeaux Drive. Parking is positioned towards the back of the lot, in the form of surface parking and a 3-story parking garage. The site is accessed with driveway entrances along both street frontages. Landscaping is positioned mostly along the perimeter of the site and adjacent to the building. Additional landscaping islands are integrated throughout the parking area.

The project has been designed with sustainable features, with an intent to pursue at least a Silver-level LEED (Leadership in Energy and Environmental Design) certification from the USGBC (U.S. Green Building Council).

Environmental Context

The project site is located in an urban area within the MP-TOD (Moffett Park - Transit-Oriented Development) Zoning District. The surrounding zoning is comprised of MP-TOD to the east, south and west, and MP-I (Moffett Park - Industrial) to the north. Adjacent uses to the east, south and west include industrial R&D office buildings. Additional office buildings are currently being constructed at the adjacent properties to the north.

The VTA (Valley Transportation Authority) light rail runs along W. Java Drive, directly in front of the project site. A light rail station and bus stop are also located along the W. Java Drive project frontage.

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. 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).
3. 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.
4. 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.
5. "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).
6. 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:

- 7. Earlier Analysis Used. Identify and state where they are available for review.
8. 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.
9. 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
10. 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.

Environmental Checklist Form

Project #: 2008-0459

Project Address: 399 W

Sunny

Applicant: TMG - Moffett, LLC

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.

Noren Callva
Signature

7/17/08
Date

Noren Callva, Assistant Planner

For the City of Sunnyvale
(Lead Agency)

	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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	See discussion
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 96, 97, 100, 111

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
thresholds for ozone precursors)?					
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 community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94, 111, 112, 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 60, 61, 94, 111

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
defined in Section 15064.5?					
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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	31, 28, 111
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 checked="" type="checkbox"/>	<input type="checkbox"/>	See discussion

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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, 115
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 checked="" type="checkbox"/>	<input type="checkbox"/>	See discussion
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 replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 111, 112
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 10, 26, 42, 59, 60, 61, 111,

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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?					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
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-Prilo 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?					"

Environmental Checklist Form

Project #: 2008-0459

ATTACHMENT C

Project Address: 399 V

Page 10 of 18

Sunny

Applicant: TMG – Moffett, LLC

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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, 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

Environmental Checklist Form

Project #: 2008-0459

Project Address: 399 W. Sunnyvale

Applicant: TMG - Moffett, LLC

ATTACHMENT C
Page 11 of 18

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See discussion
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See discussion
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
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC

Environmental Checklist Form

Project #: 2008-0459

Project Address: 399 V

Sunny

Applicant: TMG – Moffett, LLC

ATTACHMENT C

Page 12 of 18

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
materials into the environment?					
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"/>	UFC, UBC, SVMC
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 type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
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"/>	UFC, UBC, SVMC
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"/>	UFC, UBC, SVMC
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"/>	UFC, UBC, SVMC
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"/>	UFC, UBC, SVMC
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					

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
site?					
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:

1. AESTHETICS (c) The City's implementation of the Citywide Design Guidelines and staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not degrade the visual character or quality of the site and its surroundings, and is keeping with the existing nearby development. As a result, this impact will be less than significant.

7. NOISE (b&d) The project will introduce short-term and temporary additional sources of noise to the project area during construction. Through the City's implementation of the Municipal Code noise regulations, this impact will be lessened to a less than significant level during construction.

The construction associated with this project would increase the noise levels in the neighborhood. Sunnyvale Municipal Code Section 16.08.150 regulates the hours of construction in order to reduce the noise impact on surrounding properties. Construction

is permitted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday and construction is prohibited on Sundays and national holidays. These restrictions are sufficient to reduce noise impact.

11. GEOLOGY AND SOILS (ii) and (iii) The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake. Through the City's implementation of the Uniform Building Code requirements for area's with potential for seismic activity this aspect of the project will be reduced to a less than significant level.

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

13. TRANSPORTATION AND TRAFFIC (a & b) The Traffic Division of the Public Works Department determined the project warranted the preparation of a Transportation Impact Analysis in order to determine if the proposed project will not have a significant impact on transportation or traffic and if mitigation measures were needed.

A Transportation Impact Analysis was prepared by Hexagon Transportation Consultants, Inc. on June 12th, 2008. The study found that the project would generate 266 project trips during the AM peak hour and 244 project trips during the PM peak hour. VTA allows a transit reduction of 3% since the project site is within 2,000 feet of an existing light rail station. After the transit reduction is applied, the proposed project would generate 258 net project trips during the AM peak hour and 237 net project trips during the PM peak hour. Credit was not given for the previous site use.

As a result of the study, certain mitigation was recommended:

WHAT:

- 1) Transportation impact fees shall be paid to the City of Sunnyvale, in order to make a fair share contribution forward the City's planned improvements.
- 2) Driveway widths and curb radii shall comply with City standards.
- 3) The applicant shall work with City staff to develop a mutually acceptable TDM and bicycle parking plan for the project site

WHEN: These mitigation measures will be converted into conditions of approval for this MPDR (Moffett Park Design Review) prior to its final approval. The conditions will become valid when the MPDR is approved and prior to building permit issuance.

Environmental Checklist Form

Project #: 2008-0459

Project Address: 399'

Sunny

Applicant: TMG - Morier, LLC

ATTACHMENT C

Page 16 of 18

WHO: The developer is responsible for completing all of the above mitigation measures.

HOW: These measures shall be clearly marked and demonstrated in the plans submitted for building permits.

Noren Caliva, Assistant Planner

7/17/2008

Completed By

Date

City of Sunnyvale General Plan:

2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
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. Tesman 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

Environmental Checklist Form

Project #: 2008-0459

Project Address: 399 W. Java Dr.
Sunnyvale, CA 9

Applicant: TMG - Moffett, LLC

ATTACHMENT C

Page 18 of 18

- 81. Santa Clara County Transportation Agency Short Range Transit Plan
- 82. Santa Clara County Transportation Plan
- 83. Traffic Volume Studies, City of Sunnyvale Public 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 (1985?)

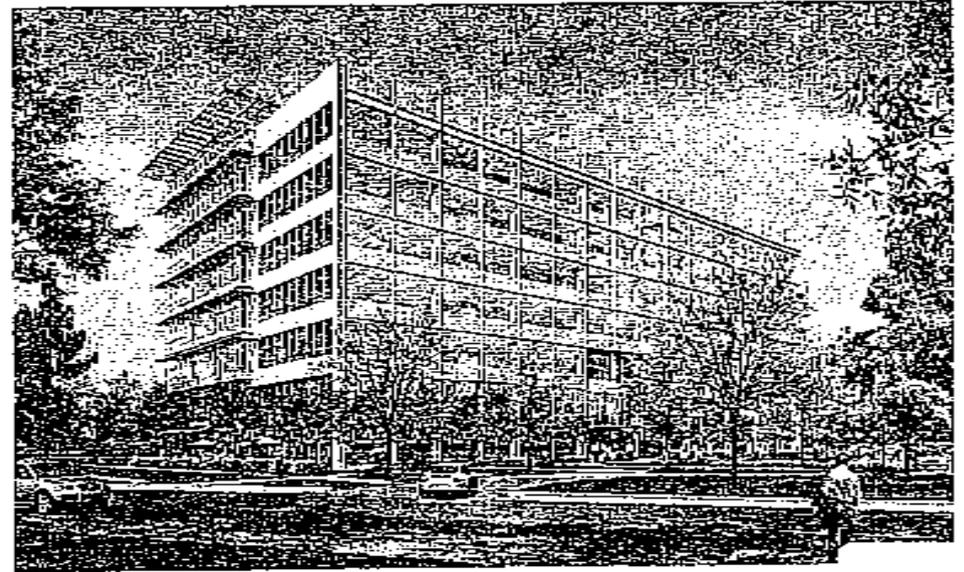
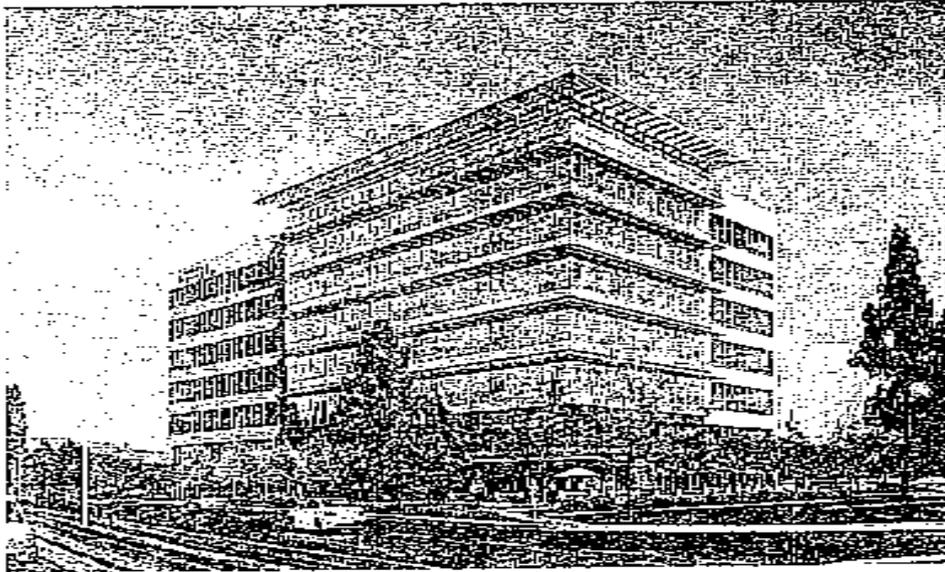
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100. Bay Area Clean Air Plan
- 101. City-wide Design Guidelines
- 102. Industrial Design Guidelines

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. Acoustical Analysis by Illingsworth & Rodkin, 2006



THE MARTIN GROUP

DESIGN BY PETER FANUZZI
 399 JAVA DRIVE, SUNNYVALE, CA
 94086

DEKCON
 DEKCON
 DEKCON
 DEKCON
 CONSTRUCTION
 INCORPORATED

ERM
 ENGINEERING
 REGISTERED
 MECHANICAL
 ELECTRICAL
 PLUMBING
 ARCHITECTS

ATTACHMENT D
 Page 1 of 11

VICINITY MAP



SUSTAINABLE STRATEGIES

1. **ENERGY EFFICIENCY:** The project will utilize high-efficiency lighting and HVAC systems to reduce energy consumption.

2. **WATER CONSERVATION:** The project will incorporate low-flow faucets and toilets to conserve water.

3. **INDOOR AIR QUALITY:** The project will use low-VOC paints and materials to improve indoor air quality.

4. **ENVIRONMENTAL DESIGN:** The project will be designed to minimize environmental impact and promote sustainability.

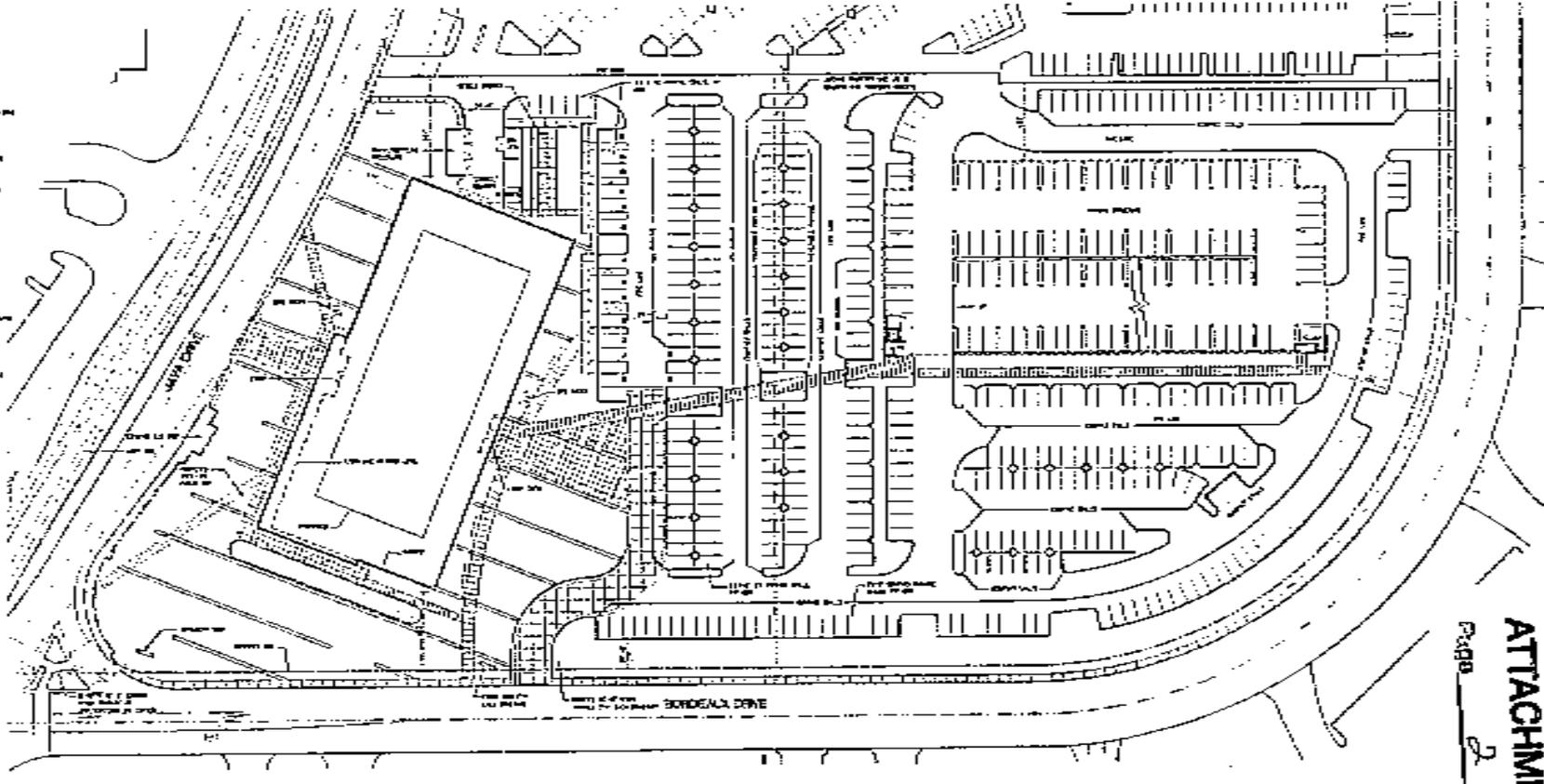
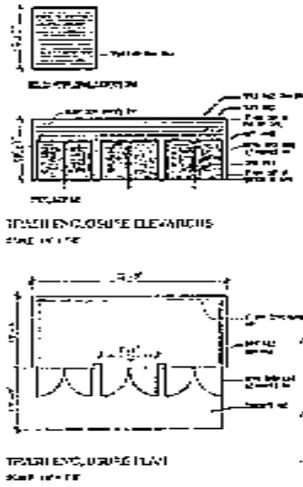
5. **CONSTRUCTION BEST PRACTICES:** The project will follow best practices for sustainable construction, including recycling and waste reduction.

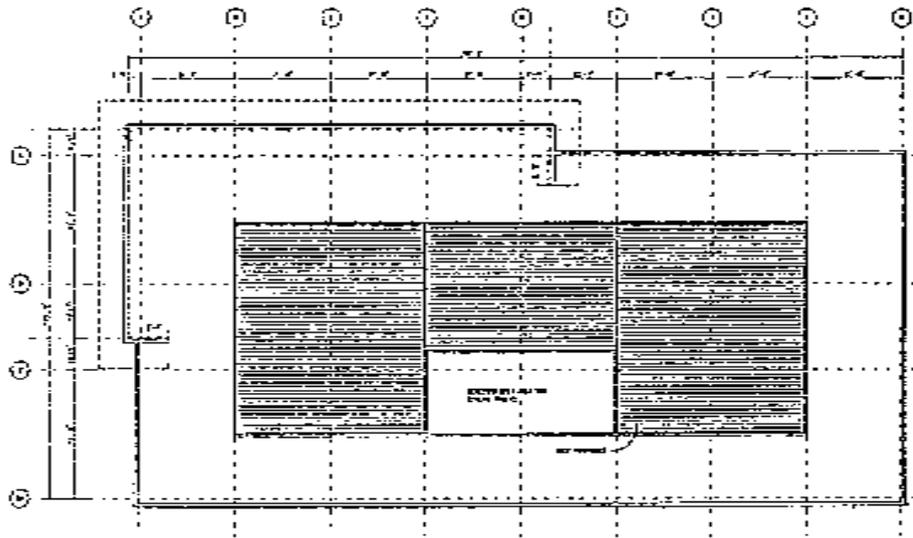
PROJECT DATA

NO.	DESCRIPTION	AMOUNT	UNIT
1	RESIDENTIAL UNITS	100	SQ. FT.
2	COMMERCIAL SPACE	5000	SQ. FT.
3	PARKING SPACES	100	SPACES
4	LANDSCAPING	1000	SQ. FT.
5	WATER TREATMENT	1000	GALLONS
6	ENERGY CONSUMPTION	1000	KWH
7	WASTE GENERATION	1000	LB
8	GREENHOUSE GAS EMISSIONS	1000	MT

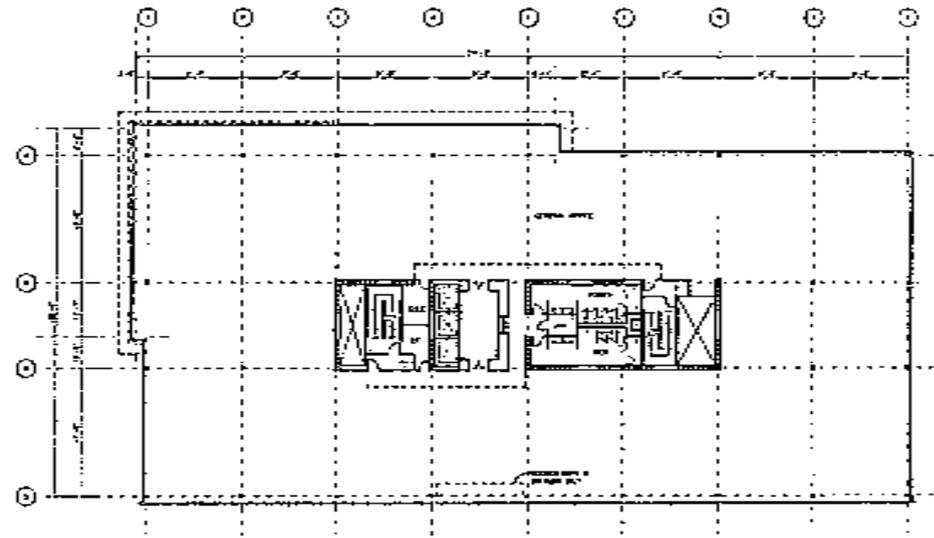
NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. REFER TO SHEET 01-10 FOR GENERAL NOTES.
- 3. REFER TO SHEET 01-11 FOR ELECTRICAL NOTES.
- 4. REFER TO SHEET 01-12 FOR MECHANICAL NOTES.
- 5. REFER TO SHEET 01-13 FOR PLUMBING NOTES.
- 6. REFER TO SHEET 01-14 FOR LANDSCAPE NOTES.

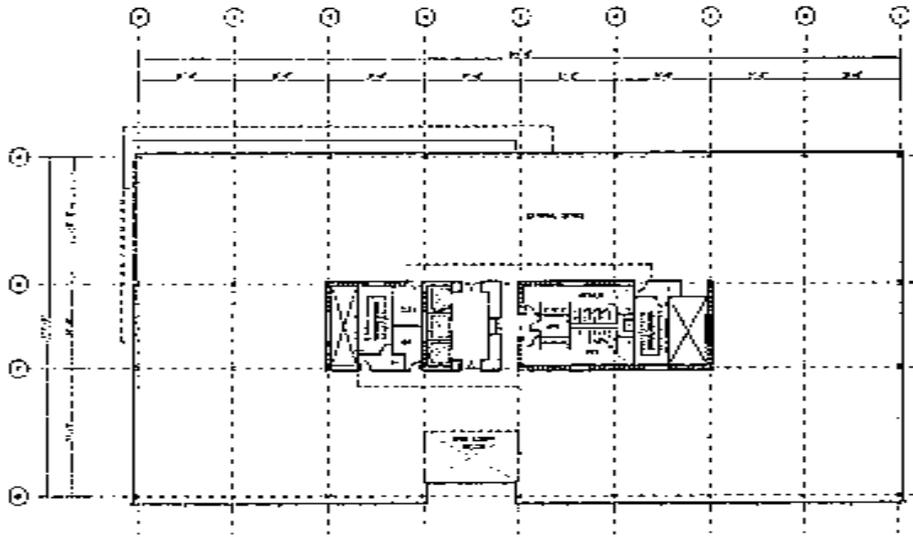




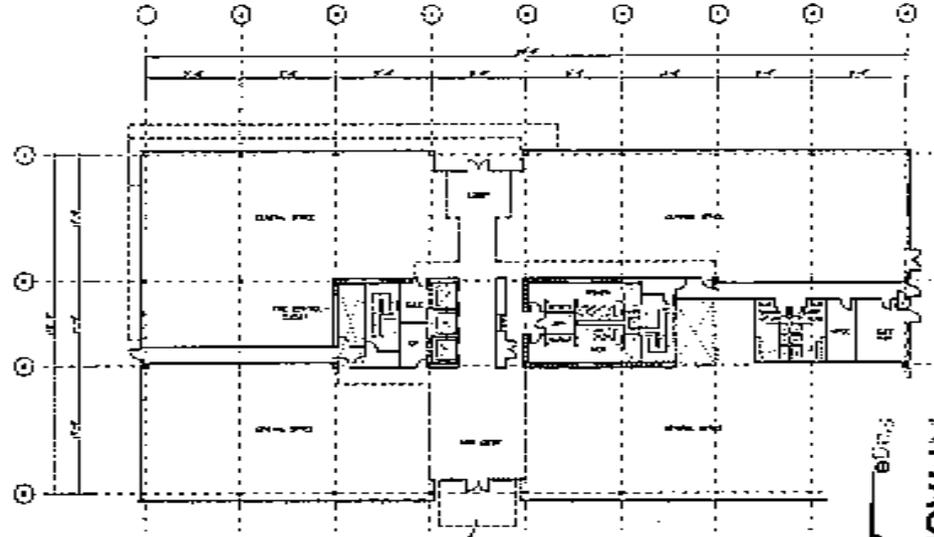
FOX FLOOR



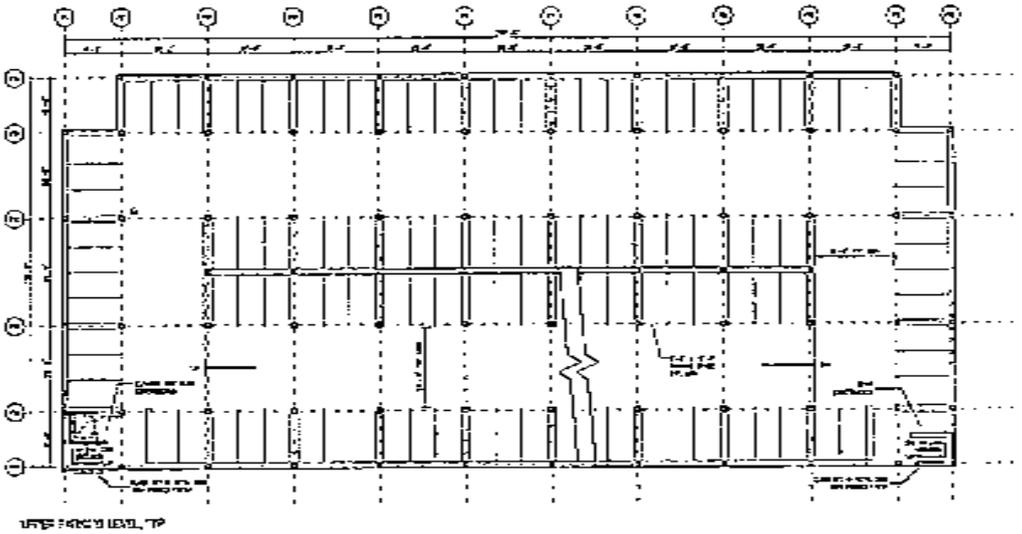
1112 - 52527 FLOOR PLAN



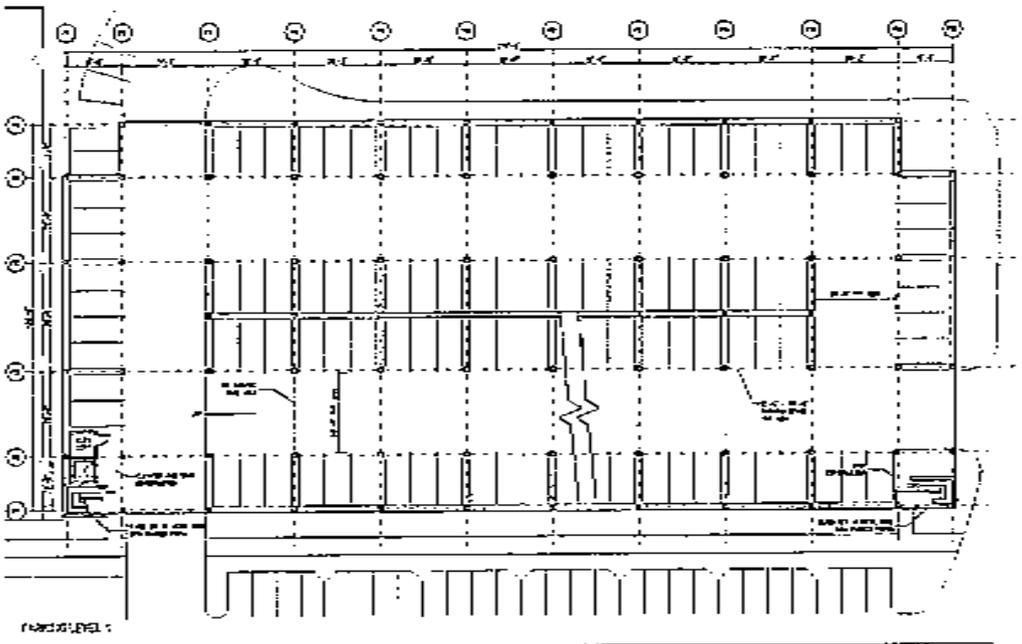
SECRET FLOOR PLAN



6700 0 FLOOR PLAN



UPPER PARKING LEVEL, TP



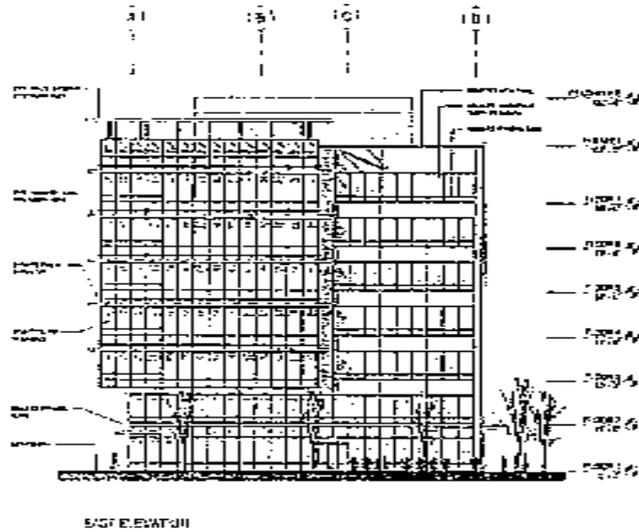
LOWER PARKING LEVEL

THE MARTIN GROUP

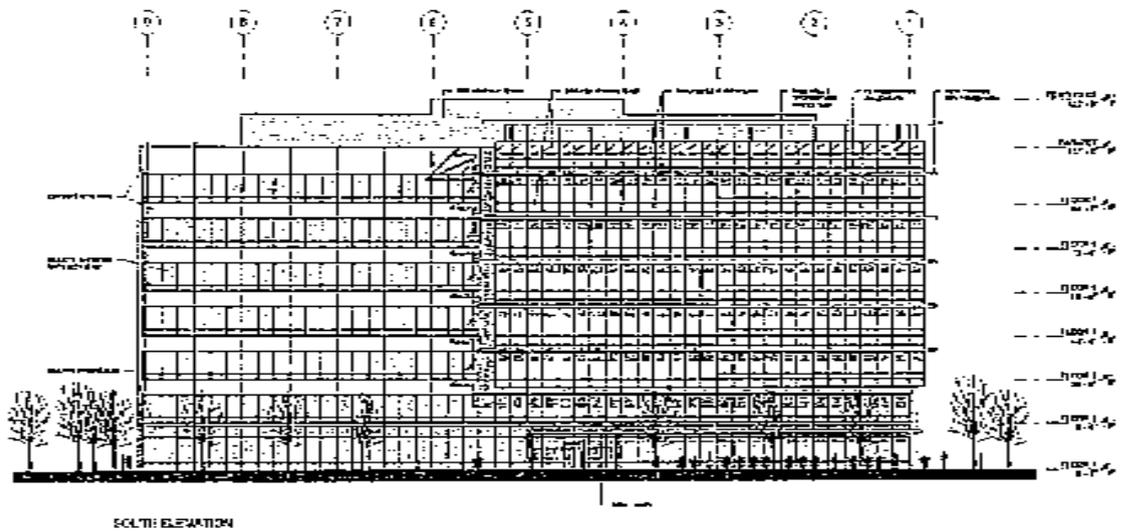
DESIGN TEAM PACKAGE
 399 JAVA DRIVE, SUNNYVALE, CA
 PARKING GARAGE PLANS

DEVCON
CONSTRUCTION
INCORPORATED
 20000 Stevens Avenue
 San Francisco, CA 94024
 (415) 342-1000

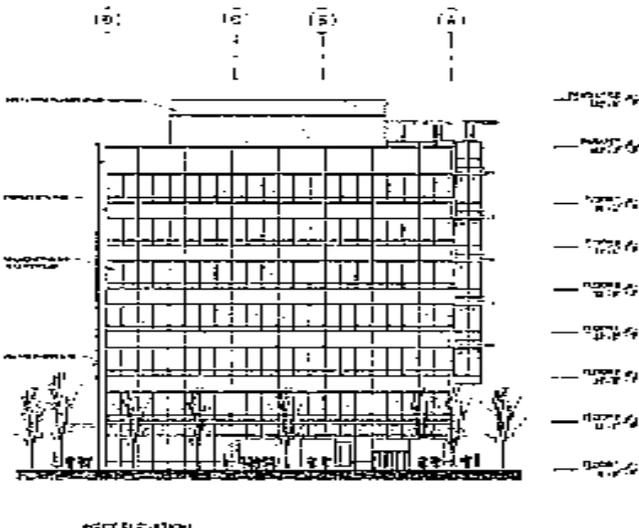
BRAD
 ARCHITECTS



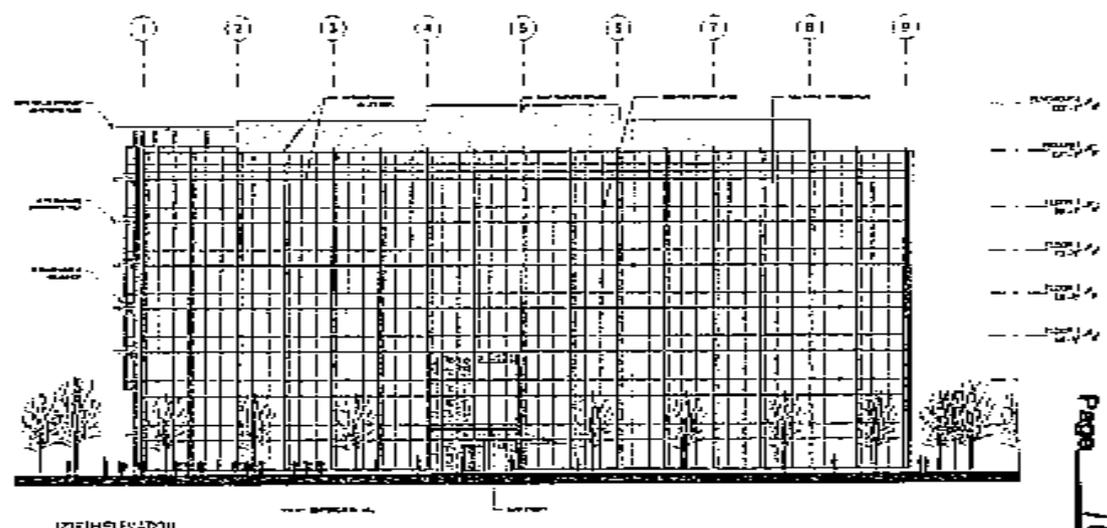
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

THE MARTIN GROUP

399 JAVA DRIVE, SUNNYVALE, CA

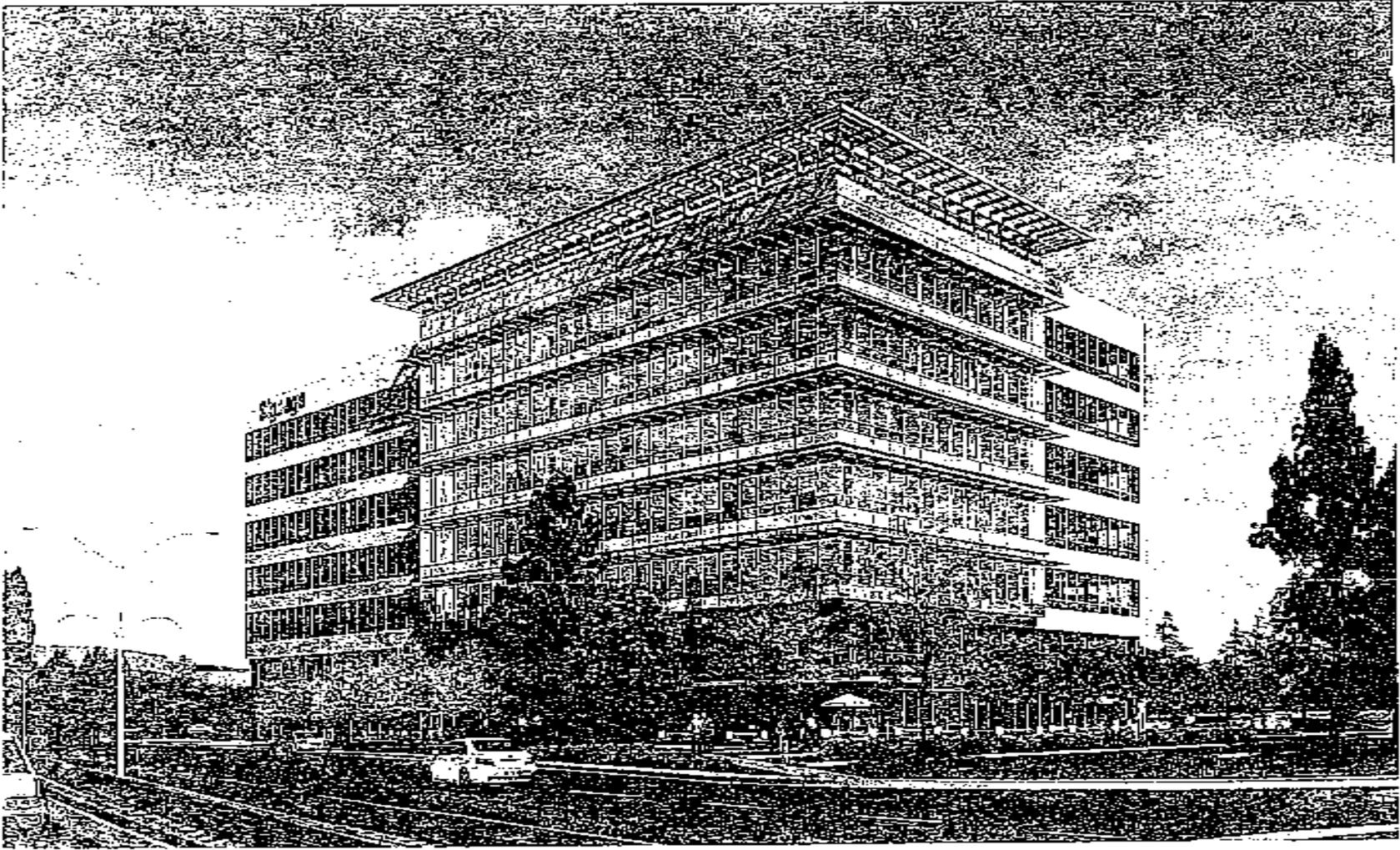
SECTIONS
07/12/10



CONSTRUCTION
INCORPORATED

10000
10000
10000



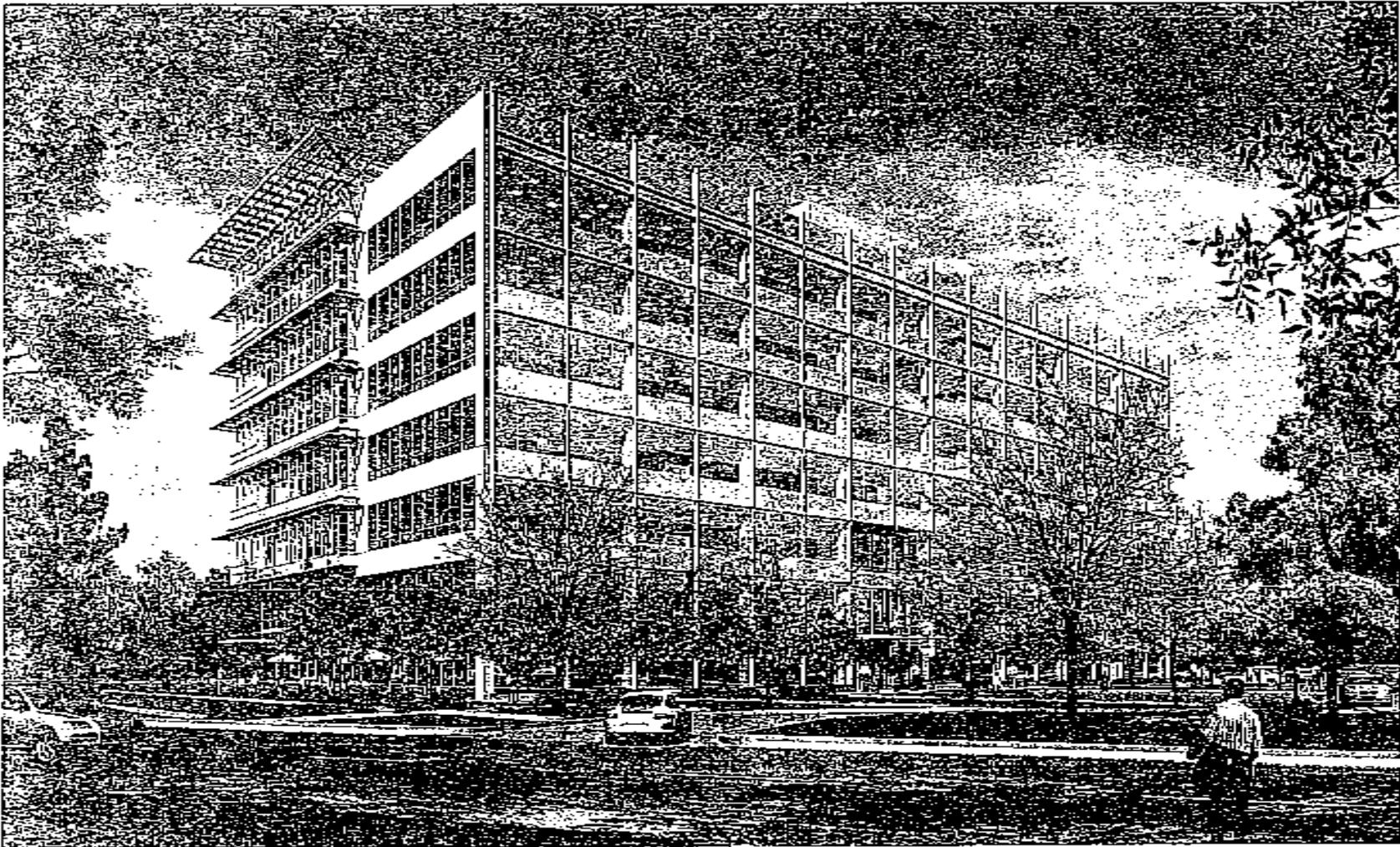


ENCLOSURE

THE MARTINGROVE

399 JAVA DRIVE, SUNNYVALE, CA

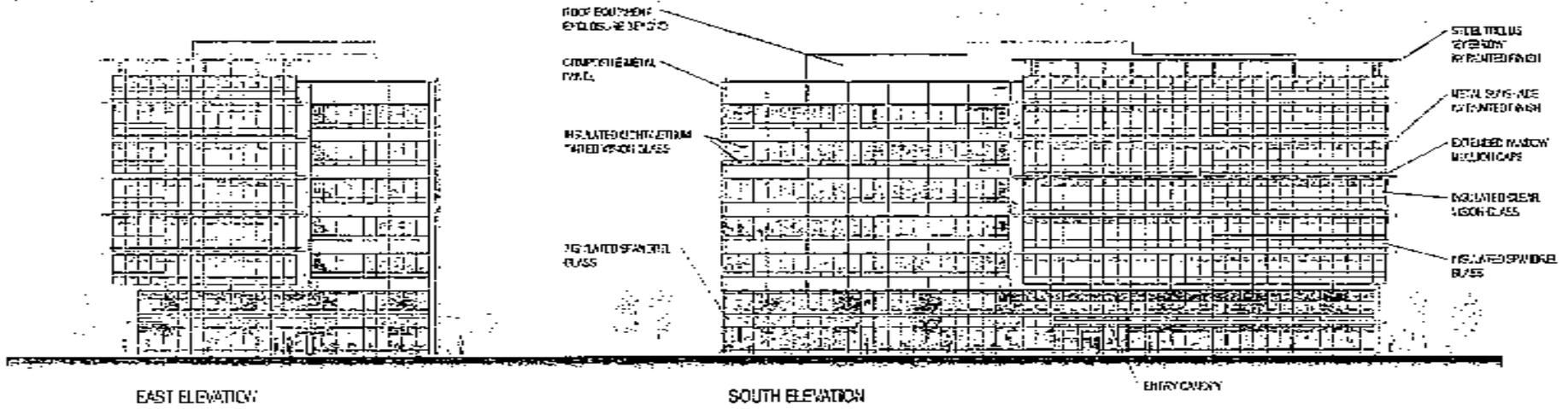




THE MAPPING GROUP

399 JAVA DRIVE, SUNNYVALE, CA

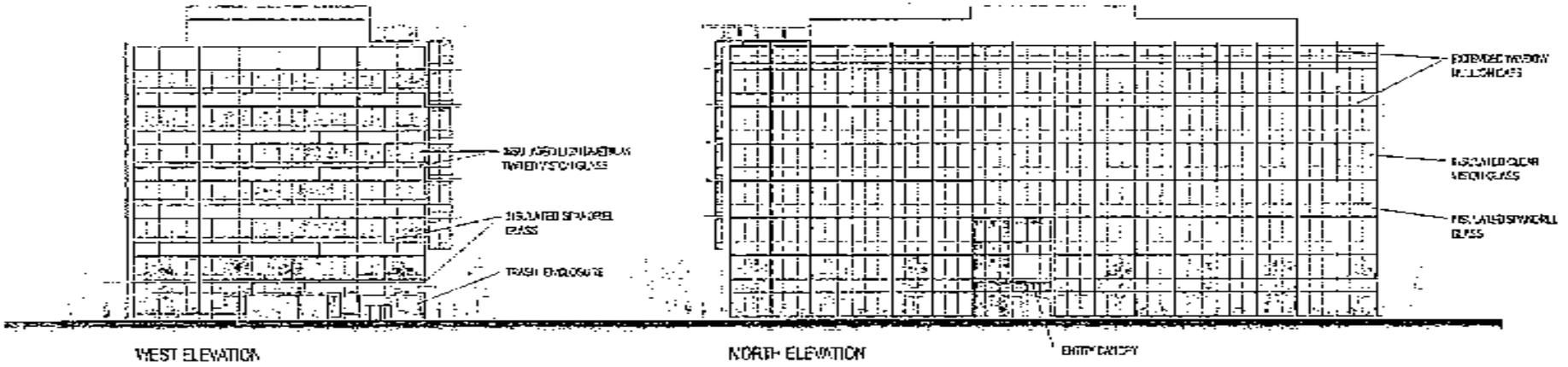
REVISIONS
1
2
3
4



EAST ELEVATION

SOUTH ELEVATION

ENTRY CANOPY



WEST ELEVATION

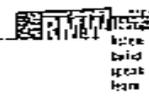
NORTH ELEVATION

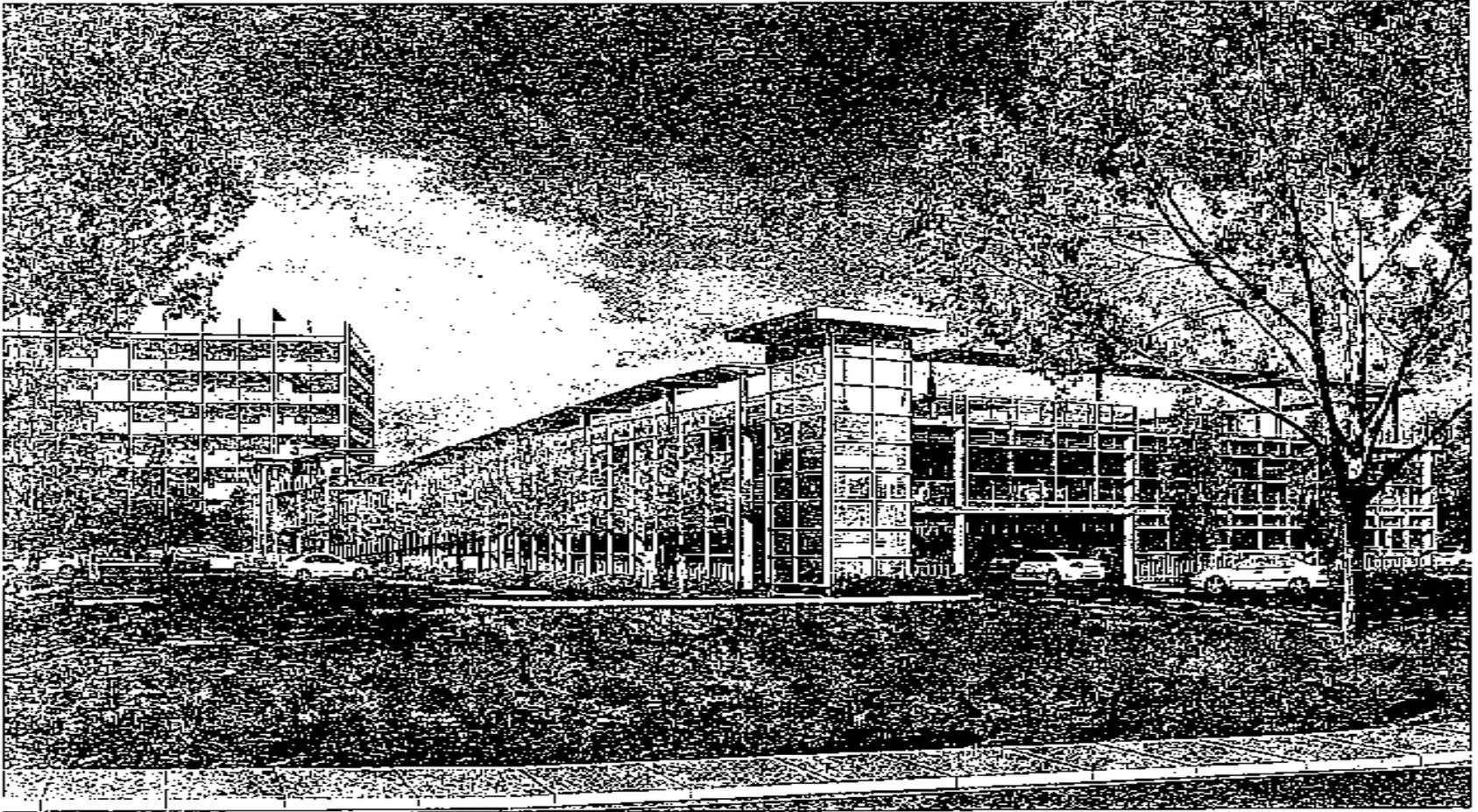
ENTRY CANOPY

10/10/00

THE MARTIN GROUP

399 JAVA DRIVE, SUNNYVALE, CA
 COLORED EXTERIOR ELEVATIONS





00178

THE MARTIN GROUP

399 JAVA DRIVE, SUNNYVALE, CA

00178
00178
00178

vision
function
space
culture
ideas
experience



architecture & interiors

think
listen
build
speak
learn

Project Description

Re: 399 Java Drive

This project consists of a new 209,500 square foot 7-story class-A office building, along with a 3.5 level parking structure on a previously developed 6.87 acre site at Java Drive and Bordeaux Drive. In addition, the site will include surface parking and integrated landscaping. Sustainable design will be an integral part of this project.

The office building will include a steel-framed structure, with moment frames at the perimeter to maximize unobstructed views to the outdoors, and brace frames at the interior core. This allows for an open plan which maximizes flexibility for interior layout. Exterior skin will include a combination of glass and composite metal panel. The premier view to the building and site will be from the intersection of Java and Bordeaux, and the building architecture addresses this view with an elegant glass "jewel box" above the second level, with transparent glass and integrated sun shades. The same transparency occurs with floor to ceiling glass on the entire north elevation to allow maximum daylight into the building. A steel trellis eyebrow is incorporated above the transparent glass portion of the building at the Java/Bordeaux corner to provide interest at the skyline and highlight this view.

vision
speak

Tenants have not yet been identified for this office building, so occupancy could include either a single user, or multi-tenant. Building amenities are unknown at this time, but an outdoor seating plaza on the south side (Java side) of the building provides for the opportunity to integrate a cafeteria in this area of the building.

The parking structure will be concrete with sloping decks. The design may incorporate photovoltaic panels at the upper level on a canopy structure to provide renewable power for the project as well as shading for the cars, which the design team is investigating as a possible opportunity. Steel grid framework will clad portions of the façade to add architectural relief, and the stair towers will include a steel framed translucent skin to identify circulation zones.

Sustainability will be an integral part of this project, as it is intended to be submitted to the United States Green Building Council (USGBC) for Leadership in Energy and Environmental Design (LEED) certification. Currently the project is pursuing at least the Silver level, with potential for the Gold level. The project has been designed to incorporate many sustainable design elements. The preliminary list of sustainable design features includes:

- Erosion and sedimentation control

Project Description
 399 Java Drive
 Page 2

build experience

- Access to public transportation (light rail and bus lines)
- Bicycle storage and changing rooms
- Preferable parking for low-emitting and fuel-efficient vehicles
- Bio-retention basin for roof rainwater
- Mechanical filtration for parking lot run-off
- High-performance Energy Star roof
- Shading of cars and parking lot surfaces through use of parking structure and tree canopies
- Provide site light fixtures that reduce light pollution
- Provide guidelines to future tenants to encourage sustainable tenant space design consistent with the building's sustainable objectives
- Provide water efficient / drought tolerant plant materials
- Use non-potable water for landscaping
- Reduce indoor water usage through the use of high efficiency plumbing fixtures
- Provide high efficiency mechanical equipment and systems
- Provide photovoltaic panels within the design to supply part of the building's electricity needs with renewable energy
- Provide enhanced systems commissioning to ensure systems are installed and operating efficiently and as intended
- Install equipment to support tracking of base building and future tenant electrical usage
- Provide a construction plan to divert the majority of construction waste from the landfill
- Incorporate products in the design with recycled content
- Provide regional products when possible
- Provide wood products that are certified
- Use low-emitting materials to minimize indoor air pollution
- Provide a construction plan to protect absorptive materials during construction and replace mechanical unit filters prior to construction to enhance air quality
- Provide separate exhaust for janitor's closets to minimize air pollutants in bldg
- Trash enclosure to accommodate trash and recycling areas
- Extensive use of natural daylighting with floor to ceiling windows, and light controls for perimeter switching
- Daylight and views are maximized by the use of perimeter building glazing and high performance glazing
- Daylight and views will be provided with direct line of sight to perimeter glazing for at least 90 percent of the building occupants
- Sunshade devices used to minimize solar heat gain
- LEED accredited professionals on project team

vision
function
space
culture
ideas

RMM
architecture & interiors

listen
build
speak
learn

June 23, 2008

Noren Caliva
City of Sunnyvale, Planning
456 West Olive Avenue
Sunnyvale, CA 94088

Re: 399 Java Drive

Dear Noren:

vision
speak

We appreciate the time and effort the Planning Commission took to review the project in the study session on June 9th, and certainly appreciate the positive responses received from the commissioners. We are very excited about this project, and are glad that the City of Sunnyvale shares this enthusiasm. We wanted to take the opportunity to follow up on a few items that were brought up in the session to clarify the design intent.

North Elevation

One of the many strengths of the building is its north elevation. As a mindful response to sustainability and maximizing the use of natural daylight, the north elevation incorporates a simple plane of "all" clear glazing. The glazing is full height (floor to ceiling) at each floor, and is transparent to maximize daylight. Maximizing the daylight not only responds to sustainability and the needs of the occupants, but it directly benefits the project's credit score for the United States Green Building Council's (USGBC) LEED Core & Shell v2.0 rating system (this project will be submitted for LEED certification). Layered over the transparent glazing is a mullion system that emphasizes a large grid pattern to provide scale appropriate to this façade. The north is a very elegant elevation, and its strength is in its response to solar orientation. Sunshading devices such as canopies and trellises benefit non-north elevations, but serve no real purpose on a north elevation.

The design of the north elevation also has strength in its details – the edges of this "plane of glass," both at the base and sides, stand proud of the system behind it to give it depth, and the top edge (parapet) has a transparent band above the roof line to naturally illuminate with sunlight.

This building elevation is complex in its design, but is simple in its execution – each of the elements serve a purpose, which results in smart, thoughtful design. The design intent of the

City of Sunnyvale, Planning
June 23, 2008
Page 2

north elevation for this building is to provide a strong architectural response to the site and environment, and to do so with simplicity and elegance.

Parapet

At the composite metal panel portions of the building parapet, the design team is looking into the possibility of adding a reveal between the top of parapet and top of window head at the seventh floor. There was comment in the session relating to this upper portion near the parapet and the thought that it may be a bit plain. Breaking up the panels with an added horizontal reveal at this location will likely provide more visual interest.

build experience

Building Color

One of the renderings for the project that we provided to you (Java View rendering) shows the building partly in shadow, and this could be mistaken as a building with a two-tone ("light cream" and "brown"). The "brown" color seen in the rendering is actually the light cream color in shadow. The composite panels are all one color (light cream).

Circulation at Property Line

There is a common driveway easement along the southern portion of the western property line, shared with Yahoo to the west. The design team has been corresponding with Yahoo regarding site circulation for both properties, and will continue to work together with them to define appropriate circulation while maintaining security.

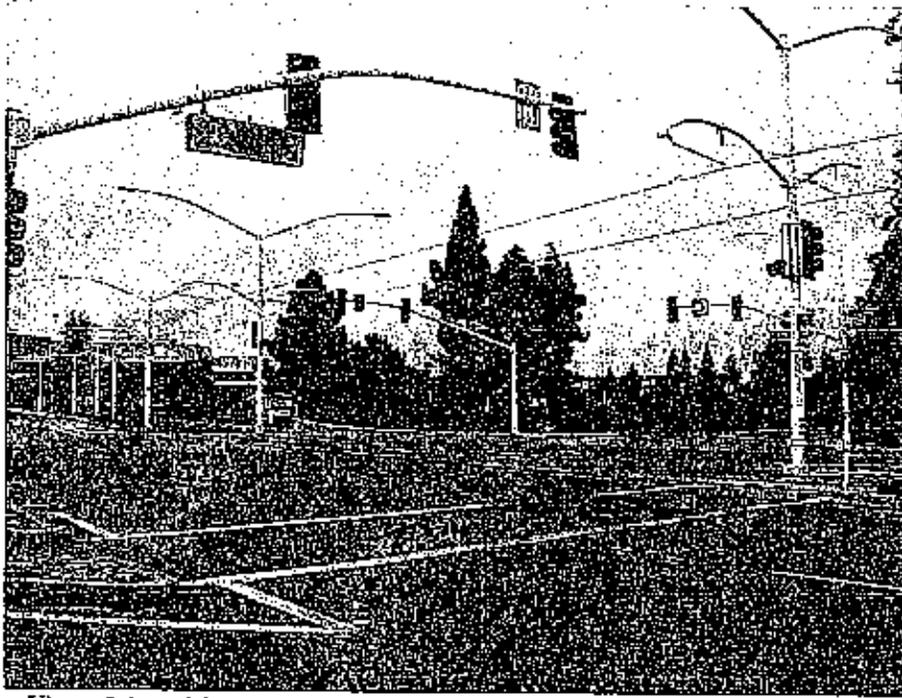
Thank you again for all your help.

Sincerely,

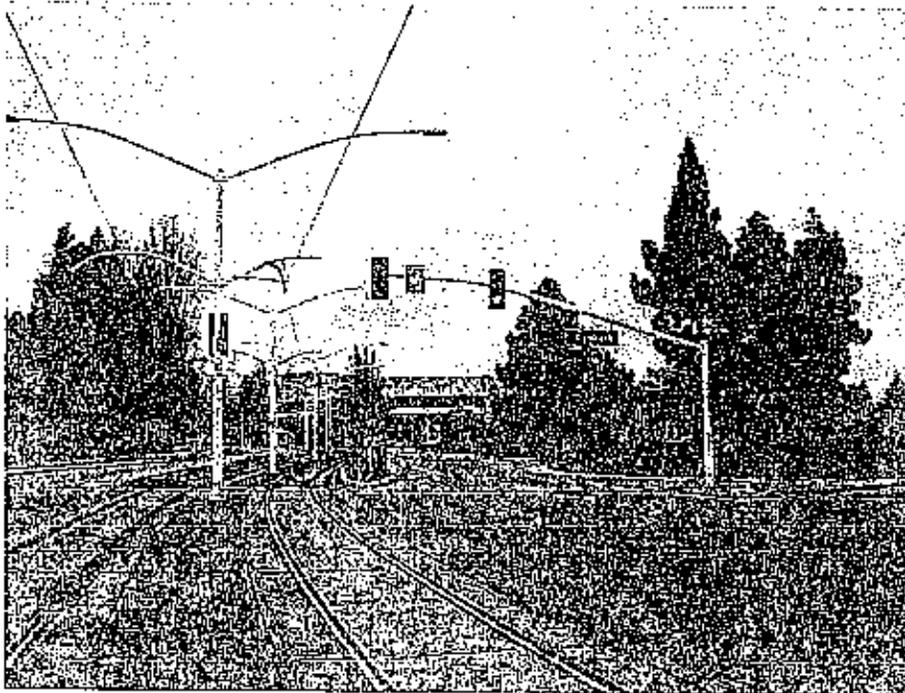


Steve Stanton, AIA
RMWarchitecture & interiors

399 Java Drive
Existing Site Photos



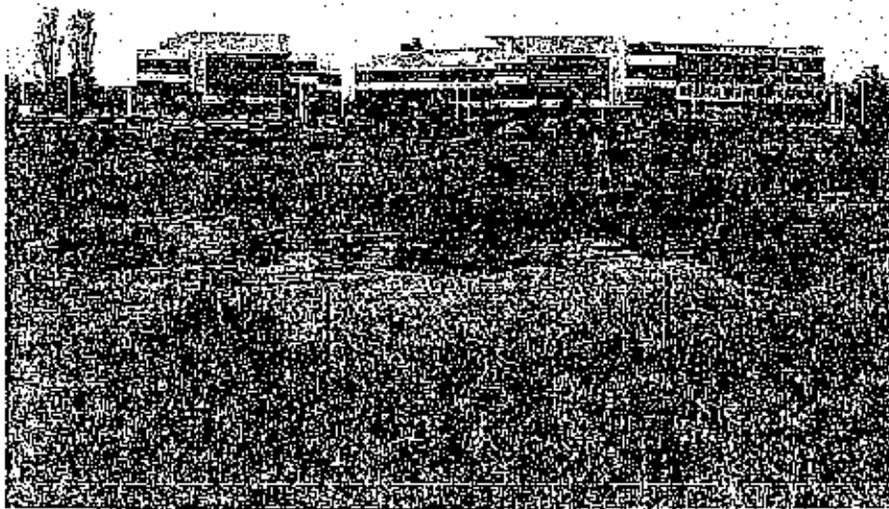
View of the subject property looking north from Java/Bordeaux intersection



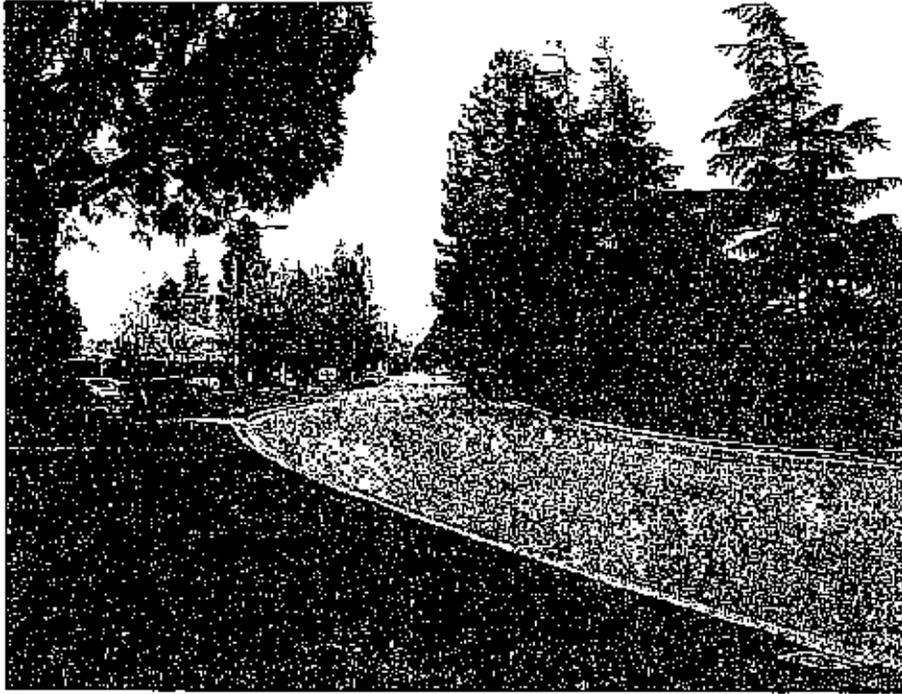
View at intersection looking west on Java with subject property on the right



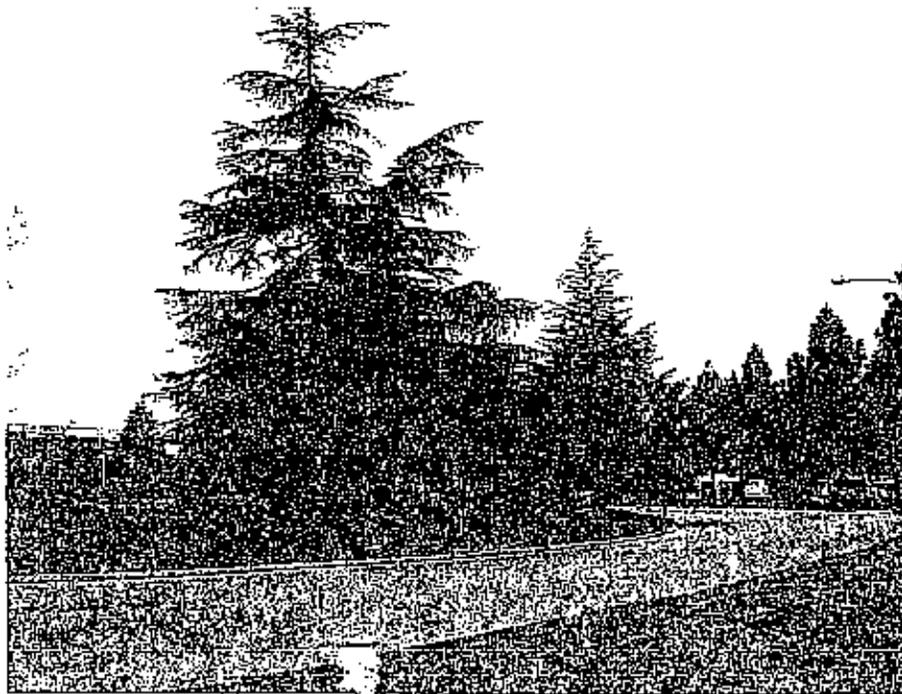
View of subject property looking north on Bordeaux near Java



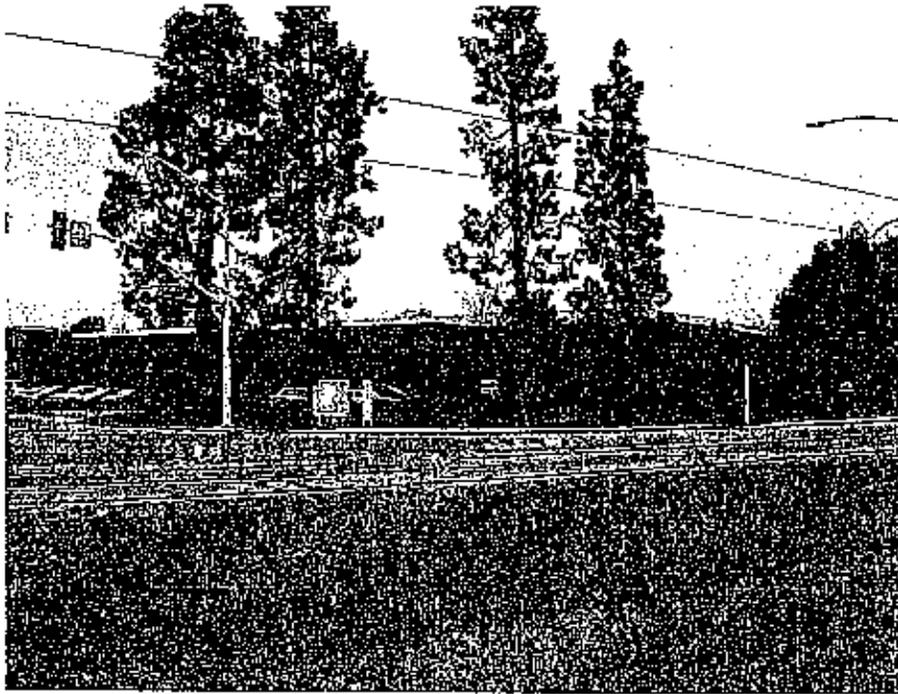
View from Bordeaux across subject property looking west to Yahoo



View looking south on Bordeaux (towards Java) with subject property on the right



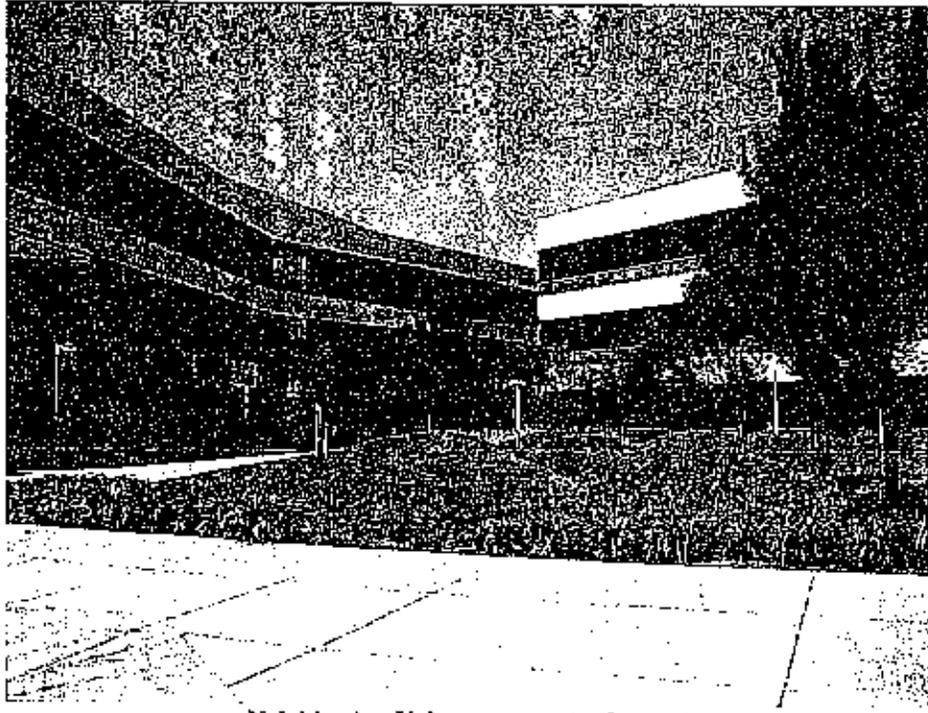
View of subject property looking north on Bordeaux



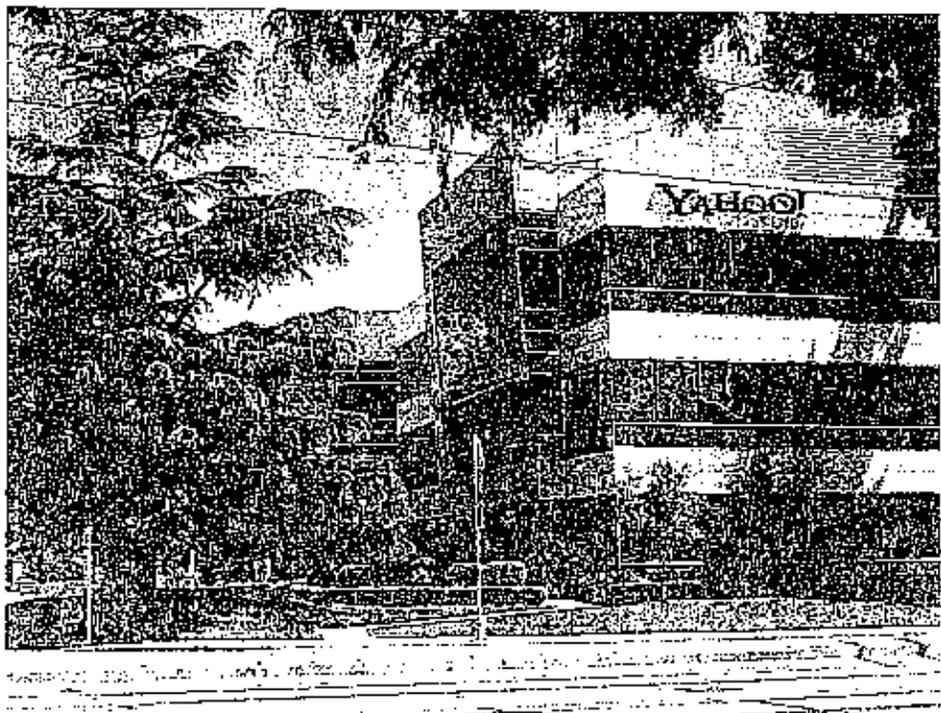
Neighboring site across Java (to south) from subject property



Neighboring site across Bordeaux to the east



Neighboring Yahoo campus to the west



Neighboring Yahoo campus to the west