



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 22, 2009

SUBJECT: **2008-0399 – Sand Hill Property Company** [Applicant] **Downtown Sunnyvale North LLC** [Owner]: Application for related proposals located at 401 Town & Country (near W Washington Ave) in a DSP-1a (Downtown Specific Plan-Subdistrict 1a) Zoning District. (APN: 209-07-014);

Motion **Special Development Permit** to allow a mixed-use development comprising two buildings in Blocks A and B of the 'Town and Country Village' project area (located between Capella and W. Washington Ave.) with 280 residential units and approximately 34,104 sq. ft. of retail/commercial uses and preliminary approval of up to 13,378 sq. ft. of retail and 127 dwelling units in Blocks C and D.

Motion **Tentative Map** subdivide a 4.61-acre of land, bordered by Aries Way, Washington Avenue, Frances Street and approximately 150 feet north of the center line of Capella Way, into 4 lots for condominium purposes for a maximum of 407 residential units and retail uses.

REPORT IN BRIEF

Existing Site Conditions Previous Town and Country Village site (currently partially demolished)

Surrounding Land Uses

North	Plaza del Sol, Mixed use retail/residential/post office, JP Morgan office buildings
South	(across Washington) Town center development
East	(across Frances) Frances Street parking lot, 100 Block of South Murphy Avenue (retail/entertainment)
West	(across Aries) JP Morgan buildings

Issues Architecture, Parking, Construction-related impacts

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

Staff Recommendation Approval with conditions

PROJECT DATA TABLE

	PREVIOUS	PROPOSED	REQUIRED/ PERMITTED
General Plan	DSP	Same	N/A
Zoning District	DSP - Block 1a	Same	N/A
Lot Size (acres)	4.61 acres	Block A (Lot 1): 1.366 acres Block B (Lot 2): 1.087 acres Block C (Lot 3): 0.768 acres Block D (Lot 4): 0.611 acres <i>Total: 3.832 acres</i>	.30 ac
COMMERCIAL/RETAIL (PHASE 1, BLOCKS A AND B)			
Gross Floor Area (s.f.)	87,860 (6 buildings comprising Town and Country village)	34,104 (Blocks A and B combined)	52, 500 max. (DSP- 1a combined)
Lot Coverage (%)	N/A	100%	Per SDP max.
RESIDENTIAL (PHASE 1, BLOCKS A AND B)			
No. of Units	N/A	280	450 max. (DSP- 1a combined)
Bedrooms/Unit	N/A	6 studio units 144 1-BR units 130 2-BR units	N/A
No. of BMR units	N/A	42	42
Unit Sizes (s.f.)	N/A	434 -1,495 sq. ft.	N/A
Lockable Storage/Unit	N/A	300 cu. ft.	300 cu. ft. min.
No. of Buildings On-Site	4 buildings in Blocks A and B combined, and, 2 buildings in Blocks C and D	2 Buildings – Blocks A and B facing Washington Ave.	N/A

	PREVIOUS	PROPOSED	REQUIRED/ PERMITTED
Building Height (ft.)	N/A	75'	85' max. (including rooftop mechanical)
No. of Stories	1	6	6 max. (including rooftop mechanical)
Setbacks No setbacks are required for Block 1a.			
Landscaping			
• Total Landscaping	N/A	Block A: 16,047 Block B: 10,445 <i>Total: 36,937</i> (includes paved, lawn and planting areas)	Per SDP min.
• Vegetative	N/A	Block A: 6,053 Block B: 4,298 <i>Total: 10,351</i>	Per SDP
• Hardscaped	N/A	Block A: 9,994 Block B: 6,147 <i>Total: 16,141</i>	Per SDP
• Usable Open Space/Unit (sq. ft.)	N/A	Varies Block A: 78.4 (11,920 total) Block B: 57.5 (7,371 total)	50 min. (14,000 sq. ft. total)
• Water Conserving Plants (%)	Unknown	Under Design	70% min.
• Clubhouse (s.f.)	N/A	2 clubhouses; 1000 sq. ft. each	450 min.
Parking			

	PREVIOUS	PROPOSED	REQUIRED/ PERMITTED
<ul style="list-style-type: none"> Total No. of Spaces 	N/A	247 stalls in Block A (including tandem); and 214 stalls in Block B (including tandem) <i>Total: 461 stalls including 32 tandem spaces</i>	261 stalls in Block A; and 225 stalls in Block B <i>Total: 486 stalls</i>
<ul style="list-style-type: none"> Standard Spaces 	N/A	429	414 min.
<ul style="list-style-type: none"> Compact Spaces/ % of Total 	N/A	48 (27%)	72 (35% max) unassigned
<ul style="list-style-type: none"> No. of Underground (in parking garage) 	N/A	461	No requirement
<ul style="list-style-type: none"> No. of Surface parking stalls 	Approx. 200 spaces in the parking district and on-street parking in the Block 1a area	Approx. 60 on-street parking spaces (not included in total proposed parking)	Per parking district
<ul style="list-style-type: none"> No. of Accessible 	N/A	10	Per Building Code
<ul style="list-style-type: none"> Bicycle Parking 	N/A	Under design	90 Class 1 spaces 18 Class 2 spaces min. per VTA standards
<ul style="list-style-type: none"> Driveway width 	N/A	24'	26' min.
Stormwater			
<ul style="list-style-type: none"> Impervious Surface Area (s.f.) 	333,556	345,113	No min.
<ul style="list-style-type: none"> Impervious Surface (%) 	100 %	Block A: 98% Block B: 96.7%	No min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

Special Development Permit (SDP) and Tentative Map (TM) applications have been filed for the Town and Country project site. As of 2008, the Town and Country Village site comprised six separate buildings, totaling 87,860 sq. ft., that were occupied by retail/commercial uses and have since been mostly demolished. The only remaining buildings within the project area are: an empty building and parking lot facing Capella Way located behind the Kasik property (which includes the Post Office) and another empty building located at the corner of Frances Street and Washington Avenue. These remaining structures are proposed to be demolished in the near future.

The applicant on record for this permit is Downtown Sunnyvale North LLC and the developer is Sand Hill Property Company. The proposed development is being referred to as the '*Capella project*'. Although the TM application is for all four development sites proposed for the project, the SDP application includes specific proposals for the two blocks facing Washington Avenue, i.e. Blocks A and B. Separate SDP applications will be submitted for the design of Blocks C and D facing Capella Way. Based on discussions with staff regarding possible design schemes, the applicant has submitted preliminary drawings with a proposed layout for Block C facing Plaza del Sol. No plans have been submitted for Block D at this time. In addition to conditions of approval for Blocks A and B there are conditions that provide direction for Block C, subject to resolution of any outstanding issues related to the proposed design scheme for Block C. No specific architectural design goals are being provided for Block D as part of this SDP.

Project Details: The applicant is requesting approval of: a Tentative Map to re-subdivide area bounded by Aries Way, Washington Avenue, Frances Street and approximately 150 feet north of the center line of Capella Way, totaling 4.61 acres, into 4 lots, totaling 3.83 acres, and multiple condominium lots (air space ownership); and, a SDP for site and architectural review for Blocks A and B to allow a mixed-use project of 280 residential units situated above retail buildings totaling approximately 34,104 sq. ft. as well as conceptual review of Blocks C and D.

As proposed, the residential units will be available for rent with the ability through the Tentative Map to convert to ownership units in the future. Parking is provided for the residential component of the project in structured parking garages (one level at grade, one level above and one below grade). The commercial portion of the buildings will be served by parking spaces within the parking district. No separate on-site parking is being provided to serve the commercial portion of the development.

The Tentative Map and Special Development Permit application covers all of Block 1a except for the Kasik property located on Aries Way. The Kasik property, totaling 0.53 acres, currently includes 20 residential units and approximately 10,000 sq. ft. of retail uses.

The project will include the required 15% Below Market Rate (BMR) units required for rental projects, for a total of 42 units, pursuant to the Sunnyvale Municipal Code (SMC) Section 19.66.020 (see BMR Conditions of Approval in Attachment B).

Note on Reading Plans: When reviewing the attached site plans, the "levels" refer to all levels of the project, not just the stories of the buildings as typically seen. Building stories vary in height dependent on the type of use (retail, residential, parking). Parking levels have a lower floor to ceiling height than stories of a building; therefore, multiple parking levels can be accommodated within the same height envelope of a retail building story.

Background

Previous Actions on the Site: There are no previous planning applications related to the proposed development on the subject site.

Environmental Review

The subject project is located within the boundaries of the previously certified Downtown Improvement Program Update Final EIR (2003). The Final EIR considered the impacts of development for buildout of the Downtown, including the types and maximum intensity of uses for Block 1a. The effects of buildout are discussed in terms of cumulative impacts of development and include such issues as traffic volume, noise, cultural resources, and air quality. The Final EIR includes mitigation measures that address the potentially significant impacts identified in the EIR analysis and are applicable to all future development in Downtown.

Since the final EIR did not address project specific impacts for a particular development proposal, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (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 for noise and traffic (see Attachment C, Initial Study). Mitigation measures identified in the Mitigated Negative Declaration have been incorporated in the attached conditions of approval (see Attachment B). In addition, the subject project will be required to comply with Mitigation Monitoring Program (MMP) requirements identified in the 2003 Final EIR for downtown Sunnyvale.

Based on the historical presence of a dry cleaning facility and two service stations on the subject property the applicant was required to submit environmental assessment reports to address any potential contamination issues. The applicant submitted a Phase 1 Environmental Site Assessment report and a Phase 2 Surface Assessment Report prepared by *Golder Associates* (report dated February 2007) which concludes that results obtained during site investigation and groundwater sample assessments from monitoring wells indicate no groundwater impacts from petroleum hydrocarbons or VOC's on the subject property. The consultant team makes no recommendations for additional investigation and recommends caution during future development involving excavation in the event that residual contaminated soil is discovered. Staff has included conditions of approval requiring cautious handling of residual materials and soil during redevelopment of the Town and Country Village site.

Special Development Permit

Site layout and Uses: Block 1a of the Downtown Specific Plan (DSP) is described as part of the Commercial Core District of the Downtown which includes Blocks 1, 1a, 2, 3, 18, and 20. The "commercial core district" supports a wide variety of uses ranging from Class A office, regional commercial retail, local retail, personal service businesses, a cinema, hotel and high density housing.

The DSP district has two main goals: to link the different blocks together into a cohesive downtown core and to create a lively street life on all primary streets. With that in mind, the DSP encourages ground floor retail, restaurant and entertainment land uses to increase street activity with residential uses facilitating use of the downtown during day and night. High levels of architectural detail for pedestrian interest are important to create a pleasant pedestrian experience.

The proposed development is a true mixed-use development with both vertical and horizontal integration of a variety of retail and housing uses. The proposed ground floor commercial uses in Blocks A and B facing Washington Avenue achieve the DSP goal of creating a traditional downtown district and the proposed residential units above will spur activity in Downtown for both night and daytime uses as envisioned in the DSP.

Staff has had several discussions with the applicant/property owner regarding future development of Block C. The preliminary plans submitted for Block C indicate that approximately 14,286 sq. ft. of retail/restaurant uses will be provided with a significant portion facing Plaza del Sol (refer Attachment C). In staff's opinion, the additional retail/restaurant and outdoor cafeteria type uses facing the Plaza would significantly enhance use and activity in the Plaza.

Moreover, the DSP clearly specifies that *'a physical relationship must be established between the Plaza and buildings facing the Plaza. Restaurants with outdoor dining are encouraged'*. In accordance with the DSP standards, staff has included conditions of approval requiring that a significant retail component be included in the Block C design that will be submitted as part of a separate SDP application for remaining portions of the Town and Country Village site. But, several significant issues are still outstanding that will affect the feasibility of the proposed design scheme for Block C. Conceptual approval for Block C design acknowledges that outstanding issues are still pending that will influence the final design such as the feasibility of providing access through Plaza del Sol, constructing multiple levels of below-grade parking and marketing the retail space facing Plaza del Sol. These issues will be further explored with the future processing of the SDP for this block.

Housing: The applicant is proposing a total of 280 residential units, with 152 units in Blocks A and 128 units in Block B of the project site. The residential units are located above retail facing Washington Avenue with additional units facing an interior landscaped courtyard area within each block. 16 townhome units are located along the frontage facing Capella Way to provide a strong residential feel to the Capella streetscape as envisioned in the DSP. At this time, all 280 units are proposed as rental units; however, the map would allow the units to be converted to condominiums in the future.

The proposed housing units are within the maximum 450 units allowed in Block 1a in the DSP. Based on land area, the Kasik property could have 43 residential units (vs. the existing 20) and the Capella project could be developed with 407 units (Blocks A, B, C and D combined). A total of 127 housing units could be built in Blocks C and D combined. Tables 1 and 2 included in Attachment H include a summary of the proposed sizes and square footages for the residential units in Blocks A and B.

The proposed 280 housing units will include 15% (42) Below Market Rate units; specific locations of BMR units have not been identified at this time.

Commercial: As envisioned in the DSP, the project provides ground floor retail all along the north side of the frontage of the two blocks facing Washington Avenue and Frances Street, totaling approximately 34,104 sq. ft. These retail spaces have been designed to allow a ground floor height (floor to floor) of at least 18 ft. The commercial portion of the project has a service hallway extending all along the its rear leading into the common commercial/residential trash enclosure area facing Taaffe Street. All service and residential garage entrances have been provided off of Taaffe Street. Table 3 below includes a summary of the proposed square footage for the commercial portions of Blocks A and B:

Table 3 showing proposed commercial areas in Block A and B

Block Type	Square footage
Block A	21,732
Block B	12,372
Total	34,104

Staff has included a condition of approval requiring that *Tenant Storefront Design Guidelines* be approved prior to applying for building permits to ensure that required design elements as well as parameters for flexible change are clearly defined and future façade improvements are consistent with the Downtown Specific Plan guidelines. These guidelines shall address storefront design features, materials, proportions of solid façade treatment and glass, recessed storefront doors, sun canopies and/or awnings etc. and shall reference compliance with the Downtown Specific Plan design guidelines.

Parking:

Vehicular Parking and Circulation: The proposed project includes 280 residential units with 6 studio units, 144 one-bedroom units and 130 two-bedroom units, in Blocks A and B combined. In the DSP area, the code requirement for multi-family residential developments is as follows:

Table 4: Parking requirements for DSP per Code

Type of unit	Number of parking spaces required
Studio/One-bedroom units	1 assigned and covered/unit and .75 unassigned/unit
Two-bedroom units/more	1 assigned and covered/unit and 1 unassigned/unit

Comparing the residential parking requirements in downtown and other parts of the City, staff noted that the parking requirements for two-bedroom units in downtown is similar to the requirement for two-bedroom units in other parts of the city; however, the parking requirement for studio/1-bedroom units in downtown (1.75/unit) is more than the requirement for similar units in other parts of the city (1.5/unit). This appears to be a discrepancy in the code considering that the downtown is served by transit and there are opportunities for shared parking use within the parking district and therefore the downtown parking requirements should be similar to or less than those applied to other parts of the City. With that in mind, staff has used following parking rates to determine the required parking for the proposed Capella project:

Table 5: Parking requirements applied to Capella project

Type of unit	Number of parking spaces required
Studio/ 1 bedroom units	1 assigned and covered/unit and .5 unassigned/ unit
Two bedroom units/more	1 assigned and covered/unit and 1 unassigned/unit

Table 6: Total required parking for Capella project per Table 5

Block Type	Total parking required
Block A	261 stalls (152 assigned, 109 unassigned)
Block B	225 stalls (128 assigned, 97 unassigned)

Attachment E shows the updated layout of the residential portion of the building; however, a revised parking layout of the underground parking garage has not been submitted at this time.

The applicant proposes:

- 231 parking spaces in Block A where 261 are required resulting in a deficiency of 30 spaces in Block A
- 198 spaces in Block b where 225 are required resulting in a deficiency of 27 spaces in Block B

The applicant also proposes to provide an additional 32 tandem parking stalls (16 in each block) that have not been counted towards the proposed parking. Therefore, the total proposed deficiency is 57 stalls, not including tandem and 25 stalls, including tandem spaces. As proposed, there would be approximately a 5% deficiency in parking (if tandem stalls are counted) in the residential portion of the project. Deviations from parking requirements can be considered through the SDP application process.

To address the parking deficiency issue, the applicant has submitted a *Parking Management Plan (PMP)* with the following features:

- designated parking reserved for car-share programs, car-charging stations etc.;
- complimentary VTA “eco-passes” for each residential unit for unlimited VTA bus rides, free bike parking for residents and guests, complimentary 8-rise pass for Caltrain, an informational kiosk with details of transit service/rideshare opportunities;
- flexibility in the PMP plans and programs to allow for substitutions in the future with other auto use reduction measures subject to review and approval by the Director of Community Development.

In staff's opinion the *Parking Management Plan* would reduce the impacts resulting from the proposed deficiency. The project has the advantage of being located in downtown with access to Caltrain and bus service within a short

walking distance of the site. Currently, the unassigned guest spaces and prospective tenant spaces are located behind the security access gate which would require a security access code or key card for entry. Staff has conditioned the project to require the relocation of security gates behind the prospective tenant parking (4 tenant spaces proposed) and a portion of the guest parking (at least 4 spaces) to limit queuing of traffic on the street and allow for adequate turnaround areas. Additionally, staff has included a condition of approval requiring that features proposed in the PMP shall be incorporated into the project's design at the time of applying for building permits and installed prior to issuance of a Certificate of Occupancy.

To further encourage Caltrain ridership and mitigate any potential impacts resulting from the residential parking deficiency, staff has included a condition requiring that the developer provide Caltrain annual ridership passes for up to 20% of the residential units in Blocks A and B (i.e. up to 56 passes) that will be available to potential tenants at a substantially reduced rate. The potential tenants shall not be required to pay more than 25% of the total cost of the Caltrain passes. This requirement would replace the 8-ride annual Caltrain ridership pass proposed in the Parking Management Plan (see Attachment I). The total deficiency in residential parking in Blocks A and B combined is 57 stalls; in staff's opinion the provision of 56 annual Caltrain passes at substantially discounted rates would mitigate the impacts of this parking deficiency.

Circulation: Blocks A and B have been designed in a way that access to the underground parking areas located below each block as well as service entrances leading into the trash enclosure areas are provided from Taaffe Street. The DSP requires that all service areas be located away from public streets and nearby residential uses in the least visible areas. The project addresses this requirement by locating the driveway/service entrances on Taaffe Street immediately behind the retail portions of each building. As a result, these driveway and service entrances are at a significant distance from the townhome units located on Capella Way. Entrance to the underground parking garage located below Plaza Del Sol is also located off Taaffe Street. The applicant has submitted turning radius plans showing fire and garbage truck turnaround areas that have been reviewed and approved by the Transportation and Traffic Division.

The project is surrounded on all sides by 10' wide sidewalks in accordance with DSP standards. The sidewalks will include trees and street furniture such as trash receptacles, benches, news racks and bike loop racks that will be designed in accordance with DSP specifications.

Proposed Block C parking: As previously discussed, Block C will include a significant commercial/retail portion facing Frances Street and Plaza del Sol.

As a result, the parking spaces required to serve the residential portions of Block C will have to be located underground. Staff has indicated a willingness to consider access from the adjacent parking below the Plaza. This would ensure that available infrastructure is used at its fullest potential. However, further discussions would be required with the JP Morgan group and detailed engineering review is needed to confirm structural engineering details and impacts on the Plaza garage parking layout; City Council approval would be required for the design that includes the Plaza parking for access and circulation. Conceptual approval for Block C design acknowledges that outstanding issues are still pending that will influence the final design such as the feasibility of providing access through Plaza del Sol, constructing multiple levels of below-grade parking and marketing the retail space facing Plaza del Sol.

Bicycle Parking: The applicant has indicated that residential units will accommodate secured bicycle parking in the underground parking structure. Bicycle racks will be placed at various locations within the underground parking areas. Final bicycle parking locations will be reviewed by Transportation and Planning staff as a condition of approval. Staff is recommending a total of 90 Class I spaces (secure) and 18 Class II spaces (open racks) at a minimum per VTA standards. The Parking Management Plan submitted by the applicant states that bicycle lockers will be provided within the project area and made available at no cost to residents (see Attachment I).

Parking for retail in Blocks A and B: Currently, there are approximately 200 parking spaces in the DSP-1a area that include stalls formerly part of the parking district as well as on-street parking spaces (not including stalls in the Frances Street parking lot behind Murphy Ave.). The Capella project will substantially reconfigure the streetscape within Block 1a and after construction is completed the area will have approximately 60 on-street parking spaces, as proposed. Staff's analysis suggests that the overall parking deficiency that existed in the Town and Country Village area will remain the same or be marginally reduced by the proposed project. The original Town and Country Village development included 6 buildings totaling 87,860 sq. ft. of retail. Due to the reduction in total retail square footage of buildings in the Capella project (total 47,500 sq. ft. of retail including Blocks A, B, C, D), the resulting parking demand for retail is reduced as well but the parking deficiency that existed previously remains practically unchanged. The project does not propose any additional parking spaces on-site to serve the commercial portion of the development. Table 7 below provides an overview of the parking analysis for the commercial portion of the Capella project and a comparison with the parking available in Block 1a area.

Table7: Parking analysis for commercial component of Capella project

	Retail (sq. ft.)	Surface Parking Available	Parking Required (@ 1/250 for office/retail uses)	Parking Deficiency (required – available)
Existing (prior to demolition of Town and Country Village)	87,860	Approx. 200	352	152
Proposed (future Capella project)	47,482	Approx. 60	190	130

The remainder of parking for the commercial portion of the project will be available in the public garage below Plaza Del Sol and at the surface parking lot on Frances Street. Patrons may also park at the new “orange” garage west of the Macy’s building.

Stormwater Management: A detailed Stormwater Management Plan has been submitted for the project and has been deemed adequate at this stage of the project. A complete, third-party certified Stormwater Management Plan (SWMP) is required prior to building permit issuance.

Easements and Undergrounding: All existing and new utilities, such as power, phone, etc. are required to be underground.

The property owner for the Kasik property (facing Aries Way) in DSP- Block 1a contacted staff regarding a service alley located along the south side of the Kasik site. This alley could be part of Block D of the Capella project. Based on information available to staff, it is not clear at this time whether access easements were recorded in the past to retain pedestrian/vehicular access through the service alley and how that might impact the future development of Block D. Staff has included a condition of approval requiring that the applicant address issues related to the service alley located behind the Kasik development adjacent to Block D as part of the SDP application for Block D.

Architecture: Staff worked with the applicant during the design development phase to create a design that would have substantial character with high quality design features to meet the DSP design standards. Blocks A and B have been designed using a modern/contemporary architectural style; the overall building form establishes a basic building line with some projections and

recesses from that base line. Detailed information on the proposed architecture (streetscape views, elevations, enlarged details, and materials) can be found in the plan set in Attachment D. In staff's opinion, the proposed design is generally of high quality and if built as conditioned will strengthen the overall character of Downtown Sunnyvale.

However, some critical elements of the design require attention and further refinement, including:

- Building corners
- Townhome frontages
- Retail frontage
- Materials and details

Key features of the design that should be retained and/or enhanced include:

- The retail frontage facing Washington Avenue should have a clearly articulated base, middle and top with substantial portions of the frontage designed using non-reflective glass.
- "*Tenant Storefront Design Guidelines*" for retail storefronts in Blocks A and B should be developed to address storefront design features, materials, proportions of solid façade treatment, recessed storefront doors, sun canopies and/or awnings etc. and shall reference compliance with the Downtown Specific Plan design guidelines.
- A unique corner rooftop feature must be located at the corner of the Blocks A and B at the intersection of Washington Avenue and Taaffe Street or alternatively, at the corners of Taaffe/Washington and Aries/Washington. This element should serve as a memorable feature of the design and break up the top profile of the blocks.
- Visually strengthen the rooftop features (cornices, eaves, other overhangs) to create a more prominent top to the buildings.
- Projecting balconies or grilles across window openings to provide opportunities for potted plants and architectural detailing.
- Use a variety of high quality material treatments on the exterior facades to break up the expanse of stucco.
- Further articulate the townhome frontages to distinguish between each unit's frontage as well adding distinction between townhouse levels and upper levels of residential condominium units.
- The two-story feature in front of the residential breezeway in Block A (facing Washington Ave.) shall incorporate metal louvers or high quality, decorative grill feature that could also serve as artwork for the project.
- Overall, use high quality materials including metal louvers, high quality stucco, heavy wood timbers, non-reflective glass, tile, stone etc.

Staff has conditioned the project to address issues related to architectural form, exterior façade treatment and quality of materials. The recommended conditions of approval include a menu of options for architectural enhancements to the residential, retail and townhome portions of the Capella project.

Landscaping: The applicant has submitted a detailed landscape plan; the two buildings have been designed around landscaped courtyards with a lot of attention given to circulation patterns, outdoor seating areas, location of trees, groundcover and raised planters, accent paving and locations of trash and recycling receptacles. Outdoor seating areas have been provided adjacent to the recreation rooms at podium level.

As proposed, the project exceeds the minimum landscaping and open space requirements specified by Code. DSP Block 1a requires a minimum of 50 square feet of usable open space per housing unit. The total outdoor area provided satisfies the 50 square feet per requirement as reflected under this set of plans. Sunnyvale Municipal Code also requires a clubhouse of at least 450 square feet for projects with 100 or more units. The proposed design includes two separate recreation areas (one in each block) facing the interior courtyards, approximately 1000 sq. ft in size each. In staff's opinion, this larger size recreation area is desirable due to the large number of units (280) and the need for private recreation space for residents in a mixed use project of this scale. Staff has included several conditions of approval to address landscaping plan elements and paving details.

Public Art: The applicant is required to provide public art for this project. A minimum of 1% of the construction valuation of the commercial portion of the project must be earmarked for providing public art. Possible locations for pieces of art have been identified in the project design; the artwork could be located in the recessed portion of Block A facing Washington Avenue or integrated into the screen wall feature fronting the residential units in Block A.

Green Building Requirements: In March 2009, the City Council approved green building requirements that will become effective in January 2010. The developer has indicated that they intend to incorporate green building features into the Capella project. The project will have to comply with the applicable sustainability ordinance requirements at the time of applying for building permits.

Compliance with Development Standards/Guidelines: The applicant is requesting a deviation from the SMC to allow the project to be built with 461 parking spaces (including tandem) where 486 spaces are required by Code for the number of residential units proposed. A *Parking Management Plan* has been submitted with features designed to encourage transit ridership and discourage

residents from owning more than one car. Staff has conditioned the project requiring features of the Parking Management Plan to be incorporated into the project design at the time of applying for building permits.

Below Market Rate (BMR): This project will require a total of 42 Below Market Rate (BMR) Units, to meet the City's requirement of allocating 15% of rental housing units as BMR units. The 15% is based on the number of units proposed to be built in Blocks A and B (280 units). The BMR units will be selected in accordance with the City of Sunnyvale Below Market Rate Housing Program Administrative Procedures. The applicant has signed a BMR Standard Permit Conditions document with the Community Development Department.

Transition from Apartments to Ownership Units. While the developer is not proposing ownership units at this time, the project includes an application for a Vesting Tentative Map for condominium purposes. The map will allow conversion from rental to ownership housing in the future. If and when the condominium map is exercised and there is a change from rental to ownership, the project will be affected in three ways:

1. Change in the number of required BMR units. If in the future the dwelling units are sub-divided and sold as separate ownership units, the BMR requirement for the ownership units at the time of the application will apply.
2. Triggers the Condominium Conversion section of the Subdivision Map Act when apartments are ultimately sold to individuals.
3. Requires the filing of CC&Rs with the final map.

The methods for transitioning from the 15% BMR rate for apartments to the current 12.5% BMR rate for for-sale units shall be in accordance with the terms of Sunnyvale Municipal Code 19.66 and be detailed in a Deed restriction on the property.

Expected Impact on the Surroundings: Staff finds the overall impacts to be beneficial to the surrounding uses; the project will revitalize a vacant/underutilized portion of Downtown and contribute to the overall vitality of a key piece of Downtown Sunnyvale. There will likely be an increased level of traffic and activity beyond the level of the former fully-occupied Town and Country Village development. The addition of people, both as residents and patrons, will produce the DSP desired goal of increased vitality and is expected to enhance both, the existing commercial business viability and residential presence and activity, thereby adding to the urban character of Downtown Sunnyvale. Furthermore, the project will support the *Caltrain* transit station at Evelyn Avenue by adding potential riders over time. Park dedication fees collected in conjunction with the Capella project (for new residential units added) will be used to support park use, which may include Phase 2 improvements to Plaza Del Sol.

Construction Mitigation Program: The most immediate impact on the surrounding areas would be the impacts resulting from construction of the new project including impacts to residential units at the corner of Aries and Altair Way. No specific timeline has been provided for the estimated start of construction but for a project of this scale, construction activity may take anywhere between 12-18 months. The potential noise and dust impacts were recognized as potentially significant and addressed in the Program EIR. A detailed construction mitigation program that identifies truck routes, parking, hours of operations, and site management techniques is required as a condition of approval.

Economic Development Implications:

The subject site is currently vacant and detracts from the overall character of downtown Sunnyvale. The redevelopment of the project site will have a positive economic impact on the downtown, as it will bring retail and residential activity back to the site. Based on the unit mix for Blocks A and B, staff anticipates that about 500 new residents would move into the area. These new residents will be able to patronize the downtown businesses. In addition to the residents, staff expects that the retailers in the proposed project will employ more employees and generate more sales tax revenue and property tax than the previous retailers did on the same site. The project will also create construction related jobs while it is under construction, which will give a boost to an industry that has been affected by the recent downtown turn in the economy.

Prior to the demolition of the proposed site, 65 businesses were located in this area of Town & Country. For Fiscal Year 2007-2008 (last full year the Town & Country was operational) those businesses generated about \$20,500 in sales tax revenue for the City and occupied 55,900 square feet of space. This equated to about \$0.37 cents in sales tax revenue per square foot. The peak year for the area was Fiscal Year 2006-2007 when the area generated about \$36,500 in sales tax revenue or \$0.65 per square foot. Town & Country businesses employed about 50 employees in Fiscal Year 2007-2008.

While the applicant has not identified the retailers that will locate in the proposed project, staff expects that when the project is fully leased it will employ at least the same number of employees as in FY 2007-2008 and possibly more. Phase 1 of the project comprising Blocks A and B project has 34,104 square feet of retail space. Based on the range of \$1.15 to \$9 per square foot of sales tax revenue generated by Murphy Avenue businesses, staff expects that the proposed project will generate more sales tax revenue than the previous retailers did on the site.

Tentative Map

General Description: The proposed project requires a Tentative Map to re-subdivide the area bounded by Aries Way, Washington Avenue, Frances Street and approximately 150 feet north of the center line of Capella Way, totaling 4.61 acres, into 4 lots, totaling 3.83 acres, and multiple condominium lots (air space ownership). The purpose of the Tentative Map is to entitle the project shown on the site plans, by displaying the location of lot lines for buildings, public streets, etc., and displaying areas of future condominium or air space ownership lots. As indicated on the plans, a total of 407 residential units could be built in Blocks A, B, C and D combined.

All Final Maps are required to be adopted by the City Council at a future date. The Tentative Map is valid only in conjunction with the approved site map and approved Conditions of Approval. The standard Tentative Map Conditions of Approval are listed in Attachment B and the Tentative Map plans can be found in Attachment D.

Fiscal Impact

Traffic Impact Fee: Projects resulting in intensification of a use or increase in floor area are subject to a citywide traffic impact fee. The fee is calculated based upon the type of development/intensification proposed and the number of net new trips generated (SMC 3.50.050(c) & 3.50.060), and is based on the actual fee in place at the time of payment. The fee for Blocks A and B (at 2008-2009 rates) is estimated at \$269,520.12. Payment is due prior to issuance of a building permit for construction or expansion of any uses (excepting parking structures). The fee for Blocks C and D (at 2008-2009 rates) is estimated at \$91,613.79.

Park Dedication In-Lieu Fee: The Park Dedication In-Lieu Fee shall be paid in accordance with SMC 18.10. in the amount of \$9,408.96 per housing unit for a total of \$3,829,446.72 for 407 housing units prior to approval of the Final Map. If final maps are recorded in phases, park dedication fees are due for all 407 units prior to approval of the first Final Map.

Public Contact

Public hearing notices were sent to property owners and tenants in an approximate 500-foot expanded radius of the project area, as well as the following: all neighborhood associations, downtown business property and business owners and other interested parties. In addition, information was posted on the website regarding the Planning Commission hearing dates for this project as well as the availability of the staff reports.

Downtown Business Association meeting: On June 3, 2008 the applicant organized a meeting with the Downtown Business Association to discuss the Capella project and get feedback from downtown residents and businesses. The meeting was attended by several businesses and property owners and their comments/concerns are listed below:

- The residential parking deficiency is of concern; there will not be enough parking for the residential portion of the project at the required rate.
- The location of guest spaces behind the gated area will create spillover onto surrounding streets and impact nearby residents and businesses.
- Downtown businesses are hurt the most by any parking deficiency. Currently downtown parking issues result from the way parking is managed (enforcement etc.) and the total available parking.
- The developer could utilize the max. height limit of 85' and add an additional level of parking to meet residential and a portion of the retail parking demand.
- The developer has not addressed issues related to graffiti, weeds, bugs at the Town and Country site. The sidewalks have big potholes, are poorly maintained and there are no lights to ensure safety of pedestrians.

Planning and Economic Development staff attended the meeting and responded to questions related to code requirements and entitlement processes.

Planning Commission Study session: On June 8, 2009, the Capella project was presented to the Planning Commission for their initial review and comments. Key concerns brought up by the Planning Commission included parking deficiency issues and architecture. A summary of their comments is listed below:

- More architectural detailing is required on the exterior frontage of the buildings such as exterior balconies, changes to wall planes, window eaves etc.
- More differentiation between the blocks with a focus on roofline changes
- Residential parking deficiency is a concern and parking could be a problem in future when all of downtown is redeveloped
- Circulation and traffic flow issues must be addressed in detail
- Focus on entryways leading to the residential units
- Blockiness of the structures could be relieved using curved forms

At the time of writing this report, the applicant had not submitted any revised drawings with architectural changes. However, they have met with staff and discussed several design options to address the concerns. The recommended conditions of approval include a menu of options for architectural

enhancements to the residential, retail and townhome portions of the Capella project and a requirement to return to the Planning Commission for final approval of the architecture.

<p>Notice of Negative Declaration and Public Hearing</p>	<p>Staff Report</p>	<p>Agenda</p>
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 370 notices mailed to the property owners and tenants 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 Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the project description, justifications, supplemental studies and the above analysis for the Special Development and Tentative Map as conditioned below. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

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

Recommendation

Staff recommends Alternative 1.

Prepared by:

Surachita Bose
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Reviewed by:

Hanson Hom
Community Development Director

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Tentative Map Plans
- F. Revised residential layout submitted on May 20, 2009
- G. Conceptual layout for Block C (for reference only)
- H. Proposed residential unit count/unit types for Blocks A and B
- I. Copy of Parking Management Plan submitted by the applicant
- J. Copy of correspondence received related to the Capella project

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Downtown Specific Plan

DSP B: *To establish the Downtown as the cultural, retail, financial, and entertainment center of the community, complemented by employment, housing and transit opportunities.*

DSP B.: *Encourage mixed uses throughout downtown when consistent with the district character.*

DSP D3: *Encourage intensification of specified high density residential and commercial districts while maintaining the character and density of single family neighborhoods surrounding downtown.*

Land Use and Transportation Element

C1.2.1: *Promote downtown as a unique place that is interesting and accessible to the whole City and the region.*

R1.7.1: *Locate higher intensity land uses and developments so that they have easy access to transit services.*

C3.1.5 *Promote the reduction of single occupant vehicle (SOV) trips, and encourage an increase in the share of trips taken by all other forms of travel.*

C4.2.3 *Develop incentive programs to reduce parking demand, support alternative transportation, and reduce peak period traffic.*

N1.12.1 *Use the Downtown Specific Plan to facilitate the redevelopment of downtown.*

The proposal is located in Block 1a, an area located in close proximity to the transit station at Evelyn Avenue and zoned to allow high density residential and mixed use type developments. The Capella project proposes to build 280 residential units and approximately 35,000 sq. ft. of retail in Block A and B. Most of the residential units are designed around central courtyards located within each building to provide a sense of privacy; the retail component of the project is oriented towards Washington Avenue which will blend well with the Town Center development across the street; proposed townhomes face Capella Way that has been designed to have a strong residential character. The project will provide a balanced mix of residential and commercial uses in the core of downtown in accordance with the goals and policies laid out in the

DSP. The proposal as conditioned will have a cohesive physical form that will assist in identifying Sunnyvale’s downtown.

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

The project meets the goals and policies of the General Plan, as enumerated above.

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

The proposed project blends in with the existing uses in the surrounding neighborhood. The site is located immediately adjacent to the commercial core of downtown and is currently mostly empty. The proposed project through its mix of permitted uses, provisions for additional permits for sensitive uses, high quality architectural design, contemporary building forms, supply of parking, and investments in street frontage improvements and landscaping will improve the overall appearance of downtown Sunnyvale. As currently proposed, the Parking Management Plan includes mechanisms to encourage car-sharing, car charging stations and complimentary eco-passes and transit passes; all of these mechanisms will likely encourage use of available public transit located in the close proximity to the project. The proposal, as conditioned, minimizes development impacts on the surrounding properties and allows development complementary to Sunnyvale DSP goals and image. Redevelopment of the currently vacant Town and Country village site will in fact be a positive benefit to surrounding uses and improve the general appearance and form of Block 1a as well as Block 18.

Design Guidelines of the Downtown Specific Plan

The Downtown Specific Plan contains very specific Design Guidelines in both textual and diagrammatic form. The level of detail is precise for many guidelines (e.g. colors, exterior glazing, landscape, materials and art features) and is most appropriately utilized for review of final building details. However, the pertinent project level and general building guidelines are discussed below in relation to the nature of the proposed Special Development Permit.

<i>Site Design and Organization</i>	
GOAL A2: Locate private on-site parking below grade or behind active uses.	The project will provide parking for the residential uses only; all the proposed parking is located in parking structures below each building and wrapped on all sides with active commercial or

	residential uses. The commercial portion of the project will utilize on-street parking and other parking district spaces which is appropriate for the pedestrian friendly and lively streetscape intentions of the DSP.
GOAL A5: Locate retail entrances, displays and special design features at building corners. Locate less active uses, such as lobby entrances to upper levels, at mid-block.	The retail component of the project is oriented towards Washington Avenue; the project has been conditioned to require a unique corner design element at the corners of Taaffe and Washington. Residential lobbies and service entrances are located mid-block and face the less active Taaffe Street frontage.
GOAL A6: Provide direct entrances or stoops to street level residential units to create an intimate streetscape	All proposed, on-grade townhomes facing Capella Way have walk-up front doors, landscaped porches located behind 3' low gated areas immediately adjacent to the sidewalk.
<i>Architecture and Design details</i>	
GOAL B1: Use variable heights and roof forms to break up the building mass	The project has been conditioned to relieve the relatively flat top profile of the structure, particularly along the Washington Avenue and Frances Street frontages. As currently designed, the facades have some articulation with projections and recesses along each frontage but there is limited variation in roof forms and height.
GOAL B.2: Interrupt ground floor facades every 30 ft. with various architectural elements such as trellises, balconies, steps, openings etc.	The project has been conditioned to require more detailing on the upper residential levels with grills, projecting faux balconies, potted plants etc. Some positive features of the design include the two-story metal louvers in Block B facing Washington Avenue, projecting bay windows at the corners of each block, broken up portions of the retail frontage, extensive of glass etc. The project has been conditioned to require that these positive elements of the design be retained.
GOAL B3: New commercial development should have a variety of styles and appear to be constructed over a along period of time.	Final design schemes for the retail portion of the project are in the design development phase. Staff has included a condition requiring that <i>Tenant Storefront Design Guidelines</i> be developed that will be reviewed and approved by the Director of Community Development; these design guidelines will ensure that the commercial portion of the project includes key features such as a defined base/middle and top, storefront design elements, materials, proportions of solid façade treatment and glass, recessed storefront doors, sun canopies and/or awnings etc. that reference compliance with the Downtown Specific Plan design guidelines.

<i>Site Landscaping</i>	
GOAL C1: Demonstrate a landscape design concept and link various site components.	The street trees and streetscape design features are the primary link to the broader Downtown as a whole and also within the project. The streetscape as a whole is the most critical link to the site. In addition to streetscape improvements, the project has been designed around central courtyard areas with a lot of attention given to the location of raised planters, walkways, outdoor seating, grass and trees.
<i>Building Facades</i>	
GOAL B9. Use strongly defined bases for buildings. Delineate the building base with architectural features such as a string course or cornice element or quality exterior materials such as stone, precast concrete, brick, terracotta and limited applications of metals such as steel, chrome or bronze	The project has been conditioned to include accent materials and a continuous band at the base of the buildings to differentiate the retail from the residential above as well add more distinction to the townhome frontages and separate them from the residential units at the upper levels. Staff has also included a condition requiring that an inch-deep scoring pattern be used on the facades; alternatively, the same effect could be achieved through the inclusion of a metal piece in the grooves to create a shadow effect.
GOAL B11. Provide awnings, canopies and shade structures along the street level to create intimate enclosures at the sidewalk and accommodate signs, graphics and lighting	<i>Tenant Storefront Design Guidelines</i> to be approved in future for the retail frontage of the project will address these requirements. A separate <i>Master Sign Program</i> will be required for the project to ensure consistency in the design of signage for the project.
GOAL B13. For upper floors, articulation is the most important quality. Continuous flat facades should be avoided through recessed windows, awnings, bay windows and vertical elements	The design includes articulation in the form of projections and recesses along each façade – in staff’s opinion, the depth of these projections and recesses could be increased to add more depth to the facades. Staff has included a condition addressing this issue.. The residential floors could be articulated further using architectural details such as faux balconies, unique mix of materials, deep set scoring patterns etc.
GOAL B18. Accentuate special locations such as street intersections and	Staff has included a requiring that the project include a corner tower element or a similar distinguishing feature that could be located at

<p>major building entrances with building treatments such as tower elements.</p>	<p>the corner of both buildings at Taaffe/Washington or alternatively at the corners of Frances/Washington and Aries/Washington. The projecting glass feature located at the corners of each building is a positive element in the design and should be retained.</p>
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Open Space

<p>GOAL 9: Provide private outdoor space for each residential unit as an outward projecting balcony or an inward projecting terrace when possible.</p>	<p>The project has been conditioned to require that all street facing facades incorporate a variety of balcony treatments although these may not be designed as usable space; some of the ground floor residential unit shave private outdoor spaces located adjacent to the central courtyard area. In addition, a large central courtyard space with ample seating area, planters and high quality landscaping has been provided inside each building that would meet the outdoor space requirements of residents.</p>
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Service Facilities and Mechanical Equipment

<p>GOAL F1: Locate service areas and drives away from public streets and nearby residential uses. Place service facilities in least visible areas.</p>	<p>The buildings are at the property line, therefore service areas cannot be set away from the streets in all locations. Service areas are integrated into the buildings facades rather than as separate "enclosures" as utilized throughout Sunnyvale. The entrances to the parking garages and trash enclosures have been located along Taaffe Street. Staff has included a condition requiring that garage doors and services entrances shall include exterior architectural treatments and decorative doors that create visual interest and minimize their appearances as parking structures. Further refinement to the proposed design is needed.</p>
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Recommended Findings - Tentative Map

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

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

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



CAPELLA (TOWN AND COUNTRY VILLAGE) PROJECT

SUBJECT: **Recommended Conditions of Approval**

LOCATION OF PROPERTY: **Town and Country Village site bounded by Aries, Frances, Washington Street and Plaza del Sol Sunnyvale, CA 94087**

APPLICANT: **Downtown Sunnyvale North LLC/Sand Hill Property Company**

PUBLIC HEARING DATES: **Special Development Permit (2008-0399)**
Planning Commission – June 22, 2009

Tentative Map (2007-0399)
Planning Commission – June 22, 2009



Capella (Town and Country Village) project

Recommended Conditions of Approval

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 and approval by the Director of Community Development.

General

- G1. This Special Development Permit (SDP) and Tentative Map approves development plans for a mixed use project consisting of a maximum of 407 residential units and a maximum of 47,500 sq. ft. of ground level retail space for Blocks A, B, C and D. The approvals for each Block vary in specificity and are described in conditions G2, G3 and G4.
- G2. Blocks A and B: In accordance with the approved plans, this SDP and Tentative Map approves a maximum of 280 residential units (152 units on Block A and 128 units on Block B) and approximately 34,104 square feet of combined retail space on Blocks A and B. Additionally, this SDP approves the residential unit types and mix, on-site parking, site and open space plans, building heights, general architectural design for the retail storefronts and residential levels, retail and residential floor plans and street and sidewalk improvements. This SDP includes conditions of approval that require modifications and refinements to the exterior architectural design. Revised architectural drawings shall be submitted to Planning Commission for additional review and approval prior to issuance of building permits.
- G3. Block C: SDP and Tentative Map approval for this block is limited to approval of residential density of 127 units in Blocks C and D combined and conceptual approval only of 13,378 square feet of retail space and general site and floor plans for Block C. Conceptual approval acknowledges that outstanding issues are still pending that will influence the final design such as the feasibility of providing a vehicular access from the adjacent Plaza del Sol underground parking garage, constructing multiple levels of below grade parking, and marketing the retail space facing Plaza del Sol. Detailed architectural drawings, massing, site plan, landscaping plan, parking plan, circulation plans, floor plans shall be submitted to Planning Commission for review and approval of an additional SDP prior to issuance of building permits.
- G4. Block D: SDP and Tentative Map approval for this block is limited to approval of residential density only with a preliminary approval of 127 units in Blocks C and D combined, based on the maximum allowed on all four blocks. At this time, approval does not include conceptual or detailed approval of building massing, architectural drawings, site plan, landscaping plan, parking plan or floor plans. These detailed plans shall be submitted to Planning Commission for review and approval of an additional SDP prior to issuance of building permits.



- G5. Permittee shall execute a Special Development Permit document prior to issuance of a building permit for site improvements or new building construction.
- G6. The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- G7. The Conditions of Approval shall be reproduced or attached on the cover page of the plans submitted for a building permit for this project.
- G8. Building permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the building permit plans comply with each condition.
- G9. A complete plan check submittal (except demolition, rough grading, excavation, foundations up to grade level, and utilities) shall be submitted for the first building permit submittal; no partial sets are allowed.
- G10. Prior to submittal of plans for building permits (except demolition, rough grading, excavation, foundations up to grade level, and utilities) the following additional approvals are required:
 - a. A Master Sign Program (MSP) shall be submitted that is subject to review and approval by the Director of Community Development. The Master Sign Program shall address individual tenant wall signs, awnings signage, fin signs, temporary signage allowances, shopping center ground signs, information or directional kiosk signage or any other form of commercial advertisement intended to be located within the project area.
 - b. A final stormwater management plan shall be submitted as required by SMC 12.60 for third party verification subject to final review and approval by the Director of Community Development prior to the issuance of a building permit.
 - c. Final *Tenant Storefront Design Guidelines* for retail storefront design for Blocks A and B shall be submitted for review and approval by the Director of Community Development. The design guidelines shall address storefront design features, materials, proportions of solid façade treatment and glass, sun canopies and/or awnings etc.
- G11. Any major site and architectural plan modifications after final design approval shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing before the Planning Commission, except that minor changes of the approved plans (e.g. colors, materials, window placement) may be approved administratively by the Director of Community Development.
- G12. At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members



or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements.

- G13. The developer shall submit to the City the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied to the City, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective.
- G14. In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development.

Permitted Uses (Blocks A and B)

- G15. Commercial uses within Blocks A and B shall be reviewed in accordance with permitted and conditionally permitted uses listed in the Zoning Code. In addition, the commercial/retail component of the project, approximately 34,104 sq. ft. in size, shall include the following provisions:
1. Non-ground floor dependant office uses (of any size) including administrative, professional, medical and R&D uses will require approval of an MPP.
 2. All restaurant uses shall require approval of an MPP including review of trash handling and shared use of common trash enclosures.
 3. Establishments that sell beer and wine beverages for on-site consumption require approval of an MPP.
 4. Establishments serving liquor (beer and wine only excluded) for on-site consumption require approval of a Special Development Permit.
 5. Incidental outdoor uses, including outdoor dining in conjunction with a restaurant use, require approval of an MPP by the Director of Community Development as well as approval of an encroachment permit by the Director of Public Works.

General Operations and Limitations

- G16. General Business hours shall be limited to 6:00 a.m. to 10:00 p.m.; expanded hours of operation for general business and/or holiday seasonal hours or "special sale events" may be considered through an MPP. More restrictive hours of operation may be imposed on specific uses requiring a MPP or Special Development Permit.



- G17. Special events shall require approval by the City in accordance with Section 9.45 of the SMC. Special events include closing of a public or private street for any purpose.
- G18. All service entrances shall remain closed when not used for the purposes of loading and unloading of vehicles and deliveries. Uses which generate noise shall keep doors closed.

Parking limitations:

- G19. The project will provide a total of 461 parking stalls in Blocks A and B combined, including;
 - a. at least 231 parking stalls (including up to 21 compact and a minimum of 5 ADA stalls) and a maximum of 16 tandem configurations (16 pairs) in Block A (total 247 stalls including tandem), and
 - b. at least 198 parking stalls (including up to 27 compact and a minimum of 5 ADA) and a maximum of 16 tandem configurations (16 pairs) in Block B (total 214 stalls including tandem);

Minor changes to the parking number and layout may be approved by the Director of Community Development; any significant parking layout changes will require review and approval by the Planning Commission.

- G20. The final *Parking Management Plan* (PMP) is subject to review and approval by the Director of Community Development prior to issuance of a building permit or approval of a final map, whichever occurs first.
 - a. The final Parking Management Plan shall be implemented at the time of issuance of Certificate of Occupancy and may be revised, as necessary, subject to review and approval by the Director of Community Development.
 - b. Features described and subsequently approved in the final Parking Management Plan shall be incorporated into the project's design at the time of applying for building permits and installed prior to issuance of Certificate of Occupancy.
 - c. The final Parking Management Plan shall include penalty provisions for non-compliance with the features included in the PMP document.
 - d. The Parking Management Plan shall clearly describe how property managers or future homeowner's associations (HOA's) will meet the requirements outlined in the plan. The plan will confirm the responsibility of the property owner or homeowner's association to enforce provisions of the PMP. Planning staff may provide the associations with tools for property owners and homeowners associations to carry out their responsibility to enforce provisions of the PMP.
 - e. The Parking Management Plan shall be designed to allow flexibility in the PMP plans and programs that would provide room for substitutions in the future with other auto use reduction measures subject to review and approval by the Director of Community Development.
 - f. Each residential unit shall have at least one assigned parking space per unit at no cost to the residents. To assure sufficient total parking to accommodate guests and residents, at least 25% of the remaining



unassigned spaces shall be available for guests and prospective tenants. No more than 75% of the unassigned spaces could be offered to residents at an additional cost. Developer shall specify the number of spaces that will be assigned, or available to be assigned and unassigned (guests/tenants) as well as secured and unsecured bicycle parking stalls as part of the final *Parking Management Plan* to be submitted prior to issuance of building permits or final map approval, whichever occurs first.

- g. All residential guest shared parking areas shall be available on a 24-hr basis for residential guest parking use.
 - h. At least four spaces shall be reserved for use by prospective tenants and located as close to the proposed leasing office in Block A as possible.
 - i. All the prospective tenant parking spaces (at least 4) as well as a portion of the guest parking spaces (at least 4) shall be located outside the secure gated area to limit queuing of traffic on the street.
 - j. To address residential parking deficiency in Blocks A and B, the developer or future HOA shall provide Caltrain annual ridership passes for up to 20% of the residential units in Blocks A and B (i.e. up to 56 passes) that will be available to future tenants/residents at a substantially reduced rate. The tenants/residents shall not be required to pay more than 25% of the total annual cost of the Caltrain passes. In case Caltrain offers annual ridership tickets to residential complexes at a discounted rate in future, the Parking Management Plan shall be modified to include one annual Caltrain ridership pass for each residential unit provided by the developer or future HOA made available to the future tenant/resident at substantially discounted rates.
 - k. The developer or future HOA shall provide at least one annual ridership Eco-pass to each residential unit that would allow the holder to use VTA buses on an unlimited basis.
- G21. Parking spaces reserved for residential use shall be maintained so as to allow for vehicle parking at all times (e.g. they may not be used for storage of other materials or recreational vehicles).
- G22. From an operational standpoint, there shall be a mechanism designed to allow guests to enter the secure gated area (key card/access code entry) to have access to unassigned guest parking stalls located behind the security gate. Unassigned guest parking stalls located behind the gate shall be clearly marked with adequate signage provided to direct guests.
- G23. Compact spaces shall be clearly marked in order to discourage larger cars from parking in smaller spaces.
- G24. Parking lot striping and markings (e.g. compact, guest) shall be accurately and adequately maintained.
- G25. Require tenants to use their assigned parking spaces prior to using unassigned parking spaces.
- G26. Do not allow tenants to park RV's over 18' tall, trailer, or boats in assigned spaces.
- G27. Signs to direct vehicles to additional parking spaces on-site and off-site shall be installed at appropriate locations.



- G28. Adequate lighting shall be available in parking lot garages to keep them safe and desirable for use.
- G29. Provision of 18 open bicycle spaces (Class II) and 90 secured bicycle spaces (Class I) at a minimum per VTA standards; all spaces shall be available for guests and residents.
- G30. Bike lockers shall be of the most current VTA standard.
- G31. The property owner/s (including future condominium owners) shall be required to vote in favor of the downtown parking maintenance district assessment.

Site Plan Elements

- S1. General – A revised site plan is required to be submitted and approved by the Director of Community Development and Director of Public Works that shall include the following elements:
 - a. Service area requirements of the approved waste and recycling management plan with adequate access allowances for service vehicles and adequate space allotment for facilities.
 - b. The developer shall work with the Director of Public Works on the design of the entrances to the underground parking structures, and service bays, which may include raised grade (elevated to curb height) to assure safety for pedestrian circulation.
- S2. Residential Units (Blocks A and B)
 - a. There shall be at least one clubhouse per building, of at least 1000 square feet each (including full kitchen and bathrooms), to serve the two blocks of residential units, incorporated into the residential component of this project.
 - b. All residential units shall have private secured storage of a minimum of 300 cubic feet, per SMC.
 - c. Residential serving amenities (open space area, recreational amenities, private landscaping, outdoor seating) shall be incorporated into the residential component of this project in accordance with the approved site plans.
- S3. Block C and D
 - a. Block C adjacent to Plaza del Sol shall be designed with a retail component on the ground floor facing the Plaza as well as Frances Street.
 - b. Ground floor retail in Block C facing Frances Avenue shall be equal to or more than 75% of the frontage of the block facing Frances Street.
 - c. Preferred uses in the retail space facing Plaza Del Sol shall include restaurants, commercial retail or other similar retail/active use with designated and incidental outdoor uses such as a café. Establish a physical relationship between the Plaza and uses fronting the Plaza in Block C.
 - d. Access to the underground parking below Block C through the top level of the Plaza parking structure needs to be discussed with all parties involved. Structural, circulation and architectural details of the connection between the Plaza parking and Block C parking shall be



submitted along with Special Development Permit applications for Block C of the project.

- e. The applicant shall address issues related to the service alley located behind the “Kasik development” adjacent and to the north of Block D as part of the SDP application for Block D.

Landscape Plan Elements

- L1. Landscaping has been approved as shown on the landscape plans. Any modifications are subject to approval by the Director of Community Development.
- L2. Final landscape and irrigation plan shall be submitted for final review by Director of Community Development prior to applying for building permits.
- L3. All ornamental hardscape must use pavers, decorative concrete or other equivalent enhanced material, unless otherwise approved by the Director of Community Development.
- L4. News racks on private property shall be of the same design as the 100 Block of South Murphy Avenue Special News Rack District.
- L5. Incorporate California native trees and plants in the landscaping to be provided in the central courtyard areas.

Landscaping – Paving Details

- L6. All sidewalk paving colors, scoring patterns, and surface finishes for the private paved areas (smaller courtyards, pedestrian walkways, landscaped courtyards within each building, private walkways) are subject to approval by the Director of Community Development.

Streetscape Details

- SD1. Streetscape elements shall be designed in accordance with Downtown Streetscape Standard Details and Specifications of the City of Sunnyvale.
- SD2. Street trees shall be a minimum of 48-inch box trees or as determined appropriate of a smaller size by the City arborist. Final selection of street tree species shall be approved by the City arborist.
- SD3. Street trees on Washington Avenue shall be designed with infrastructure to include "twinkle lights."
- SD4. Backflow devices, water pipes, and other appurtenances (e.g. irrigation, standpipes, DCDAs) not placed underground are to include screening and covers as approved by the Director of Community Development and City Engineer. Covers should be black, metal mesh with rounded top covers (i.e. – “mailbox style”), or equivalent.
- SD5. Install root barrier and engineered soil per Downtown Streetscape Standard Details and Specifications, (Cornell University Structural Soil or equivalent subsurface soil mitigation measure approved by the Director of Public Works) for all trees placed in restricted areas (such as tree wells) to the approval of the Director of Community Development and the Director of Public Works. Utilities and adjacent paving should be designed to accommodate the trees and avoid direct conflicts.



- SD6. The following streets shall use the Downtown Streetscape Standard Details and Specifications for the sidewalk paving including sidewalk colors, scoring patterns, and surface finishes: Washington Ave, Taaffe Street, Capella Way, South Frances St. and Aries Way. The Community Development Director and City Engineer shall have final approval of the sidewalk design.
- SD7. Unless otherwise noted, minor deviations from the Downtown Streetscape Standard Details and Specifications may be approved by the Director of Community Development and City Engineer.
- SD8. Save as many of the large trees along Aries, Washington, Frances, Taaffe and Capella Way as possible. If large trees are lost, the developer shall be responsible for planting new trees and ground cover to the satisfaction of the Director of Public Works.
- SD9. If yellow truncated domes are proposed in the public right of way, these shall be changed to another approved product, to the review and approval of the Director of Community Development and Director of Public Works.
- SD10. The landscape and streetscape plans shall supersede any utility permits previously issued by the City of Sunnyvale or any other agency.
- SD11. Street benches are subject to review and approval of City Engineer to ensure that adequate room is available for pedestrian circulation along sidewalks.
- SD12. Per the Downtown Streetscape Standard Details and Specifications:
- a. All trees in tree wells require Cornell University Structural Soil or equivalent.
 - b. All Cornell University Structural Soil root zones shall be irrigated using inline drip irrigation.
 - c. All street trees shall have electrical connections installed at their base.
- SD13. Exterior Streets (Washington, Frances, Capella, Aries, Taaffe)
- a. Street light fixtures, tree spacing, street light spacing shall be designed in accordance with Downtown Streetscape Standard Details and shall be reviewed and approved by the City Engineer.
 - b. Sidewalk minimum widths shall be as follows:
 - Ten (10) feet along the east side of Aries Way
 - Ten (10) feet along the east and west side of Taaffe Street
 - Ten (10) feet along the west side of Frances Street (to the south of Capella)
 - Eight (8) feet along the west side of Frances Street (to the north of Capella)
 - Ten (10) feet along north side of Washington between Aries and Frances Street
 - Ten (10) feet along the south side of Capella Street
 - c. On-street parking lane minimum widths shall be as follows:
 - No on-street parking along the east side of Aries Way (north of Washington Ave.)
 - Seven and a half (7.5') feet along the east and west side of Taaffe Street



- Eight (8) feet wide along the west side of Frances to the north and south of Capella
- Eight (8) feet along the north side of Washington Avenue
- No on-street parking along Capella Street

d. Traffic lane minimum widths shall be as follows:

- Thirteen (13) feet along Aries Way
- Thirteen (13) feet along Taaffe Street
- Thirteen (13) feet along Frances Street (to the south of Capella)
- Fourteen (14) feet along Frances Street (to the north of Capella)
- Fifteen (15) feet along Washington Avenue
- Thirteen (13) feet along Capella Street

SD14. Install decorative crosswalks on Washington Avenue at Taaffe and Frances, on Frances Street at Washington and Capella, on Taaffe Street at Washington and on Aries Way at Washington subject to review and approval by City Engineer.

Architecture

- A1. For Blocks A and B, revised architectural drawings shall be submitted to Planning Commission for additional review and approval prior to issuance of building permits. The revised drawings shall incorporate architectural enhancements listed in Conditions A4 and A5 below.
- A2. Final architectural plan approval by the Planning Commission is required for Blocks C and D. The applicant shall submit separate SDP application/s as the mechanism for approval of the architectural plans for Blocks C and D.
- A3. The final exterior materials and color schemes of all buildings in the project are subject to the review and approval of the Director of Community Development prior to issuance of building permits. The final exterior materials and color schemes includes, but is not limited to, architectural details such as windows, canopies, awnings, cornice details, railings, arches, etc.
- A4. The proposed architecture for Blocks A and B shall be substantially enhanced to relieve the relatively flat and boxy forms and increase articulation. The proposed changes shall be in compliance with the Downtown Design Guidelines and development standards of the Downtown Specific Plan with special attention given to the areas listed below. A menu of options for architectural enhancements to the residential and townhome portions of the Capella project are provided below:

Residential frontage including townhomes:

- a. Add more articulation to the top floor units facing public streets.
- b. Add more depth to the projections and recesses in the wall planes facing public streets.
- c. Add projecting balconies or grilles across window openings to provide opportunities for potted plants and architectural detailing that would strengthen the residential feel of the individual units.



- d. Add further articulation to the townhome frontages to distinguish between each unit's frontage as well as add distinction between townhouse levels and upper levels, for example adding a strongly articulated base to each unit, adding an eave or similar feature that separates the townhome level from upper levels etc.
- e. Add a continuous band of a different material, such as stone, brick, or tile, at the base of Blocks A and B to articulate the frontage of the buildings facing Taaffe and Aries.
- f. Develop the elevations further with a mix of materials and details to add visual interest to the facades and to reduce the repetitive quality of the design.
- g. Incorporate metal louvers or a high quality, decorative grill feature that could also serve as artwork for the project to the two-story feature in front of the residential breezeway in Block A (facing Washington Ave.)
- h. Develop a unique corner rooftop feature to be located at the corners of the Blocks A and B at the intersection of Washington Avenue and Taaffe Street or alternatively at the corner of Frances/Washington and Aries/Washington. This element should serve as a memorable feature of the design and break up the top profile of the blocks.
- i. Visually strengthen the rooftop features (cornices, eaves, other overhangs) to create a more prominent top to the buildings. This may include enlarging the element, increasing its projection, or strengthening its detail as seen from the pedestrian level.

A5. The retail storefronts shall comply with the following conditions:

Retail frontage/Garage and service entrances:

- a. All individual storefront tenant improvements require approval of a Miscellaneous Plan Permit (MPP) prior to the issuance of a building permit.
- b. Individual storefront tenant improvements shall be designed within the rhythm and pattern of the Downtown buildings so that the regular storefronts will maintain regular intervals and so that large tenants will not create long, expansive storefronts.
- c. Exterior retail elevations shall include a clearly articulated base, middle and top with substantial use of clear glass on the frontage from ground to cornice level.
- d. All entrances to the underground parking structures and service entrances shall have exterior architectural treatments and decorative doors that create visual interest and minimize their appearances as parking structures.
- e. All ground floor retail levels throughout the project shall be a minimum of 18 feet high, in accordance with the Downtown Specific Plan.
- f. Exterior retail elevations shall use clear glass (continuous vision glass), of low reflectivity unless an exception is granted by the Director of Community Development. No exterior retail elevations shall have the storefronts obscured by opaque materials, product displays (i.e. back



side of display cases or shelving), or signage (temporary or permanent), unless the tenant space is vacant. This shall not prohibit showcase window displays.

- A6. The corner, projecting, three-story glass feature (e.g. located at the corner of Washington and Taaffe as well as other corners of the buildings) in both buildings shall be retained with floor to ceiling glass.
- A7. Front yard enclosures for townhome style units (walls, fences, hedges, etc.) shall be a maximum of three feet high unless otherwise approved by the Director of Community Development.
- A8. All building light shall be shielded to prevent glare onto adjacent residential properties.
- A9. All roof-mounted mechanical equipment screening for all buildings shall be architecturally significant or integrated into the building's architecture, and shall be subject to final approval by the Director of Community Development.
- A10. No window mounted air-conditioning units shall be permitted in the residential portion of the project.
- A11. **Architecture – Materials**
 - a. Visible roof material shall be of a high quality and durable materials such as various tiles, slates, or metal, as approved by the Director of Community Development.
 - b. In accordance with the DSP, the following materials are not permitted in this project: EIFS, composition roofing, glazed tiles (except as accents and on the base of buildings), mirrored glass, and foam trim (unless the material can be shown to be of a quality, appearance, and longevity equivalent to real wood, concrete, or stone).
 - c. All plaster or stucco materials must have a controlled surface texture that is subject to review and approval by the Director of Community Development, in accordance with the DSP.
 - d. Use a variety of high quality material treatments on the exterior facades to break up the expanse of stucco on the residential units at upper levels.
 - e. The finish of the “prefinished corrugated metal panels” shall not be reflective.
 - f. The scoring pattern shown on plastered walls shall be at least one inch in width and depth, unless otherwise approved by the Director of Community Development. Alternatively, the shadow effect of a recessed scoring pattern could be created using a brushed metal piece or a similar material inserted into the scoring.
 - g. The townhome level shall incorporate flat metal panels, corrugated metal panels and fiber cement boards or combination of similar materials to differentiate the townhome level from the residential condominiums above.
 - h. All fabric awnings shall be replaced every five years (minimum).



Green Building Elements/Sustainability

GB1. This project shall comply with the Green Building zoning standards applicable at the time of applying for building permits.

Development Fees

DF1. Traffic Impact Fee - Projects resulting in intensification of a use or increase in floor area are subject to a citywide traffic impact fee. The fee is calculated based upon the type of development/intensification proposed and the number of net new trips generated (SMC 3.50.050(c) & 3.50.060), and is based on the actual fee in place at the time of building permit issuance. The fee for Blocks A and B (at 2008-2009 rates) is estimated at \$269,520.12 million. Payment is due prior to issuance of a building permit for construction or expansion of any uses (excepting parking structures). The fee for Blocks C and D (at 2008-2009 rates) is estimated at \$91,613.79.

Public Improvements

All Public Improvements shall be included in the building permit plan submittal, and shall be completed prior to issuance of certificate of occupancy (either temporary or final occupancies) for any structure.

- P1. Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. Obtain an encroachment permit with insurance requirements for all public improvements.
- P2. Final approved public improvement plans shall be prepared on 24"x36", 4 mil mylars.
- P3. Record drawings (including street, sewer, water, storm drain, streetlight, traffic signal and interconnect, and off-site landscaping plans) shall be submitted to the City prior to occupancy release.
- P4. This project requires a minimum Type II slurry seal along the project frontage upon completion of each phased development, unless otherwise approved by the Director of Public Works. Additional pavement restoration may be required as deemed necessary by the Director of Public Works.
- P5. This project requires installation of curb ramps at locations specified by the City in accordance with California Building code, Title 24 and Americans with Disabilities Act (ADA) requirements.
- P6. This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
- P7. The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
- P8. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- P9. All lots/parcels shall be served by utilities, allowing each lot/parcel to function separately from one another.



- P10. 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.
- P11. All proposed on-site drainage and sanitary sewer systems shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
- P12. All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
- P13. This project requires a sanitary sewer flow report to identify the existing sewer load and the incremental impact of the sewer discharge as a result of the new development.
- P14. Install sanitary sewer service backflow valve as required by Building Division when the upstream manhole finished grade elevation is higher than the finished floor elevation where the fixture units exist.
- P15. No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.
- P16. Installation of new Radio Read meters will be required.
- P17. Metering of water utilities shall be per latest City Council policy 3.1.2.
- P18. The existing fire hydrant shall be upgraded to Clow-Rich 75. Install new double check detector assembly for fire services.
- P19. Fire service and domestic service shall be separate.
- P20. This project shall not cause any negative impact on the drainage pattern for adjacent properties. Provide adequate drainage modification on adjacent properties as needed with consent from adjacent property owners.
- P21. Adequate drainage/erosion control shall be provided at all times during each phase of the development.
- P22. A separate irrigation water meter with backflow prevention device shall be installed.
- P23. The fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc for a minimum of 4 feet.
- P24. All catch basins and storm drain inlet facilities shall be stenciled with the appropriate "No Dumping" message as supplied by the Public Works Department.
- P25. The final location of crosswalks and mid-block crosswalks are subject to the review and approval of the Director of Public Works and Community Development Director.

Tentative Map Requirements

- TM1. This tentative map approval is based upon project data shown on the plan dated February 17, 2009. The project data has been amended since that date and the total number of proposed residential condominium units has increased from 270 to 280 for Blocks A and B combined (tentative map has not been revised since February 2009). Any subsequent re-subdivision of any



lot shown on the tentative map with project data different from the ones shown on the plan dated February 17, 2009 (except for change in number of residential condominium units from 150 to 152 in Block A and from 120 to 128 in Block B for a total increase of 10 residential units), shall require application for a separate tentative map and recordation of another final or parcel map. Amendment of this tentative map may also be considered if project data change from the description above. The tentative map is for a total of 407 residential condominium units in addition to retail condominium units in the four blocks combined.

- TM2. This project is subject to, and contingent upon, the approval of a tentative map and recordation of a Final map prior to any permit issuance. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review during the final map process.
- TM3. The developer has indicated desire to file multiple Final Maps with one tentative map for phased development. All public improvements shall be completed with phase 1 development, unless otherwise approved by the Director of Public Works. All conditions for phase 1 development shall be completed prior to issuance of any permits for subsequent phase(s), unless otherwise approved by the Director of Public Works.
- TM4. Park Dedication In Lieu Fee - The Park Dedication In-Lieu Fee shall be paid in accordance with SMC 18.10. in the amount of \$9408.96 per housing unit for a total of \$3,829,446.72 for 407 housing units prior to approval of the Final Map. If final maps are recorded in phases, park dedication fees are due for all 407 units prior to approval of the first Final Map.
- TM5. The developer shall execute a Subdivision Agreement and post surety bond(s) and/or cash deposit(s) for all proposed public and/or private improvements prior to the first final map recordation and/or any permit issuance.
- TM6. 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 first final map recordation and/or any permit issuance, unless otherwise approved by the Director of Public Works.
- TM7. This project is subject to developer's submittal and City approval of a focused "Utility Impact Analysis" as required by the 2003 "Downtown Specific Plan Utilities Analysis Report" and a stormwater management plan for the DSP areas 1 and 1a, in particular, the updated water pressure zone, the incremental and cumulative sanitary sewer impact analysis, the storm runoff tributary area before and after the project, etc.. Sewer flow data may be required as needed. The utility improvements shown on the tentative map is subject to change for compliance of any mitigated measures as identified by the focused "Utility Impact Analysis".
- TM8. This project requires approval and/or permits from Santa Clara Valley Transportation Agency.
- TM9. This project is subject to dedication of easements as required by Downtown Specific Plan. (DSP), unless otherwise approved by the Director of Public Works and the Director of Community Development.



- TM10. Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map or prior to occupancy. Quitclaim Deed is required for abandonment of private easements. No permanent structures are allowed within any of the easement limits.
- TM11. This project shall take into consideration of adjacent developments, such as the Plaza Del Sol, the Sunnyvale Town Center, the Mozart buildings, the Murphy Street, the VTA transit station, the Mathilda Bridge, etc.
- TM12. A “NOTICE AND COVENANT RELATED TO PRIVATE CONSTRUCTION OVER PUBLIC EASEMENT” shall be recorded for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way or public utility easement, to the satisfaction of the Director of Public Works and the Director of Community Development. The subject Notice and Covenant shall be referenced in the CC&R’s.
- TM13. All utility companies shall be contacted to establish appropriate easements to provide services to each lot/parcel.

Transportation and Traffic

Unless otherwise noted, the following Transportation and Traffic conditions shall be satisfied prior to building permit issuance (except demolition, rough grading, excavation, foundations up to grade level, and utilities), or shown on the building permit plan submittal.

- TT1. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit. Improvements shall include but not be limited to:
 - a. Streetlights will require a separate *Street Lighting Plan* with new conduits, pullboxes, conductors, street light service cabinet and 120/240v or 120/208v PG&E service. A set of final approved plans (electronic copy) shall be submitted in AutoCAD 2010 format for Division of Transportation and Traffic Records.
 - b. Submit a signage and striping plan in accordance with the 2006 California Manual for Traffic Control Devices (MUTCD) for project area including Washington Avenue between Frances and Mathilda. It should be noted that all new pavement markings will be in thermoplastic.
 - c. Traffic control plan will be required for any and all work that may impact the public right of way. The Traffic Control Plan shall be submitted along with improvement plans.
- TT2. Street improvement plans:
 - a. Redlines shall be returned with the revised plan submittal, otherwise it will be considered an incomplete submittal.
 - b. Street Improvement Plans shall be submitted at 30%, 60%, 90%, and 100% for review. Additional reviews may be necessary based on Public Works review of plans and any issues that arise.
 - c. Electronic set of final approved plans shall be submitted in AutoCAD 2010 format for Division of Transportation and Traffic Records.



- TT3. Provide two perpendicular curb ramps at each intersection corner.
- TT4. A bicycle parking plan should be prepared showing types of parking devices and placement of bicycle parking and shall be approved by the Transportation and Traffic Manager.
- TT5. Streetscape elements shall explicitly reference the Santa Clara Valley Transportation Authority Community Design and Transportation Manual and Pedestrian Technical Guidelines. Provision of a list or write-up summarizing and confirming referencing of this guidance will facilitate review and approval.

Solid Waste

- SW1. Waste and Recycling Management Plan, prepared by a private consultant approved by the City with scope of work approved by the City, shall be submitted to the Director of Community Development prior to building permit issuance. The consultant shall:
 - a. Identify and plan for type and quantity of projected waste/recycling generation.
 - b. Design collection systems for operational efficiency & safety.
 - c. Integrate recycling and waste diversion systems into design.
 - d. Consolidate sites to reduce waste storage locations where possible.
 - e. Design to minimize visual and traffic impacts of collection vehicles and garbage/recycling facilities.
- SW2. Final architectural plan shall illustrate Waste and Recycling service bays in streetscape elevations, and reflect how issues with aesthetics will be mitigated. Per municipal code section 19.38.030, all waste and recycling service and storage areas shall be fully screened from public view, with all gates, doors, and lids kept closed at all times. Site will comply with requirements for Waste and Recycling Management per municipal code section 8.16 and other applicable code sections.
- SW3. Waste and Recycling and receiving/delivery areas must be designed and/or operated to not to be in conflict with each other.
- SW4. Integrate Recycling and Waste Diversion systems into facilities and tenant improvements.
- SW5. All Waste and Recycling services for all similar uses shall be maintained under master accounts held by the property management or owner's associations, except in the case of non-shared facilities or services (such as major department stores). The property management/owners will be responsible for ensuring adequate services and that all locations, sidewalks and streets are kept free of litter and stains. Requirements shall be specified in CC&Rs or other appropriate documents and be submitted for approval by the City.
- SW6. To mitigate the impacts of large projects on local waste disposal and recycling levels, construction weights/volumes, demolition waste weights/volumes, and recycling weights/volumes are to be reported to the City, per City's "Waste & Recycling Reporting Form" (electronic copy available) or a similar chart



approved by the City. As part of the project's demolition and construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report the Department of Public Works, Solid Waste Division both periodically and at project completion.

SW7. Service area requirements of the approved waste and recycling management plan shall be provided with adequate access allowances for service vehicles and adequate space allotment for facilities, based on the approved Waste and Recycling Management Plan specifications.

Art in Private Development

ART1. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code 19.52 for art approval, installation and maintenance

ART2. 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.

ART3. The artwork may be free-standing works or can be integrated into the architecture.

ART4. Provide publicly visible artwork along Washington Avenue.

Below Market Rate Program

BMR1. The project will provide (15%) of the total housing units (42 units) as Below Market Rate rental units in compliance with SMC 19.66.

- a. Prior to issuance of a building permit, the developer shall execute a BMR Developer Agreement with the City to establish the units.
- b. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c)).
- c. If the rental units are converted to ownership units, the sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c)).
- d. Below Market Rate dwelling units shall be offered for sale/rent only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines (BMR Ownership Program).
- e. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- f. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines).



- g. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines).
- h. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140).
- i. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines).

Public Safety

- PS1. Fire apparatus roads that serve buildings that are four or more stories in height, or 50 feet or greater in height, shall have an unobstructed width of 26 feet (16.52.180 SMC).
- PS2. A “pre-fire survey” shall be provided by the applicant to the Public Safety Department in both hard copy and electronic format. The survey must be completed using the “Visio” computer aided design software program. The specific items to include on the pre-fire survey can be provided by the Fire Prevention Unit of the Public Safety Department. This document must be delivered to the Fire Prevention Unit two months before new areas of the site are open to the public.
- PS3. Water supply for fire protection and fire fighting shall be approved by the Department of Public Safety prior to the issuance of a building permit for new construction.
- PS4. Knox Box system (key switch) shall be provided. The box shall be located in accordance with the Fire Prevention Bureau requirements.
- PS5. Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems. (UFC 8704)
- PS6. Provide a written Fire Protection Construction Plan. (Refer to Unidocs.org Fire Prevention documents).
- PS7. Provide locations of existing City fire hydrants. and specify any potential locations for onsite fire hydrants per SMC.
- PS8. Trash enclosures, within 5 feet of building exterior walls or overhangs require fire sprinkler protection (CFC).
- PS9. Permittee shall consult with Crime Prevention Division at the Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a building permit. Permittee shall incorporate features recommended by crime prevention or explain why the features cannot be incorporated, subject to review and approval by the Director of Community Development.

CC&Rs (CONDITIONS, COVENANTS AND RESTRICTIONS)

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision



are subject to review by the Director of Community Development and the City Attorney.

- CCR1. The property owner/future Homeowner's Association shall be responsible for enforcement of all provisions of the CC&Rs and enforcement of the project requirements listed in these Conditions of Approval.
- CCR2. The property owner/future Homeowner's Association shall be responsible for implementation and enforcement of the *Parking Management Plan*.
- CCR3. These Conditions of Approval shall be included as an attachment into the Final CC&R document.
- a. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&Rs shall include the following provisions:
- i) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
 - ii) The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&Rs pertaining to or specifying the City.
 - iii) The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
 - iv) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
 - v) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management.
 - vi) The Homeowners Association shall maintain park strip landscaping in perpetuity along the public street fronting the project site.
 - vii) All property owners and residents shall be provided the most recently updated CC&R's (including the Conditions of Approval and any amendments therein) of the project at any given time.
 - viii) The Conditions of Approval of this Special Development Permit and Tentative Map (2008-0399), and any subsequent amendments shall be incorporated into the CC&Rs as an exhibit or attachment.
 - ix) The CC&Rs shall contain the following language:
 - x) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby



impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.

- b. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
- c. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- d. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- e. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- f. Third-Party Beneficiary: The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
- g. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval



of the Development of the subject Property.”

- h. The Homeowners Association shall be required to maintain and keep up to date transit information and rideshare information for display in an on site kiosk. The display shall include current VTA transit map, Caltrain station map, contact information websites and phone number for Caltrain, VTA, www.511.org, etc.

Construction Mitigation

- CM1. Permittee shall prepare a detailed construction phasing and mitigation plan for the subject project; the plan shall be subject to review and approval by the Director of Community Development with input from Public Safety and Public Works Departments, to include at a minimum the number of parking spaces available at any one time, location of construction activities and routes of construction vehicles, public safety and protection measures. Plan shall include measures to protect downtown businesses and residents from construction related impacts and include measures to assure compliance and accountability.
- CM2. If multiple general contractors are utilized for development of this project, construction mitigation shall be coordinated amongst the contractors.
- CM3. Any residual materials and/or contaminated soil shall be handled cautiously during construction or construction related activities.



Mitigation Monitoring Program Compliance **(project specific)**

The following Mitigation Measures are taken from the 2003 Downtown Sunnyvale EIR as well as from the project specific Mitigated Negative Declaration prepared for the project (MND dated May 2009). They are restated in the project conditions of approval for reference only. The developer will comply with all Mitigation Measures listed below.

Mitigated Negative Declaration Mitigations

EM1. What and Where: Noise impacts to the residential units resulting from street traffic and close proximity to the Caltrain station.

How:

1. Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB inside the residential units in Blocks A and B. The exterior wall design is assumed to be a standard three-coat stucco application applied over 5/8-inch thick gypsum board, an insulated 2X4 stud, and a single layer of 5/8 inch gypsum board on the interior.
2. Sound rated windows of STC rating 33 are required for all units facing Frances Way.
3. Sound rated windows of STC rating 31 are required for all residential units facing Washington Avenue.
4. Sound rated windows of STC rating 33 are required for all residential units facing Frances Way.
5. Sound rated windows of STC rating 33 are required for all corner residential units facing Washington Avenue.
6. Sound rated windows of STC rating 36 are required for all corner residential units facing Frances Way.
7. Standard dual glazed windows are required for all residential units facing Aries and Capella Way.
8. Dual pane windows with identical internal and external glazing should not be used in higher noise areas.
9. Since all windows and doors are required to be in “closed position” to achieve an interior dbA of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space. These aspects of the project should be reviewed by a mechanical engineer.

When: Prior to issuance of building permit for new construction, plans shall be submitted for review and approval that include the above measures and other conditions of approval.

Who: The property owner will be solely responsible for obtaining permits. The City will require this to be indicated on the building permit plans prior to issuance and will verify installation and performance during building permit



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

EM2. What and Where: The project requires significant grading of the site, including demolition and removal of the existing buildings and construction of underground parking structures. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality.

How:

1. The mitigation measures included in the Program EIR shall be implemented to reduce impacts to a less than significant level.
2. Permits must be obtained from the City of Sunnyvale, Bay Area Air Quality Management District prior to demolition or start of new construction.

When: Permits are required prior to the start of any demolition or construction on site.

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

Program EIR Mitigation Monitoring Program Requirements

EM3. **Aesthetic Impact 5-2** *Light and Glare Buildings Exceeding 50 feet in height*
Exterior building illumination above 50 feet in height has potential impacts of light trespass on nearby properties. The project contains residential buildings along Washington Avenue that exceed 50 feet height.

Requirement: Exterior illumination of architectural features along the Washington Avenue buildings above the third floor after 10:00 PM is prohibited. In addition, a detailed lighting plan is a condition of approval of the project that will ensure "soft" lighting of architectural features, appropriate signage locations and illumination to further ensure mitigation of potential light trespass. Compliance with SMC 19.42.050 and enforcement of these restrictions and design conditions will result in less than significant impact.

EM4. **Transportation Impact 7-4** *Cumulative Intersection level of service*
Improvements to intersections reviewed for Impact 7.4 of the EIR for cumulative traffic impacts for the year 2020 conditions.

Requirement: Proportional share of intersection improvements within the City of Sunnyvale is addressed by payment of the Citywide Transportation Impact Fee. The impact fee is based upon net new peak hour trips created from the commercial, office, and housing uses within Block 1a, and is to be collected at the rate as established by ordinance at the time of issuance for a building permit for the construction of each building. Payment of required impact fees will address fair share impacts of the proposed project and result in a less than significant impact.

EM5. **Noise Impact 9-1** *New Development Exposure to Excessive Env. Noise*



The EIR identifies that the subject site may be exposed to levels of noise that would exceed interior noise levels established in the Noise Element. The subject site is located within outdoor noise contours of 60 Ldn or greater from the roadway noise and the Moffett Field Airport Approach.

Requirements: Although standard construction techniques minimize exposure to noise in compliance with California Administrative Code Title 24, an acoustical analysis shall be performed for the purpose of analyzing effects of exposure to continuous roadway noise sources and instantaneous noise levels related to aircraft as related to the design and construction techniques of the project. The analysis shall include recommendations for changes to the design and construction of the project to ensure feasible conformance with noise thresholds. Prior to submission of plans for a building permit for construction of a building, the analysis shall be submitted for review and approval the Director of Community Development. The approved analysis and mitigations, if any, shall be incorporated in the building design plans at the time submittal to the city. Adherence to the findings of the acoustical analysis will result in a less than significant impact.

EM6. Noise Impact 9-2 Temporary Construction Noise

Project related construction activities including, demolition, grading, and building may expose adjacent sensitive uses to noise level that may interfere with normal activities.

Requirement: To address project related temporary noise the following performance conditions shall be adhered to per Mitigation 9-2 of the EIR as required per the final approved construction mitigation plan.

1. Erect standard plywood construction barriers (minimum height eight feet) around the construction sites to shield adjacent commercial and distant residential receptors. Barriers shall be painted and kept in good repair and free of graffiti.
2. Equip all internal combustion engine driven equipment with mufflers which are in good condition and appropriate for the equipment; utilize "quiet" air compressors and other stationery noise sources where technology exists.
3. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
4. Route all construction traffic to and from the project site via Mathilda Avenue and McKinley Avenue entrance, with Washington Avenue as secondary access. Prohibit heavy construction related truck traffic on residential streets.
5. Schedule construction activities to have the least impact on nearby receptors. Noise inducing activities are restricted to 7:00AM to 8:00 PM Monday – Friday, 8:00AM to 5:00PM Saturday, and no activity on Sunday. The construction lunch break should coincide with the prime lunch hours of the restaurants and other adjacent commercial land uses to enable peaceful use of outdoor dining facilities or services by patrons of local commercial businesses.
6. If pile driving occurs, expedite the pile driving schedule through the use of two or three pile drivers at once to reduce the amount of time taken to drive piles for a foundation. Reducing the duration of this



construction activity can significantly minimize the impact to adjacent land uses.

7. Evaluate noise control treatment for pile drivers. It is possible to shroud pile drivers and reduce the amount of noise emitted by 10 dBA or more.
8. Pre-drill holes for piles. A technique that has been found effective in reducing the number of blows to seat a pile is to pre-drill the holes so that only a few blows are required to seat each pile. This would reduce the amount of pile driving noise exposure.
9. (blank)
10. Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of the above mitigations measures will reduce the potential impact to less than significant.

EM7. Air Quality 10-1 Construction Impacts

Dust from associated construction activities may affect air quality.

Requirement: Adhere to the following operational conditions for Mitigation 10-1.

1. Water all active construction areas at least twice daily.
2. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
3. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
4. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
5. Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
6. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
7. Limit traffic speeds on unpaved roads to 15 miles per hour.

In addition, require the following practices during demolition:

8. Use dust-proof chutes whenever possible for loading construction debris onto trucks.
9. Use continuous watering to control dust penetration during demolition of the structure and break-up of pavement.
10. Cover all trucks hauling debris from the site.



Implementation of the above mitigation measures will reduce impacts to a level of less than significant.

EM8. **Air Quality 10-2** *Regional Long Term Impacts*

Long term air quality impacts are related to regional transportation emission impacts. Complete mitigation was not considered feasible and is a significant and unavoidable impact. Partial mitigation can be provided for in terms of design techniques, site improvements, and operational procedures.

Requirements: To address the primary impact of Peak Hour trip generation and associated congestion a Transportation Demand Management Program (TDM) is required. The TDM shall address potential trip reduction practices for all uses within the development. Provisions for off-peak shift changes, subsidized transit passes, information kiosks for employees and customers shall be analyzed for feasibility. Specifically the plan shall account for a 15% peak hour trip reduction goal for the office component or a 10% total peak hour trip reduction for all uses (commercial, housing, and office) within the project. The TDM shall include an annual monitoring program and a penalty system for lack of achievement. The TDM shall be submitted for review and approval by the Director of Community Development Department prior to the issuance of the final building permit. The TDM is required to be implemented in accordance with the Director of Community Development Department approval, but at a minimum shall require implementation upon occupancy of 20% of the office space entitlement for the project. Compliance with TDM provisions shall be incorporated into lease agreements for office tenants. Incorporation of the TDM measures will potentially reduce project impacts but the impact shall remain significant and unavoidable as identified in the certified Program EIR.

EM9. **Water Quality Impact 11-1** *Urban Runoff*

Construction and Operation pollution of stormwater runoff from on-site uses, as well as the rate of flow into the storm drainage system, may have an impact on facility capacity and downstream degradation of San Francisco Bay receiving waters.

Requirement:

1. Obtain a permit from the Regional Board for water quality and include a "Blue Print for Clean Bay" with adequate BMPs as part of the plan submittal for demolition permit and a separate plan as part of the plan submittal for the first building permit.
2. Operation runoff impacts of the uses of the site shall be addressed in certified Storm Water Management Plan that is to address, pollutant sources, volume of flow, and on going maintenance. The Storm Water Management Plan be developed in accordance with the draft Storm Water



Management Plan provisions and the requirement of SMC 12.60. Third party certification of the plan is required prior to its approval by the City.

Implementation of both mitigation measures BMP will result in a less than significant impact.

EM10. **Geology and Soils Impact 12-1** *Expansive Soils*

Project improvement may be affected by damage from expansive soils, ground water, or settlement of soils.

Requirement: Consistent with standard City practices, a geologic report shall be submitted for review and approval to the Director of Community Development. Prior to submittal for a grading or site improvement related building permit, the geologic report shall be submitted for review and approval. Implementation of the reports findings will result in a less than significant impact.

EM11. **Cultural Resources 15-1** *Disturbance of an Archaeological Resources*

Staff has no evidence of archaeological resources being located on-site within the proposed area of construction area. As a precautionary measure, standard city procedures address the potential unearthing of discovered sensitive resources.

Requirement: If evidence of prehistoric or historic artifacts or remains is uncovered during the course of excavation or grading for the project, grading activity in the immediate area shall cease and a qualified archaeologist shall be contacted so that appropriate mitigation programs can be developed. Implementation of this mitigation measure will reduce the potential impact to archaeological resources to a less-than-significant level.

EM12. **Cultural Resources 15-2** *Degrade existing Historic Resources*

No historic resources are anticipated to be affected by the proposed project. No additional mitigation is required.



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

ATTACHMENT C
Page 1 of 21

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 Tentative Map and Special Development Permit filed by Sand Hill Property Company.

PROJECT DESCRIPTION AND LOCATION (APN):

2008-0399 - Sand Hill Property Company [Applicant] Downtown Sunnyvale North LLC [Owner]
Located at 401 Town & Country (APN: 209-07-014) Application for related proposals:

- **Special Development Permit** to allow a mixed-use development comprising two buildings in Blocks A and B of the 'Town and Country' project area (located between Capella and W. Washington Ave.) with 280 residential units and approximately 35,000 square feet of retail/commercial uses and preliminary approval of up to 13,378 square feet retail and 127 dwelling units in Blocks C and D.
- **Tentative Map** subdivide a 4.61-acre of land, bordered by Aries Way, Washington Avenue, Frances Street and approximately 150 feet north of the center line of Capella Way, into 4 lots for condominium purposes for a maximum of 407 residential units and retail uses.

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, June 22, 2009**. 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:

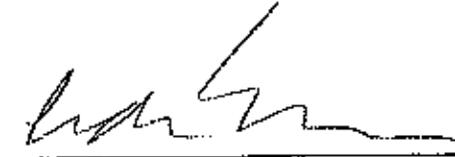
A public hearing on the project is scheduled for:

Monday June 22, 2009 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 June 1, 2009

Signed: 
Andrew Miner, Principal Planner

Environmental Checklist Form

Project Number: 2008-0199 ²¹Project Address: 401 Town and Country
Applicant: Sand Hill Property Company

Project Title	Application for a Tentative Map to subdivide a 4.61-acre of land into 4 lots for condominium purposes for a maximum of 407 residential units and retail uses and a Special Development Permit to allow a mixed-use development comprising two buildings in Blocks A and B of the 'Town and Country Village' project area (located between Capella and W. Washington Ave.) with 280 residential units and approximately 35,000 sq. ft. of retail/commercial uses and preliminary approval of up to 13,378 sq. ft. of retail and 127 dwelling units in Blocks C and D.
Lead Agency Name and Address	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707
Contact Person	Surachita Bose, Associate Planner
Phone Number	408-730-7443
Project Location	Town and Country Village site, Downtown Sunnyvale
Project Sponsor's Name	Sand Hill Property Company
Address	489 South El Camino Real, San Mateo, CA 94402
Zoning	DSP-1a
General Plan	Downtown Specific Plan (DSP)
Other Public Agencies whose approval is required	Bay Area Air Quality Management District

Description of the Project: The project consists of a Tentative Map to create four lots for condominium purposes for a maximum of 407 residential units (A, B, C and D) and a Special Development Permit application to allow the construction of 280 condominium units and approximately 35,000 sq. ft. of retail in Blocks A and B of the Town and Country Village site and conceptual approval for Block C design.

The subject property is mostly empty at this time. The only remaining building within the project area are: an empty building and parking lot facing Capella Way located behind the Kasik property (which includes the Post Office) and another empty building at the corner of Frances Street and Washington Avenue. These remaining structures are proposed to be demolished in the near

Environmental Checklist FormProject Address: 401 Town and Country
Applicant: Sand Hill Property Company

future. The applicant on record for this permit is Downtown Sunnyvale North LLC and the developer is Sand Hill Property Company. The proposed development is being referred to as the 'Capella project'. Although the TM application is for all four development sites proposed for the project, the SDP application includes specific proposals for the two blocks facing Washington Avenue, i.e. Blocks A and B and a conceptual design for Block C. Separate SDP applications will be submitted for the design of Blocks C and D facing Capella Way. No plans have been submitted for Block D at this time.

Surrounding Uses and Setting: The Town and Country Village site is located immediately adjacent to the Caltrain station at Evelyn Avenue and Plaza del Sol to its north. To the east of the project site are the three Mozart buildings with the Frances Street parking lot located along the west side. The Town Center project is currently under construction to the south of the subject property across Washington Avenue.

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:

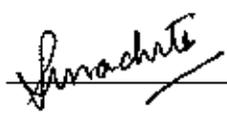
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Surachita Bose
Printed Name

Date : May 29, 2009
City of Sunnyvale
For (Lead Agency)

Environmental Checklist Form

Project Number: 2008-0399
 Project Address: 401 Town and Country
 Applicant: Sand Hill Property Company

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 94
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Disc.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	See Disc.
2. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 94, 100, 111
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 94, 100, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 96, 97, 100, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Disc.
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

Environmental Checklist Form

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10, 42, 60, 61, 94, 111
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

Environmental Checklist Form

ATTACHMENT **C**

Project Number: 2006-0889
 Project Address: 401 **B**ryn and Country
 Applicant: Sand Hill Property Company **21**

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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"/>	2, 11, 12, 28
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Disc.
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 16, 26, 94, 111, 112
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 16, 26, 94, 111, 112
d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 16, 26, 94, 111, 112
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 checked="" type="checkbox"/>	<input type="checkbox"/>	2, 94

Environmental Checklist Form

ATTACHMENT C
21

Project Number: 008-0399
 Project Address: 461 Town and Country
 Applicant: Sand Hill Property Company

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 checked="" type="checkbox"/>	<input type="checkbox"/>	2, 111, 112
e. Other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112
10. MANDATORY FINDINGS OF SIGNIFICANCE					
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 10, 26, 42, 59, 60, 61, 111, 112

Environmental Checklist Form

Project Number: 2008-0389
 Project Address: 401 Town and Country
 Applicant: Sand Hill Property Company

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 checked="" type="checkbox"/>	<input 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-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	"
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	"
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"
b. Result in substantial soil erosion or the loss of topsoil?					"
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	"

Environmental Checklist Form

Project Number: 2008-0399
 Project Address: 401 Town and Country
 Applicant: Sand Hill Property Company

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

Environmental Checklist Form

Project Number: 2008-030
 Project Address: 401 Town and Country
 Applicant: Sand Hill Property Company

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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"/>	2, 12, 75-77, 111, 112
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 12, 71, 75-77, 80, 84, 111, 112
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111, 112, 113
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"/>	78
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	37
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 materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
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

Environmental Checklist Form

ATTACHMENT C

Project Number: 2008-0399

Project Address: 401 ~~Town and Country~~ ¹¹⁵

Applicant: Sand Hill Property Company

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	2, 18, 111, 112
16. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 of surface runoff in a manner which would result in flooding on- or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112
e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24, 25, 111, 112

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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 Downtown Specific Plan contains very specific Design Guidelines in both textual and diagrammatic form. The level of detail is precise for many guidelines (e.g. colors, exterior glazing, forms, landscape, materials and art features) and is most appropriately utilized for review of final building details. The City's implementation of the Downtown Specific Plan's 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. As a result, the impacts will be less than significant.

7. Noise (c) The project will introduce additional sources of noise to the project area both during construction and as an operational aspect of the 280 additional housing units and 35,000 sq. ft. of retail/commercial establishments. The subject project proposes an overall increase in the total number of residential units and commercial uses on site. Through the City's implementation of the Downtown Specific Plan, Program EIR noise mitigation measures for DSP properties and Municipal Code noise regulations, this impact will be lessened to a less than significant level both during construction and post-construction operation.

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

8. Population and Housing (a) The project will add 280 new residential units and 35,000 sq. ft. of retail to the project site. The previous Town and Country Village site had approximately 89,000

sq. ft. of retail and no residential units. The subject project proposes an overall increase in the total number of residential units. Although the total square footage of commercial uses will be significantly reduced, there will continue to be substantial commercial activity on the redeveloped site. The project's impact will be a beneficial impact to the overall City's jobs/housing balance. As a result, this positive aspect of the project is a less than significant impact.

9. Public Services (d) The project will generate an increase in the use of existing park facilities, but this impact is less than significant because the project will comply with the City's Park Dedication fee requirement, which includes a fee of \$9,408.96 per unit. The project will generate \$3,829,446.72 (for all 407 housing units in Blocks A, B, C and D) in Park dedication fees for the Citywide acquisition and improvement of park facilities to offset this potential increased use.

10. Mandatory Findings of Significance (b) The project will provide additional housing units for the City's Housing stock and has cumulative incremental effects, but these effects are not significant based on applicable environmental thresholds, existing facility and system capacities, and/or adopted service levels.

11. Geology and Soils (a)(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 areas with potential for seismic activity, this aspect of the project will be reduced to a less than significant level.

13. Transportation and Traffic (a) Since the project is located with the DSP area, increases in traffic resulting from the project have been factored into the General Plan for the area. The number of residential units and square footage of retail proposed does not exceed the density planned for Block 1a of downtown. Overall, the project will not have any unanticipated negative impacts as far as traffic is concerned.

13. Transportation and Traffic (b) The proposed project will not have a significant impact on transportation or traffic because the density of the proposed project (407 units on 3.83 acres) is within the threshold the adopted maximum density for the project site as noted in the Downtown Specific Plan and the General Plan.

13. Transportation and Traffic (f) Parking is provided for the residential component of the project in structured parking garages (one level at grade, one level above and one below grade). The commercial portion of the buildings will be served by parking spaces within the parking district. No separate on-site parking is being provided to serve the commercial portion of the development. As proposed, there would be approximately a 5% deficiency in parking (if tandem stalls are counted) in the residential portion of the project. To address the parking deficiency issue, the applicant has submitted a *Parking Management Plan (PMP)* with the following features; designated parking reserved for car-share programs, car-charging stations etc.; complimentary "eco-passes" and transit passes for each residential unit, free bike parking for residents and guests, informational kiosk with details of transit service/rideshare opportunities; and flexibility in the PMP plans and programs to allow for substitutions in the future with other auto use reduction measures subject to review and approval by the Director of Community Development. Staff has included several conditions of approval to minimize negative impacts resulting from parking needs of residents and guests and to maximize the use of public transit systems available in close

proximity to the project. Additionally,, the retail component of the project will have access to the public parking spaces available throughout the downtown area.

14. Hazards and Hazardous Materials (d) The project shall be conditioned to require mitigation to address environmental conditions and/or contamination on site, if any. Action on the required mitigation measures, if any, will have to be completed by the developer prior to applying for building permits.

15. Recreation (a) The project will generate an increase in the use of existing park facilities, but this impact is less than significant because the project will comply with the City's Park Dedication Fee requirement, which includes a fee of \$9,408.96 per unit. The project will generate \$3,829,446.72 (for all 407 housing units in Blocks A, B, C and D) in Park dedication fees for the Citywide acquisition and improvement of park facilities to offset this potential increased use.

15. Recreation (b) See note for 15(a)

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

1. Aesthetics (d) The Program EIR for DSP addressed impacts of exterior night-time illumination features on tall buildings; the Mitigation Monitoring Program of the EIR included specific mitigation measures for reducing impacts of light and glare resulting from new developments with a height of five-six stories. In accordance with these mitigation measures, staff has included conditions of approval prohibiting exterior illumination of any building element greater than 50 feet in height after 10:00 p.m. every day. Moreover, conditions have been included requiring exterior illumination features to be equipped with shields of special lenses to prevent glare or direct illumination on public streets or adjoining properties. As a result, the impacts will be less than significant.

The following mitigation measures are proposed:

WHAT: Permits must be obtained from the City of Sunnyvale, prior to new construction that will include details of exterior illumination features.

WHEN: These permits are required prior to any construction on site.

WHO: The property owner will be solely responsible for obtaining permits.

HOW: These mitigation measures will be required to be completed prior to building permit issuance.

2. Air Quality (d) The project requires significant grading of the site, including demolition and removal of the existing buildings and construction of an underground parking structures. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. There are existing residential units to north of the subject property along Aries Avenue where children and seniors likely reside. This population could be negatively affected by the change in

air quality, if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction.

The following mitigation measures are proposed:

WHAT: Permits must be obtained from the City of Sunnyvale, Bay Area Air Quality prior to demolition or new construction.

WHEN: These permits are required prior to any demolition or construction on site.

WHO: The property owner will be solely responsible for obtaining permits

HOW: These mitigation measures will be required to be completed prior to building permit issuance.

7. Noise (a and b) The project may introduce short-term and temporarily additional sources of noise to the project area during construction. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction. Additionally, the subject site is located adjacent to office buildings, restaurants and retail establishments within the downtown area. There will also be traffic noise impacts (train and vehicular) resulting from the proximity of the subject property to a Caltrain station which is also a "bullet stop".

The applicant submitted a noise study prepared by Charles M Salter Associates analyzing the existing exterior noise levels at the site, both short term and long term, over a period of 48-hours, between 12th and 15th of January 2009. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

When determining is noise generated from adjacent streets and surrounding uses is at acceptable levels for a project, the Noise Sub-Element of the General Plan is typically applied to projects. The Sub-Element requires noise exposure levels between 60 and 75 dbA are "Conditionally Acceptable" subject to an analysis of the necessary noise reduction requirements and, if necessary inclusion of the required noise-mitigation features in the design. The mitigation measures must be capable of reducing the interior noise levels due to exterior sources to 45 db or less.

As discussed in the report, the average DBA of noise measured at different locations around Blocks A and B of the project ranged between 63-66 dbA, including both short-term and long-term measurements. From the compiled data of single-event noise, the Lmax30 was measured at 75 dbA along S Frances Street and Capella Way. These noise levels were used to determine the mitigation to meet the City's maximum noise goals. Based on acoustical measurements, the future noise levels at the proposed setback of the homes would range from DNL 64 dbA to 70 dbA. Residences facing S Frances Avenue and W Washington Avenue are exposed to the highest noise levels, DNL 70 dbA. Residences along Capella Way and Aries Way would be exposed to 64 dbA. All of these measured noise levels would be considered "conditionally

acceptable" per the City's Noise Element. Therefore noise-reducing measures would be required to comply with City's noise standards.

This could be accomplished through the following mitigation measures:

WHAT: 1) Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB inside the residential units in Blocks A and B. Specifics of the sound rating of windows by location have been provided in the noise consultant's report and these have been included as conditions of approval on the project. Sound rated windows of high quality (with STC rating of 31-36) would be required all along the Washington and Frances Avenue frontages.

2) Standard dual glazed windows would be acceptable at other locations in Blocks A and B.

3) Dual pane windows with identical internal and external glazing should not be used in higher noise areas.

4) Since all windows and doors are required to be shut to achieve a dbA of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space.

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

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

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

Surachita Bose
Completed By

May 29, 2009

Date

Environmental Checklist Form

Project Number: 2008-0399
Project Address: 401 Town and Country
Applicant: Sand Hill Property Company

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

City of Sunnyvale Municipal Code:

- 26. Chapter 10
- 27. Zoning Map
- 28. Chapter 19.42. Operating Standards
- 29. Chapter 19.28. Downtown Specific Plan District
- 30. Chapter 19.18. Residential Zoning Districts
- 31. Chapter 19.20. Commercial Zoning Districts
- 32. Chapter 19.22. Industrial Zoning Districts
- 33. Chapter 19.24. Office Zoning Districts
- 34. Chapter 19.26. Combining Zoning Districts
- 35. Chapter 19.28. Downtown Specific Plan
- 36. Chapter 19.46. Off-Street Parking & Loading
- 37. Chapter 19.58. Solar Access
- 38. Chapter 19.66. Affordable Housing
- 39. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
- 40. Chapter 19.94. Tree Preservation
- 41. 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. Fasman 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. Caribboan-Moffett Park Environmental Impact Report
- 54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

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

Lists/Inventories

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

Legislation/Acts/Bills/Codes

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

Transportation

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

Environmental Checklist Form

ATTACHMENT C

Project Number: 2008-0399

Project Address: 401 Townsend Country 21 21

Applicant: Sand Hill Property Company

- 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 in 1985?

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

Building Safety

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

Additional References

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

CAPELLA MIXED USE DEVELOPMENT

SUNNYVALE, CALIFORNIA

DOWNTOWN SUNNYVALE NORTH, LLC

SPECIAL DEVELOPMENT PERMIT - 02/13/2009

PROJECT TEAM:

OWNER:
 DOWNTOWN SUNNYVALE NORTH, LLC
 SAND HILL PROPERTY COMPANY
 480 SOUTH EL CAMINO REAL
 SAN MATEO, CALIFORNIA 94402
 CONTACT: KELLY SNIDER
 TEL: 408.725.7630

PREP:
 101 CALIFORNIA STREET, SUITE 2600
 SAN FRANCISCO, CALIFORNIA 94111-6836
 CONTACT: CATHERINE MENDR
 TEL: 415.282.7716 FAX: 415.586.6247

**ARCHITECT/
 PLANNER:**
 STEINBERG ARCHITECTS
 80 PIERCE AVE.
 SAN JOSE, CA 95110
 CONTACT: JENNIS COOK
 TEL: 408.295.4446 FAX: 408.295.4928

**CIVIL
 ENGINEER:**
 KERR & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.
 3350 SCOTT BLVD, SUITE 22
 SANTA CLARA, CALIFORNIA 95054
 CONTACT: BARRY SCHMITZ, GLEN AOKYAMA
 TEL: 408.727.6665 FAX: 408.727.5641

**LANDSCAPE
 ARCHITECT:**
 T+L GUZZARDO PARTNERSH P, INC.
 236 MONTGOMERY STREET
 SAN FRANCISCO, CALIFORNIA 94133
 CONTACT: GARY LAYMON
 TEL: 415.432.4672 FAX: 415.423.6002

**CODE
 CONSULTANT:**
 SCHOMER ENGINEERING
 1850 GATEWAY BOULEVARD, SUITE 1030
 SAN CARLOS, CALIFORNIA 94520
 CONTACT: THOMAS DUSZA
 TEL: 925.927.5858 FAX: 925.927.8397

INDEX OF DRAWINGS

T1.0 TITLE SHEET
 T2.0 PROJECT LOCATION, SUMMARY, AND CONDITIONS OF APPROVAL
 T2.5 NEIGHBORHOOD CONTEXT IMAGES
 T3.0 CODE ANALYSIS
 T4.0 PODIUM LEVEL EXISTING PLAN

C1.0 TOPOGRAPHIC SURVEY
 C2.0 STREET LAYOUT PLAN
 C3.0 PUBLIC UTILITY RELOCATION PLAN
 C4.0 STORM WATER CONTROL PLAN
 C5.0 FIRE TRUCK TURNING STUDY
 C5.1 GARBAGE TRUCK TURNING STUDY

S1.0 CONCEPTUAL MASTER PLAN
 S2.0 ARCHITECTURAL SITE PLAN

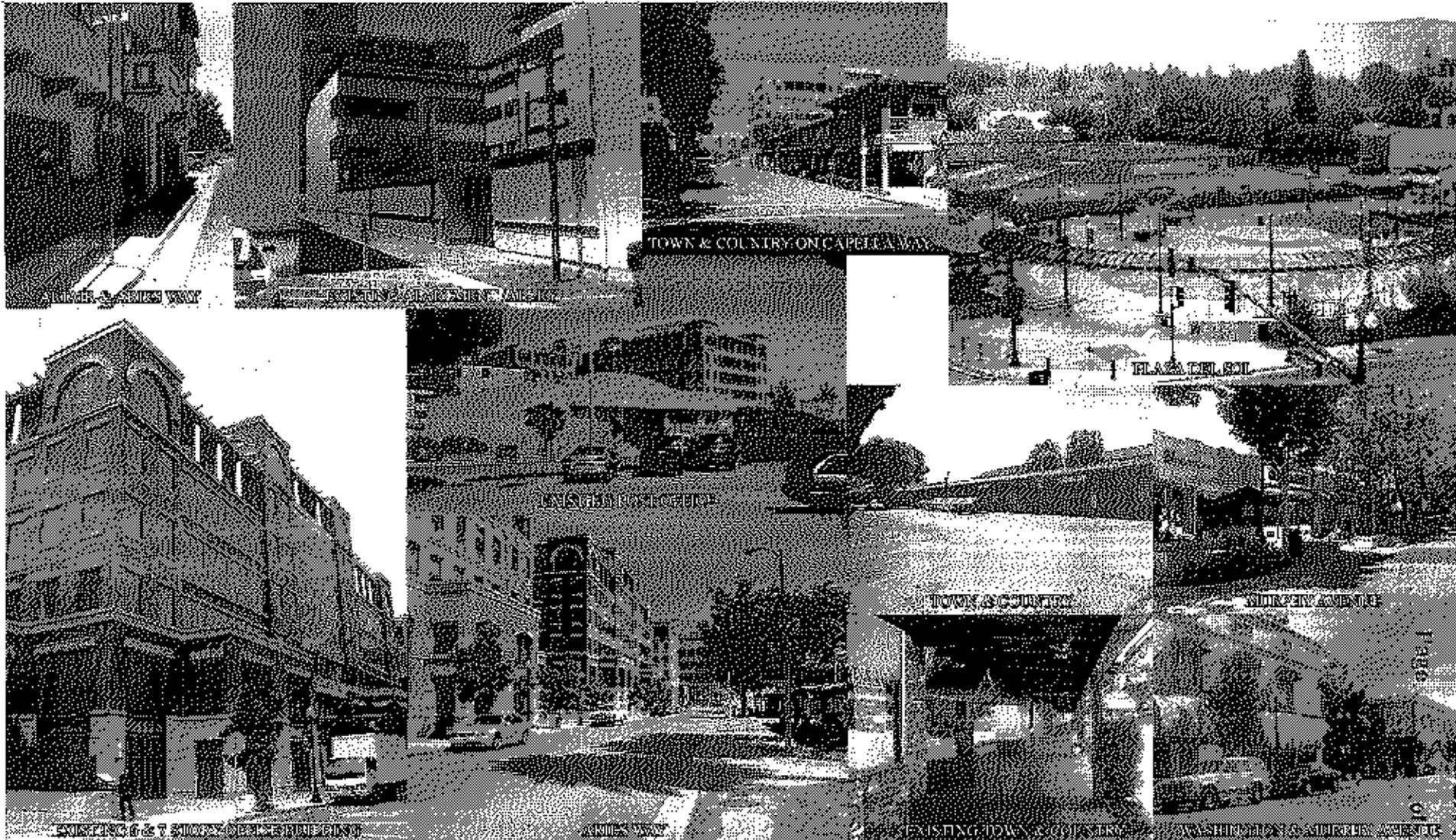
L-1.0 PRELIMINARY LANDSCAPE SITE DEVELOPMENT PLAN
 L-2.0 CAPELLA WAY STREETSCAPE
 L-3.0 PRELIMINARY LANDSCAPE PODIUM DEVELOPMENT PLAN
 L-4.0 PODIUM USAGE PLAN
 L-5.0 LANDSCAPE SECTIONS
 L-6.0 TREE DISPOSITION PLAN

A1.0 BASEMENT LEVEL PARKING PLAN
 A2.0 GRADE LEVEL RETAIL, TOWNHOME & PARKING PLAN
 A3.0 SECOND LEVEL TOWNHOME & PARKING PLAN
 A4.0 THIRD LEVEL PODIUM PLAN
 A5.0 FOURTH LEVEL FLOOR PLAN
 A6.0 FIFTH AND SIXTH LEVEL FLOOR PLAN
 A7.0 SITE SECTION & SIDE ELEVATIONS
 A7.1 SITE SECTIONS
 A7.2 WALL SECTIONS
 A8.0 BLOCK A PERSPECTIVE
 A8.1 BLOCK B PERSPECTIVE
 A8.2 BLOCK A PERSPECTIVE
 A8.3 VIGNETTE
 A8.4 VIGNETTE
 A8.5 SUNNYVALE TOWN CENTER EXTERIOR ELEVATIONS
 A9.0 EXTERIOR ELEVATIONS - BLOCK A
 A9.1 EXTERIOR ELEVATIONS - BLOCK A
 A10.0 EXTERIOR ELEVATIONS - BLOCK B
 A10.1 EXTERIOR ELEVATIONS - BLOCK B
 A11.0 TYPICAL UNIT PLANS
 A12.0 TYPICAL UNIT PLANS
 A13.0 TYPICAL TOWNHOME UNIT PLANS

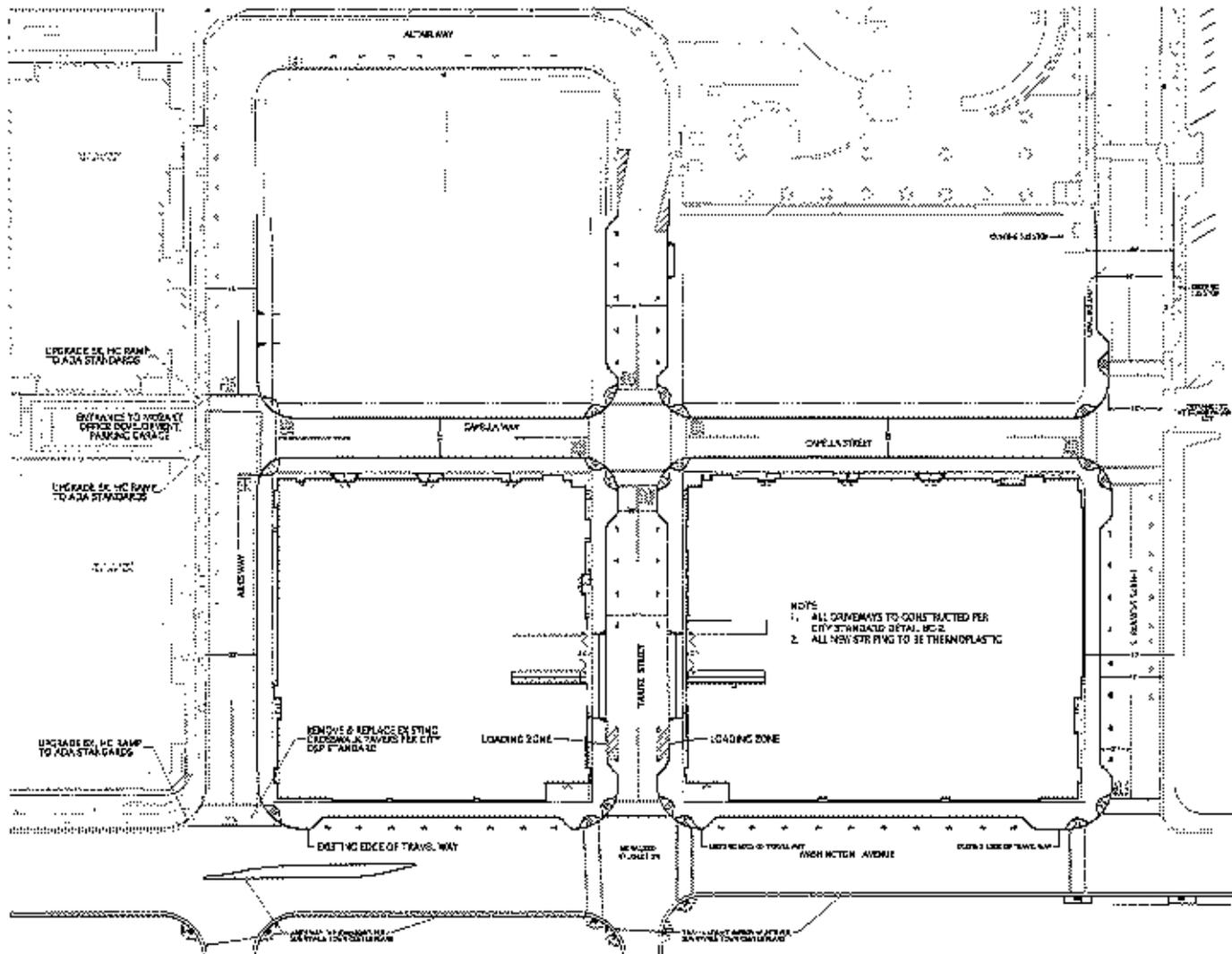
REVISIONS SUMMARY SHEET
 REVISION NUMBER DATE
 REVISION NUMBER DATE
 REVISION NUMBER DATE
 SPECIAL DEVELOPMENT PERMIT

02/07/09
 02/07/09
 03/11/09
 03/11/09
 03/11/09

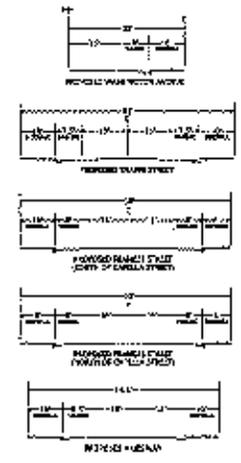
ATTACHMENT D
 Page 1 of 41



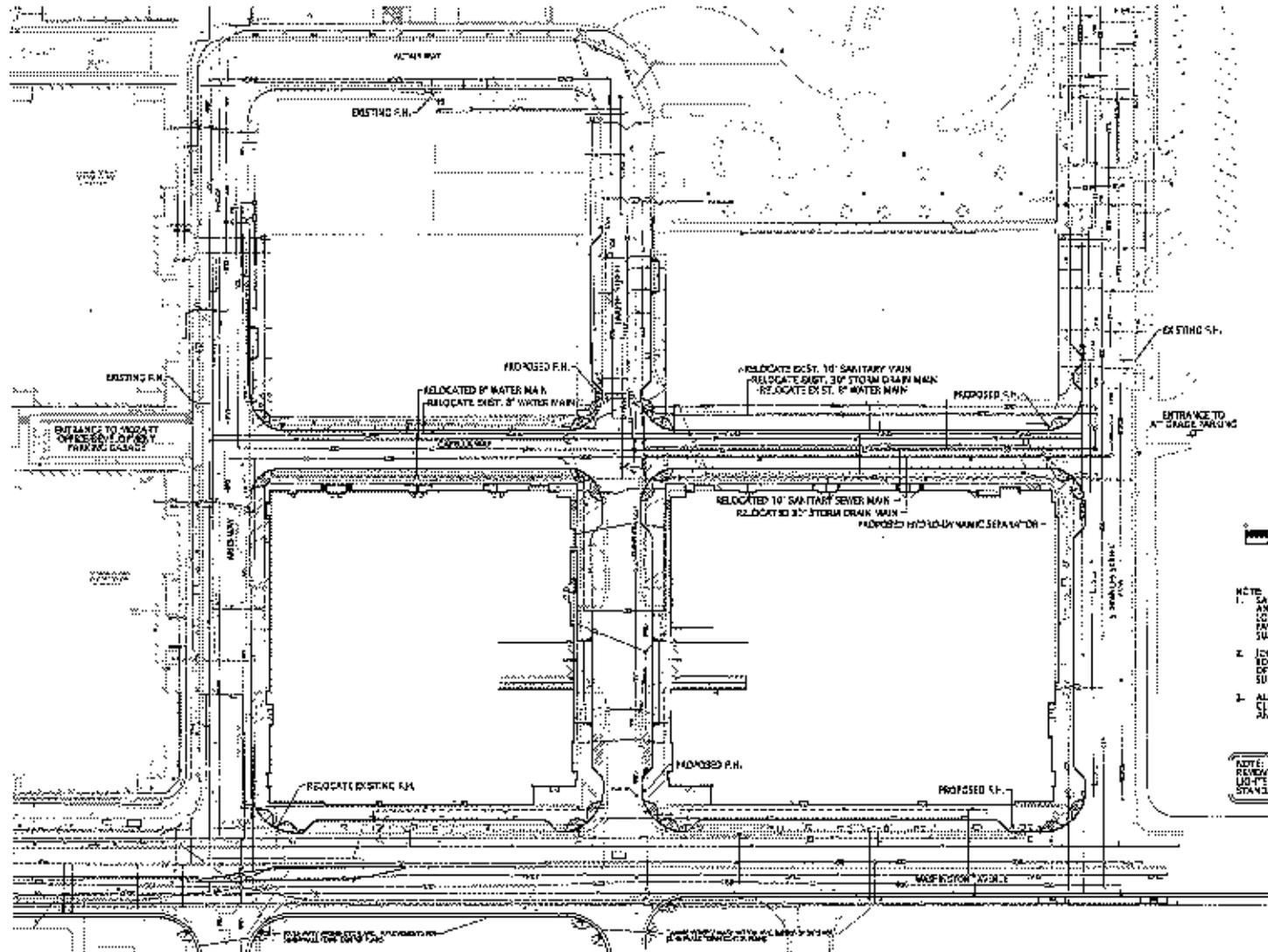
ATTACHMENT
 Page 2 of 11



- NOTES
1. ALL DRIVEWAYS TO CONSTRUCT PER CITY STANDARD DETAIL, B.C.2.
 2. ALL NEW STRIPING TO BE THERMOPLASTIC

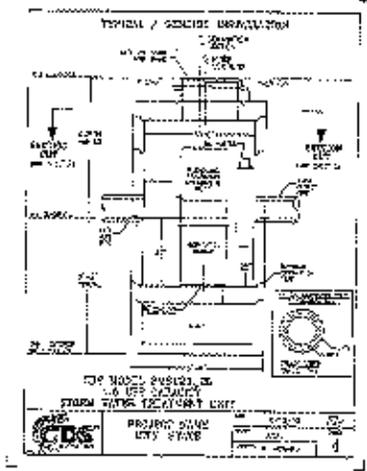
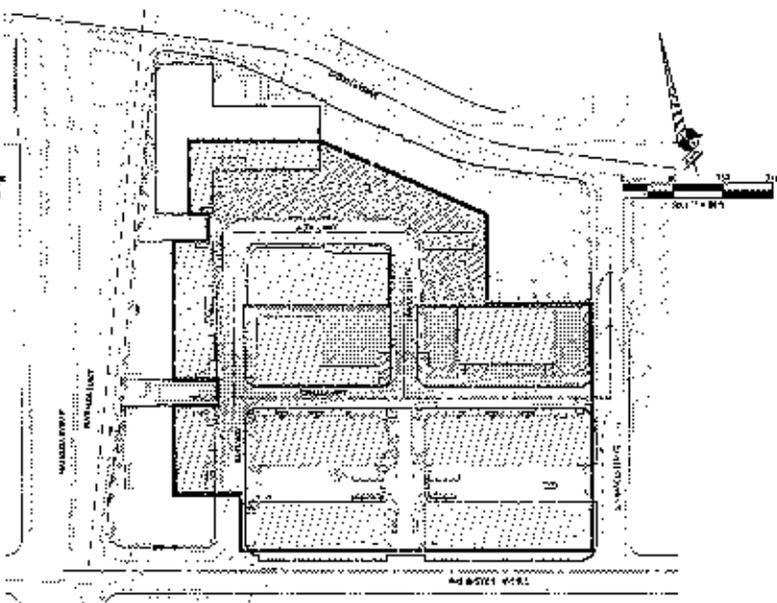
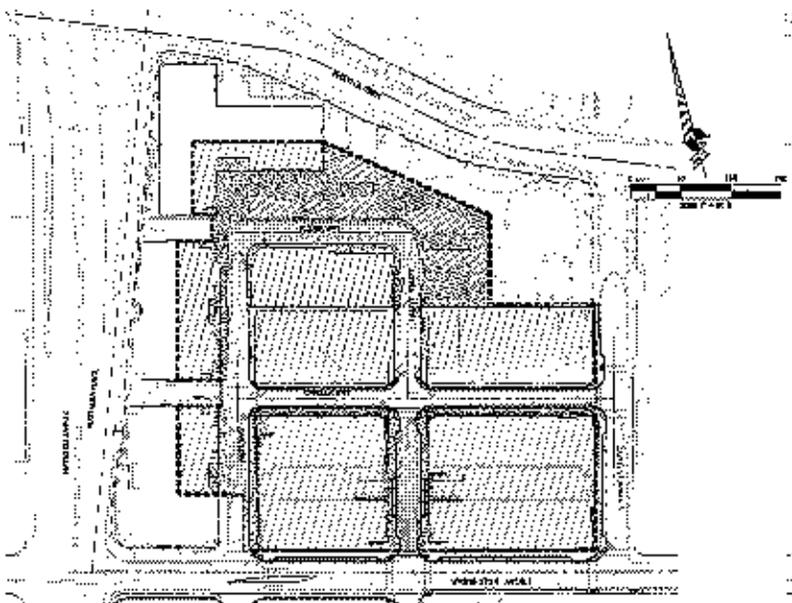


ATTACHMENT
 Page 7 of 41



- NOTE:**
- SANITARY SEWER LATERAL AND CREEK INTERCEPTOR LOCATIONS AND S.D.S TO BE PART OF BUILDING PERMIT SUBMITTA.
 - 10\"/>
- NOTE:**
REMOVE ALL CORNER ROAD STREET LIGHTS AND PROVIDE DOWNTOWN STANDARD STREET LIGHTS.

ATTACHMENT P
 Page 8 of 11



STORMWATER TREATMENT UNIT GENERAL INFORMATION

THIS UNIT IS A GENERAL INFORMATION UNIT. IT IS NOT A DESIGN UNIT. IT IS NOT A CONSTRUCTION UNIT. IT IS NOT A MAINTENANCE UNIT. IT IS NOT A REPLACEMENT UNIT. IT IS NOT A REPAIR UNIT. IT IS NOT A DEMOLITION UNIT. IT IS NOT A DISPOSAL UNIT. IT IS NOT A STORAGE UNIT. IT IS NOT A TRANSPORTATION UNIT. IT IS NOT A DISTRIBUTION UNIT. IT IS NOT A COLLECTION UNIT. IT IS NOT A TREATMENT UNIT. IT IS NOT A STORAGE UNIT. IT IS NOT A TRANSPORTATION UNIT. IT IS NOT A DISTRIBUTION UNIT. IT IS NOT A COLLECTION UNIT. IT IS NOT A TREATMENT UNIT.

DESIGN INFORMATION

DESIGNER: [Name]
 DATE: [Date]
 SCALE: [Scale]

CDS UNIT WATER QUALITY FLOWRATE EST.

INLET	1.00	1.00
OUTLET	1.00	1.00
TOTAL	2.00	2.00

DESIGNER'S FIELD NO. 118 FROM WATER TREATMENT UNIT

DESIGNER'S FIELD NO. 118 FROM WATER TREATMENT UNIT

DESIGNER'S FIELD NO. 118 FROM WATER TREATMENT UNIT

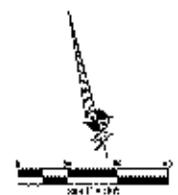
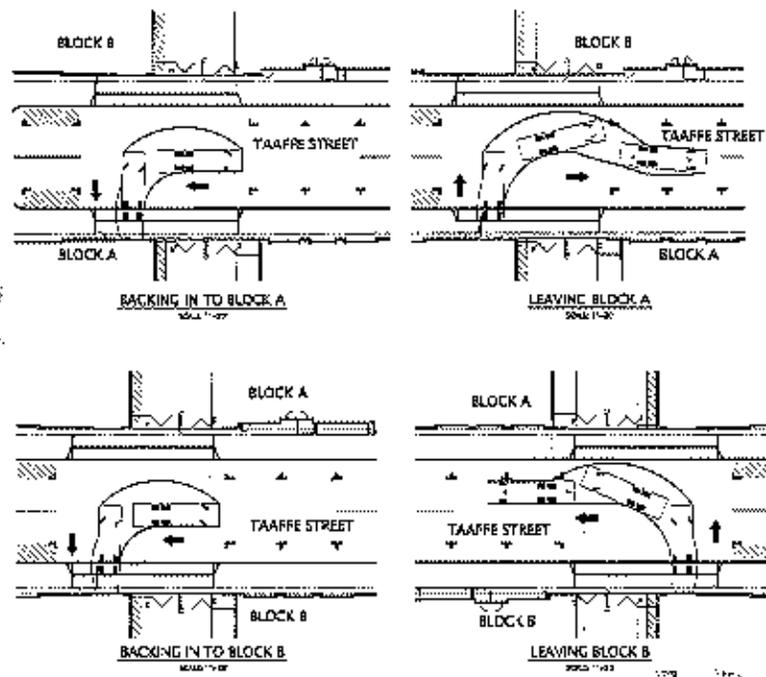
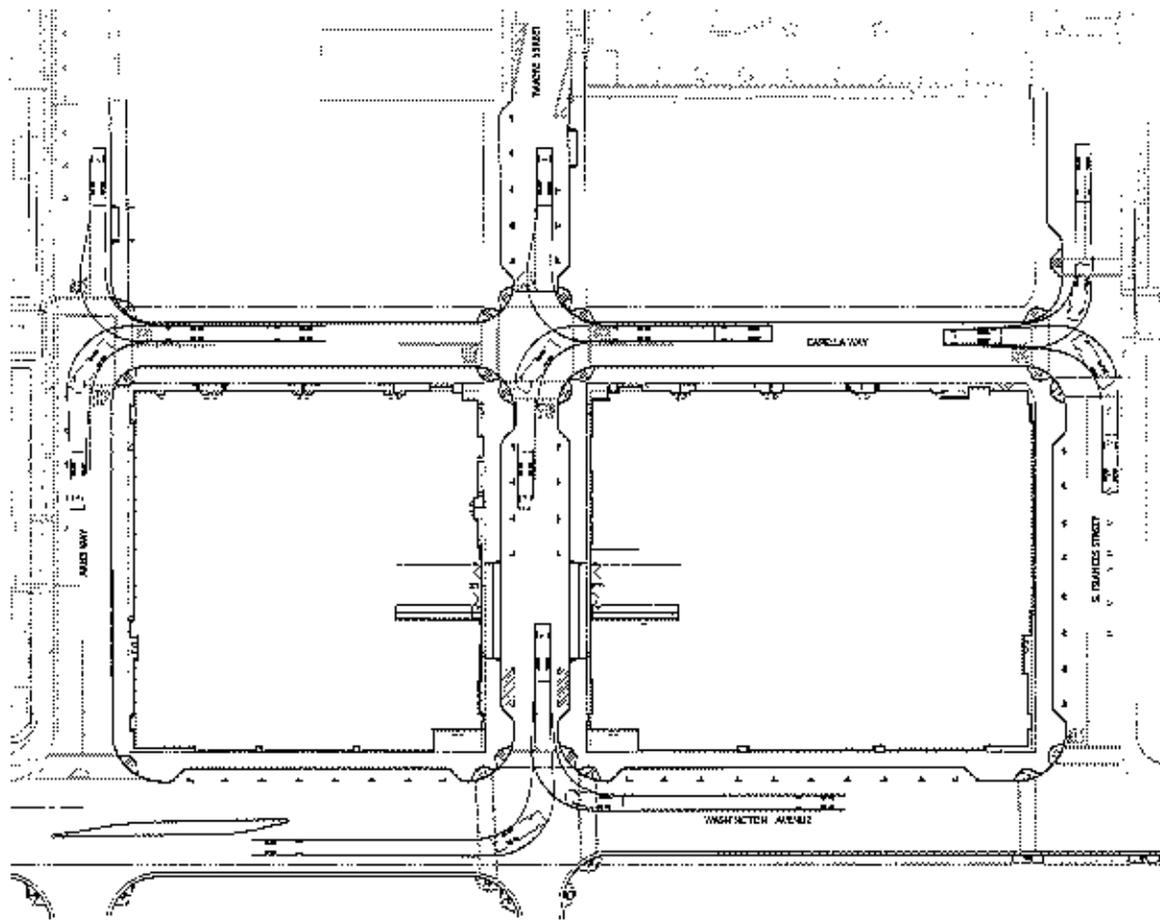
POST-DEVELOPMENT TREATMENT TOTAL AREA CALCULATIONS

AREA	AREA (SQ FT)	AREA (SQ YD)	PERCENT	PERCENT	TYPE
ROADWAY	11,000.00	1,250.00	10%	10%	ROADWAY
DRIVEWAY	1,000.00	111.11	1%	1%	DRIVEWAY
PARKING	10,000.00	1,111.11	10%	10%	PARKING
LANDSCAPE	11,000.00	1,250.00	10%	10%	LANDSCAPE
TOTAL	33,000.00	3,722.22	100%	100%	TOTAL

PRE-DEVELOPMENT TREATMENT TOTAL AREA CALCULATIONS

AREA	AREA (SQ FT)	AREA (SQ YD)	PERCENT	PERCENT	TYPE
ROADWAY	11,000.00	1,250.00	10%	10%	ROADWAY
DRIVEWAY	1,000.00	111.11	1%	1%	DRIVEWAY
PARKING	10,000.00	1,111.11	10%	10%	PARKING
LANDSCAPE	11,000.00	1,250.00	10%	10%	LANDSCAPE
TOTAL	33,000.00	3,722.22	100%	100%	TOTAL

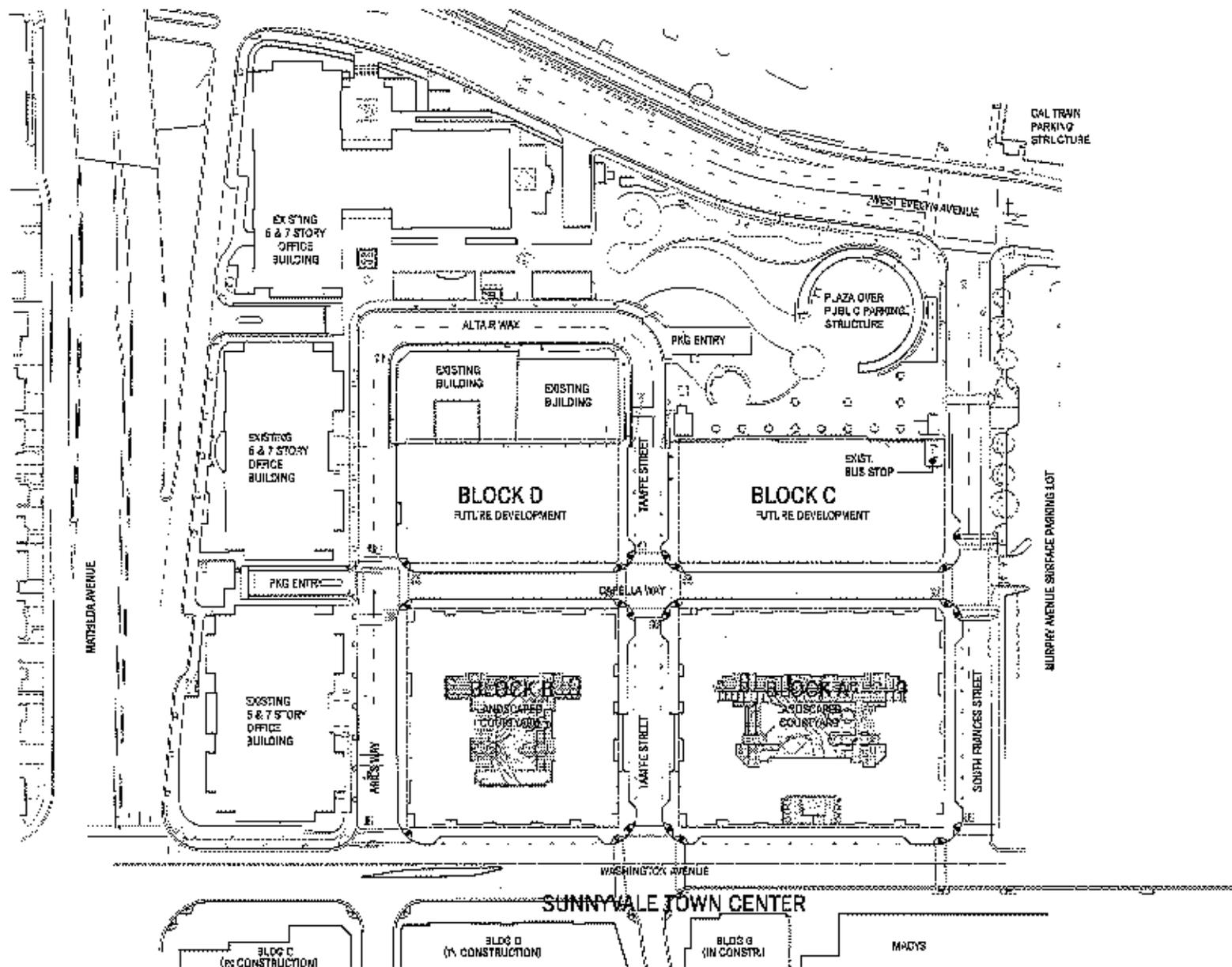
ATTACHED SHEET
 Page 9 of 11
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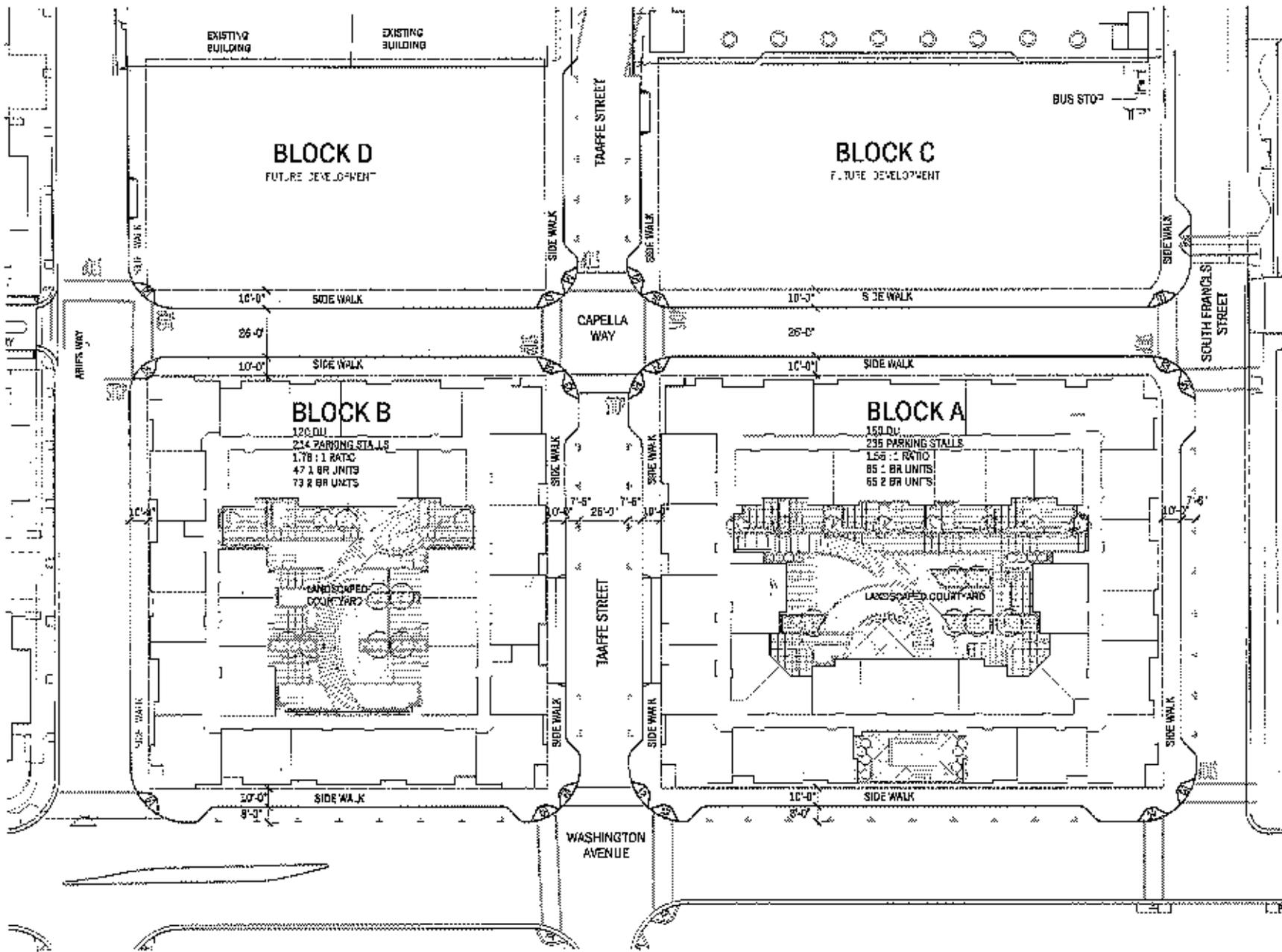
ATTACHMENT D

MEDIUM TRUCK	
34.51	
6.50	7.41
VOID RO	FRY
WIDTH	4.92
TRACK	7.50
LOCK TO LOCK TIME	6.00
STEERING ANGLE	126.90

CAPELLA
 SUNNYVALE, CALIFORNIA
 REEF / SAND HILL COMPANY



ATTACHMENT
 Page 12 of 21
 D



PROJECT SUMMARY:

STREET ADDRESS:
 THE AREA BOUNDARY 31' W43' H130' W.E.
 7' MADE 8', ALTHOUGH, AND A 6' SIDE WAY.

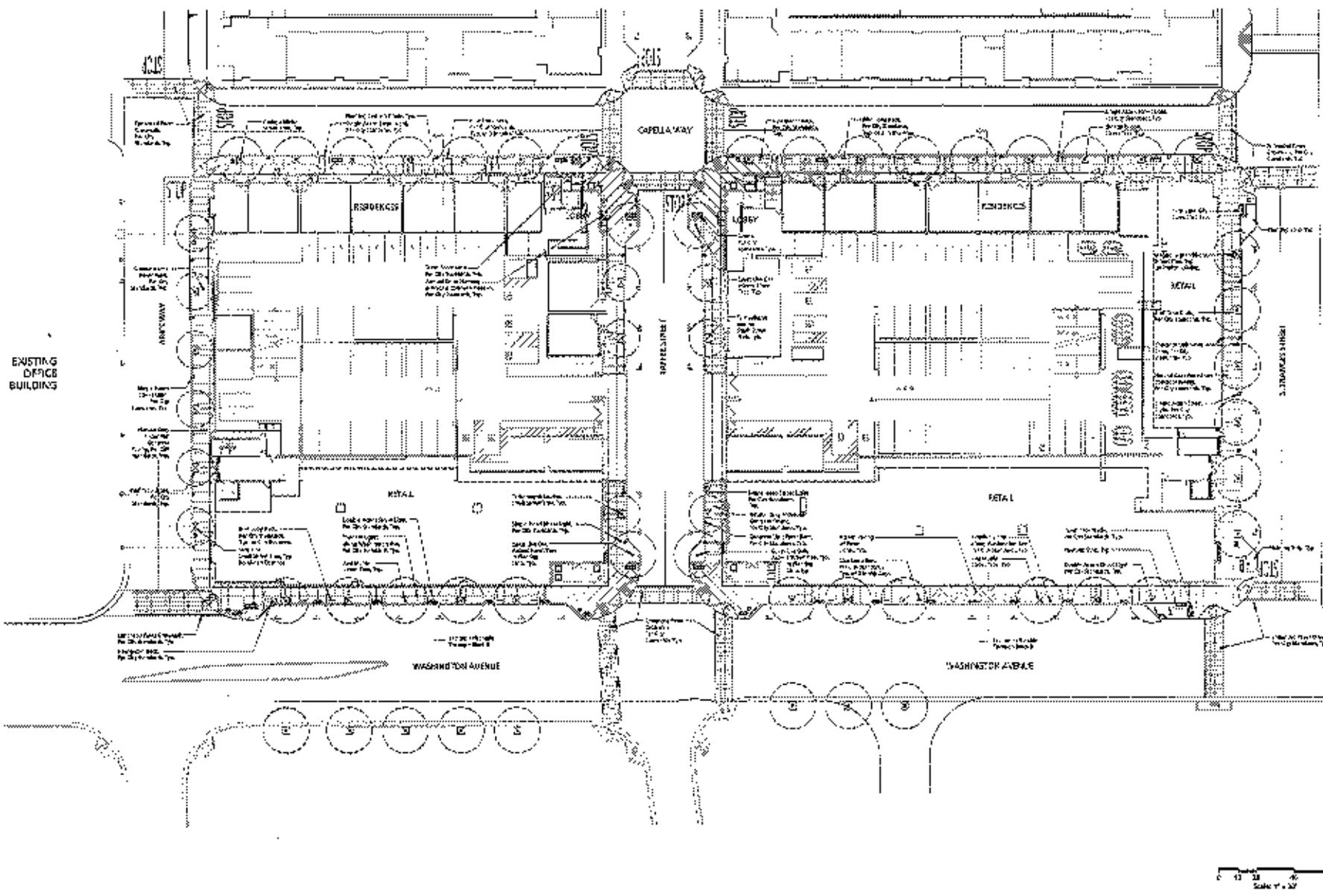
GROSS SITE AREA:
 BLOCK A: 1.24 AC
 BLOCK B: 1.18 AC
 BLOCK C: 1.17 AC
 BLOCK D: 1.17 AC

STREETS: 1.24 AC
 TOTAL GROSS SITE AREA: 4.81 AC

ATTACHMENT D
 Page 13 of 41

CAPELLA MIXED-USE DEVELOPMENT

DOWNTOWN SUNNYVALE NORTH, LLC



ATTACHMENT
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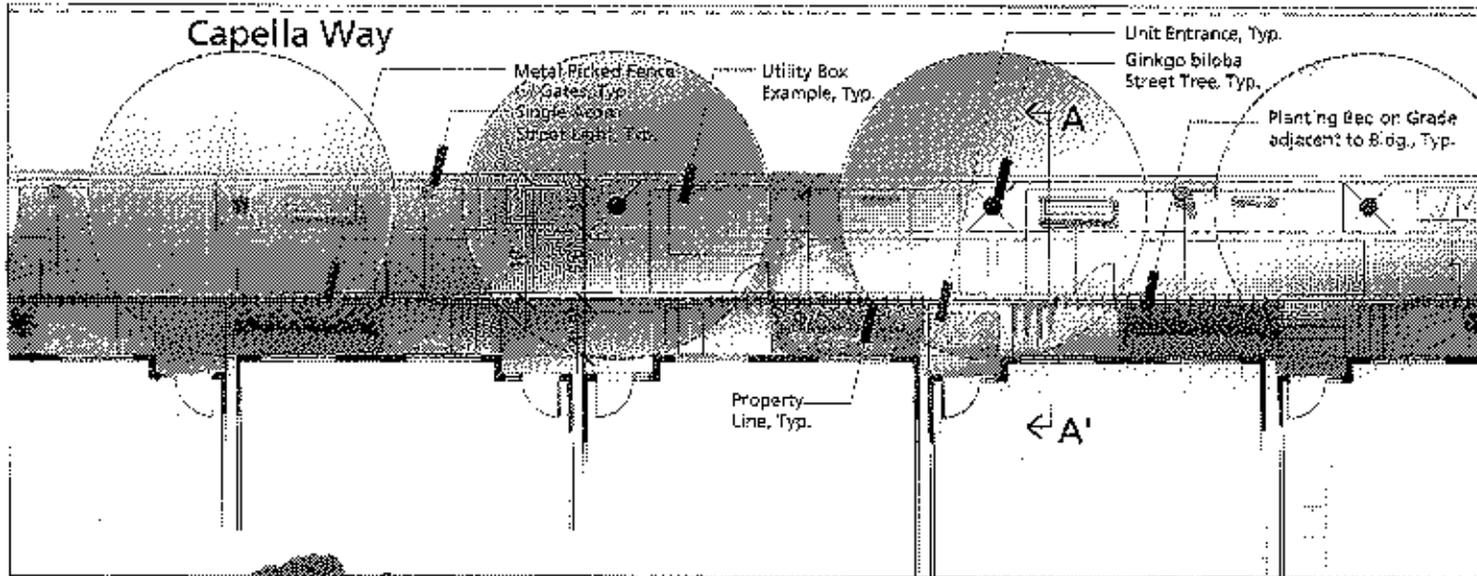
Capella
 Sunnyvale, CA

RREEF/Sand Hill Properties
 San Mateo, CA

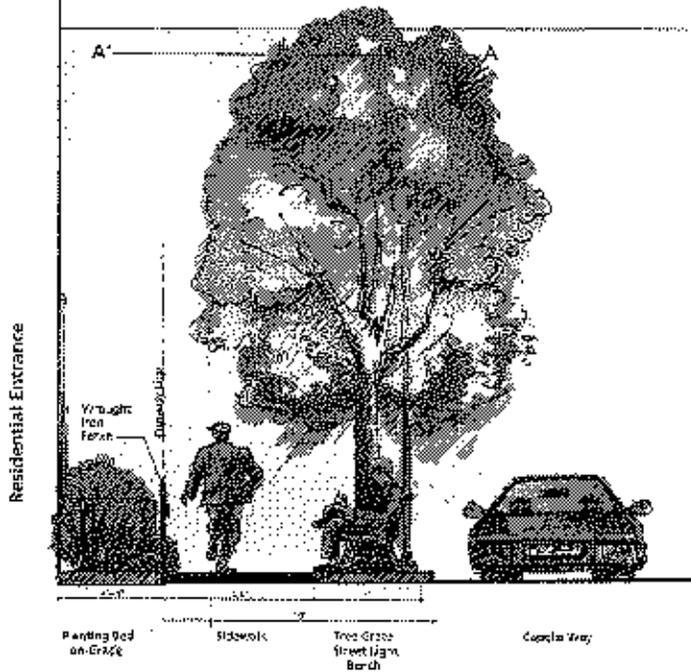
Preliminary Landscape Site Development Plan
 Special Development Permit: 02/13/09

THE GUZZARDO PARTNERSHIP INC.
 Landscape Architects • Land Planners
 3500 Montezuma Street
 San Francisco, CA 94118
 TEL: 415 333 8972
 FAX: 415 333 5301

L-1.0



CAPELLA WAY STREETScape ENLARGEMENT PLAN
Scale: 1/4" = 1'-0"



STREETScape SECTION
Scale: 1/2" = 1'-0"

ATTACHMENT D
Page 15 of 41

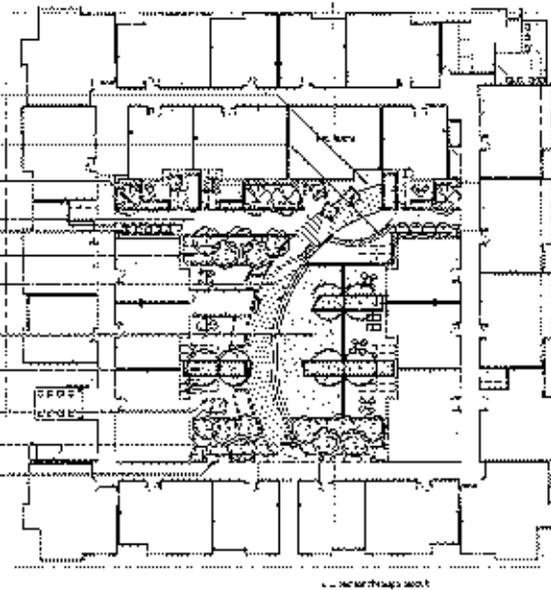
Capella
Sunnyvale, CA

BREEF/Sand Hill Properties
San Mateo, CA

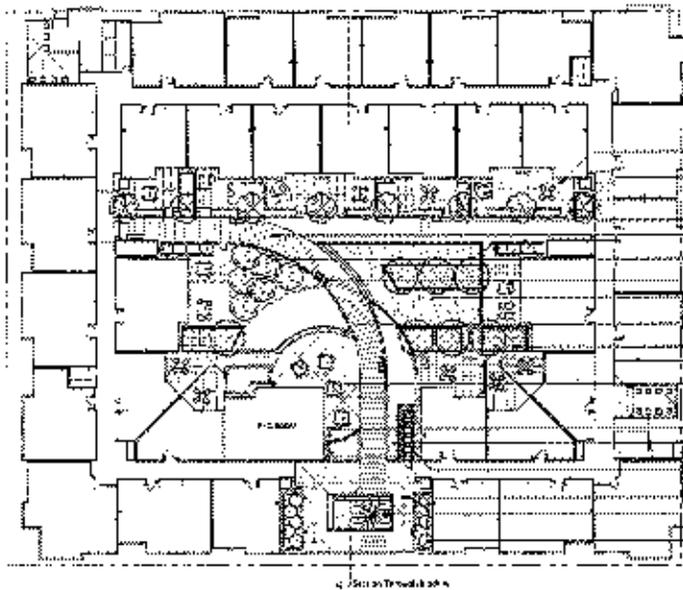
Capella Way Streetscape
Special Development Permit 02/13/09

THE GUZZARDO PARTNERSHIP INC.
Landscaping Architects • Land Planners
395 PARKWAY #1500
SAN FRANCISCO, CA 94132
T 415 462 4472
F 415 462 4472

L-2.0



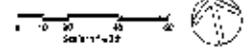
BLOCK B



BLOCK A

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ATTACHMENT D
PAGE 16 of 41



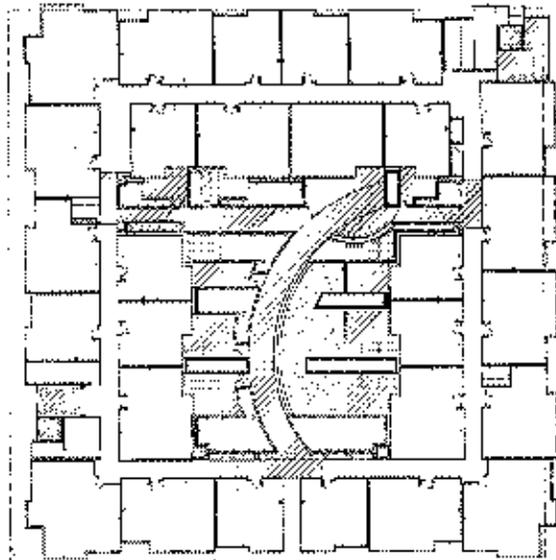
Capella
Sunnyvale, CA

RREF/Sand Hill Properties
San Mateo, CA

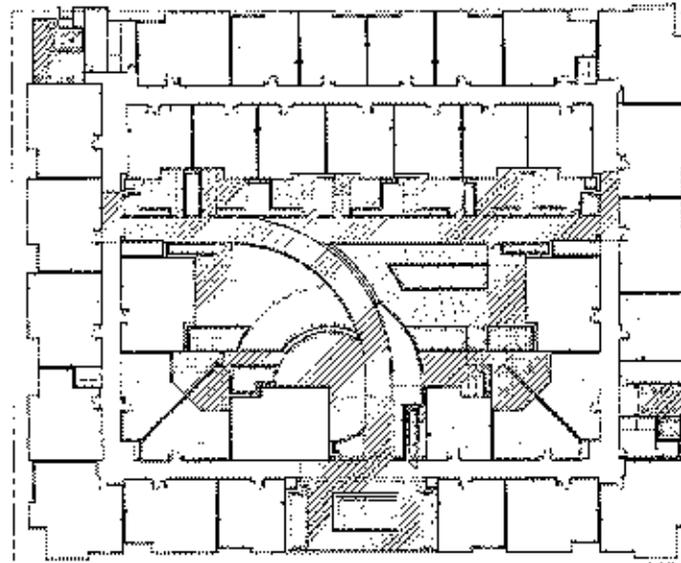
Preliminary Landscape Podium Development Plan
Special Development Permit: 02/13/08

THE GUZZARDO PARTNERSHIP INC.
Landscape Architects - Land Planners
433 Montgomery Street
San Francisco, CA 94133
415.442.8812
415.432.5623

L-3.0



BLOCK B



BLOCK A

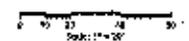
LEGEND:

-  GATHERING PAVED AREA
-  LAWN
-  PLANTING AREA

PODIUM CALCULATIONS

Block A	
TOTAL COURTYARD AREA:	1740 sq ft
PAVED AREA:	688 sq ft
LAWN AREA:	1052 sq ft
PLANTING AREA:	0 sq ft
TOTAL AMOUNT OF LEVEL OPEN SPACE:	1740 sq ft
Minimum:	7500 sq ft/acre

Block B	
TOTAL COURTYARD AREA:	1120 sq ft
PAVED AREA:	242 sq ft
LAWN AREA:	878 sq ft
PLANTING AREA:	0 sq ft
TOTAL AMOUNT OF LEVEL OPEN SPACE:	1120 sq ft
Minimum:	7500 sq ft/acre



ATTACHMENT D
 Page 17 of 41

Capella

Sunnyvale, CA

BREEP/Sand Hill Properties
San Mateo, CA

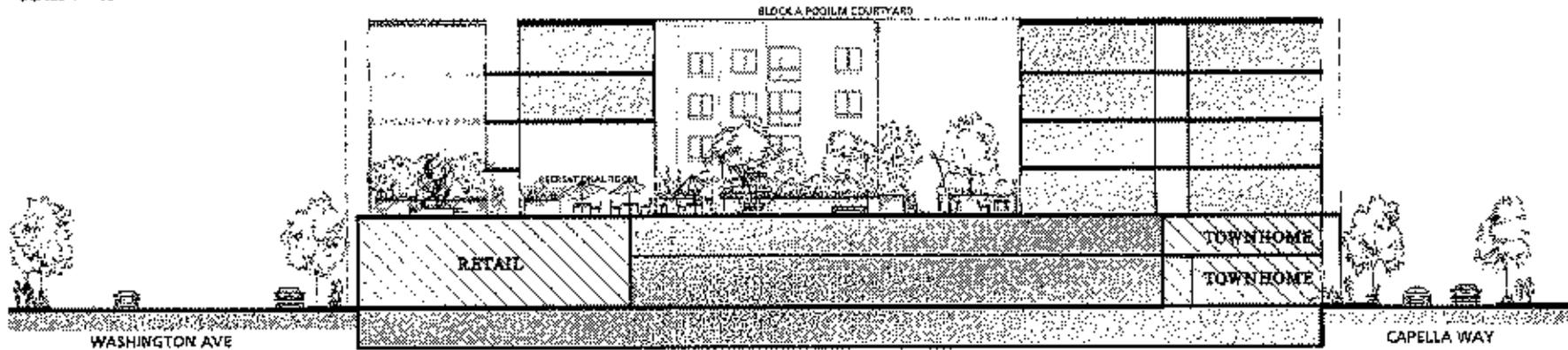
Podium Usage Plan
Special Development Permit 02/13/09

THE GUZZARDO PARTNERSHIP, INC.
Landscape Architects - Land Planners
102 Montgomery Street
San Francisco, CA 94102
Phone: 415.433.4825
Fax: 415.433.2400

L-4.0

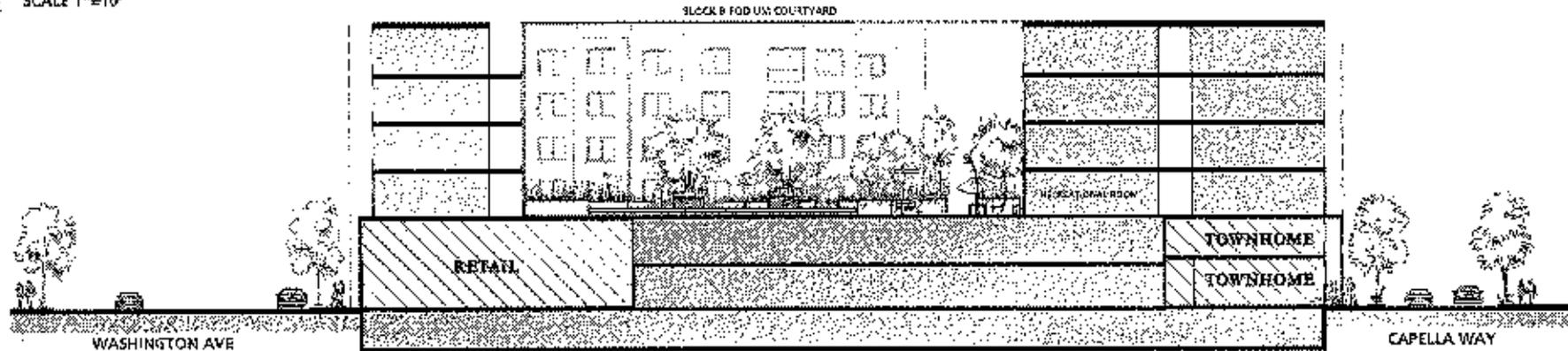
SECTION THROUGH BLOCK A

SCALE 1"=10'



SECTION THROUGH BLOCK B

SCALE 1"=10'



ATTACHMENT D
 Page 18 of 47

Capella

Sunnyvale, CA

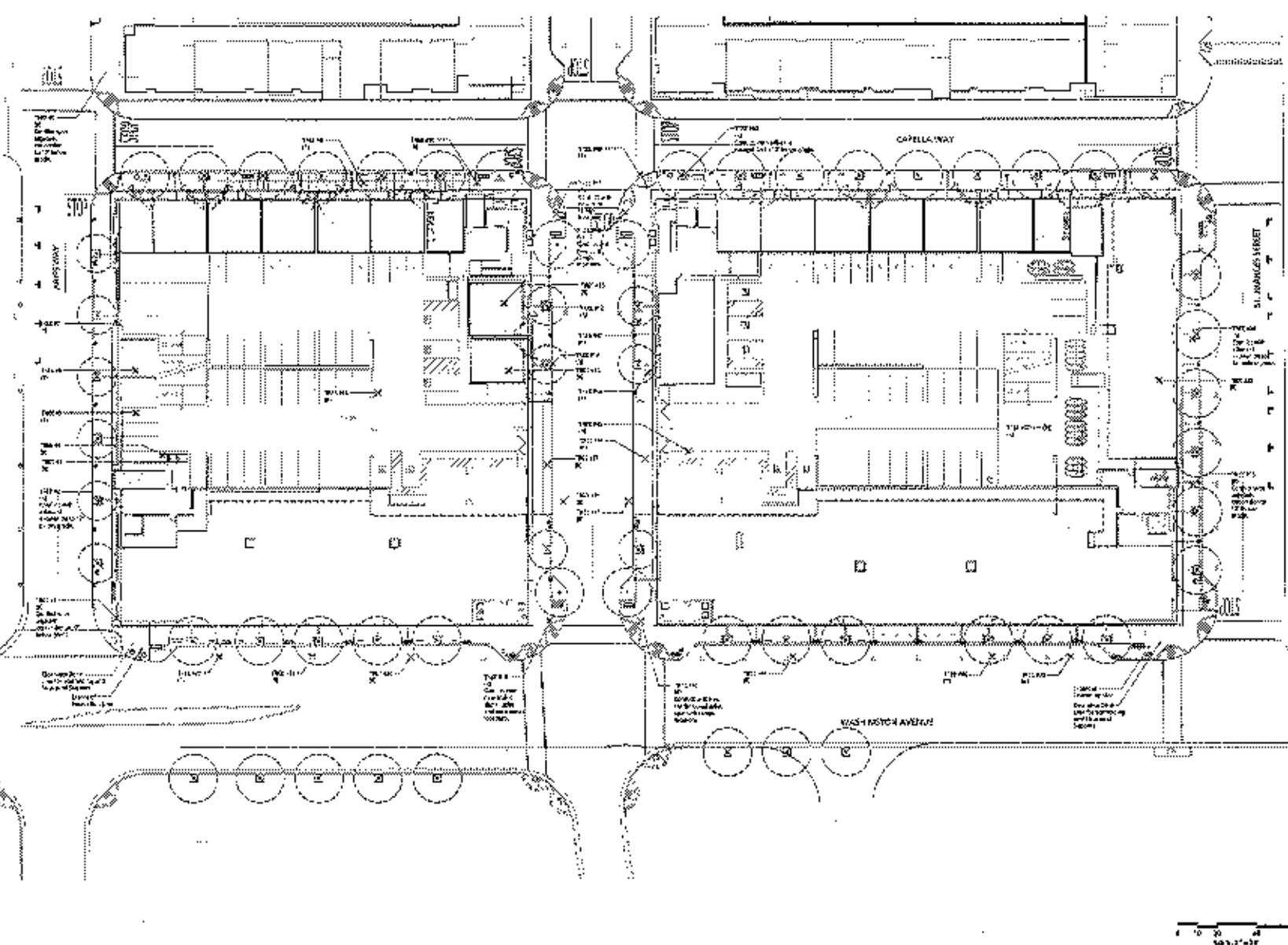
RREEF/Sand Hill Properties
 San Mateo, CA

Landscape Sections

Special Development Permit: 02/13/09

L-5.0

THE GUZZARDO PARTNERSHIP, INC.
 Landscape Architects • Land Planners
 826 Montgomery Street
 San Francisco, CA 94133
 Phone 415 455-7100
 Fax 415 455-2900



ATTACHMENT P
 Page 19 of 81

Capella

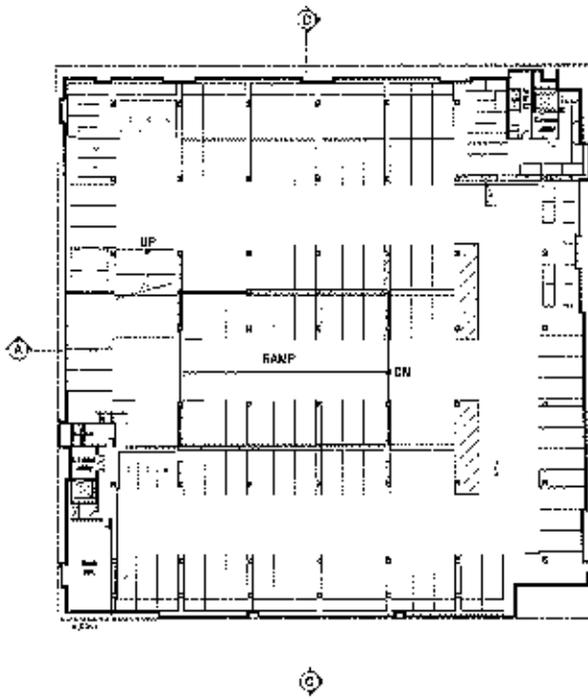
Sunnyvale, CA

RREEP/Sand Hill Properties
 San Mateo, CA

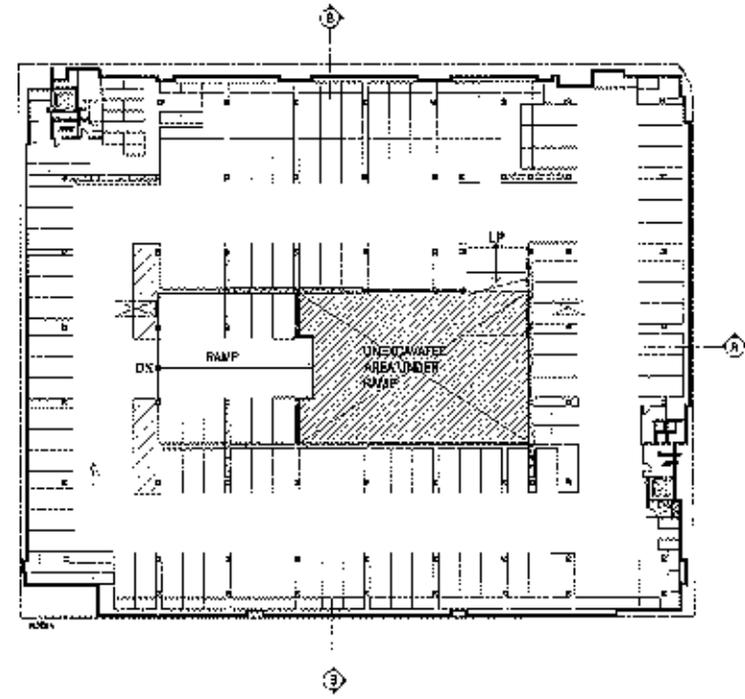
Tree Disposition Plan
 Special Development Permit 02/13/09

L-6.0

THE GUZZARDO PARTNERSHIP PC
 Landscape Architects • Land Planners
 833 Howard Street
 San Francisco, CA 94102
 TEL 415 852
 FAX 415 262

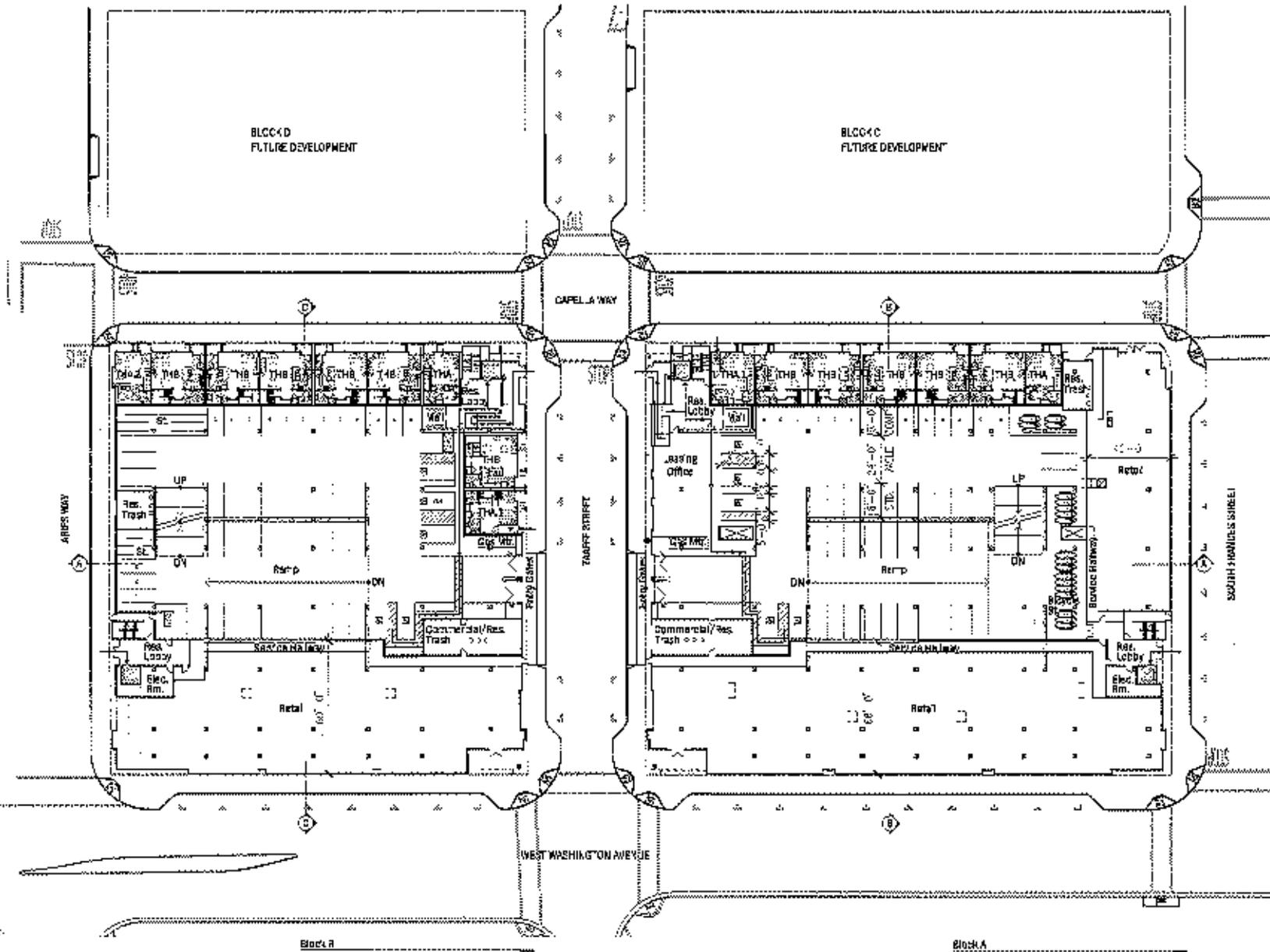


Block B



Block A

ATTACHMENT D
 page 20 of 41

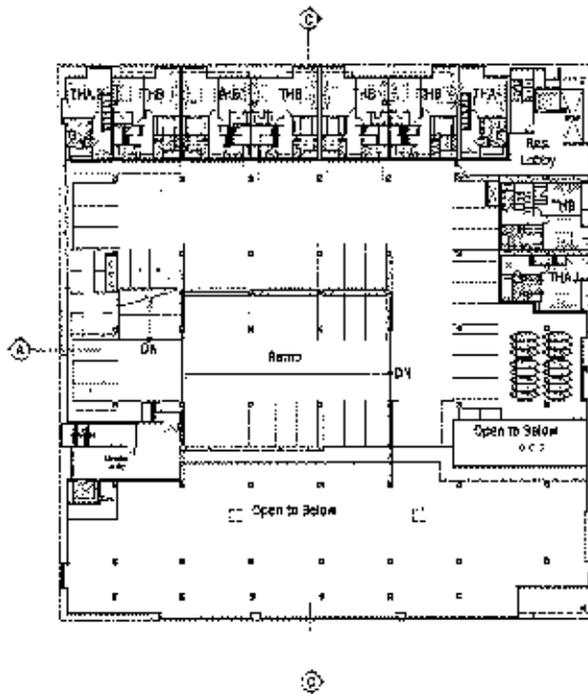


ATTACHMENT
 Page 2 of 81

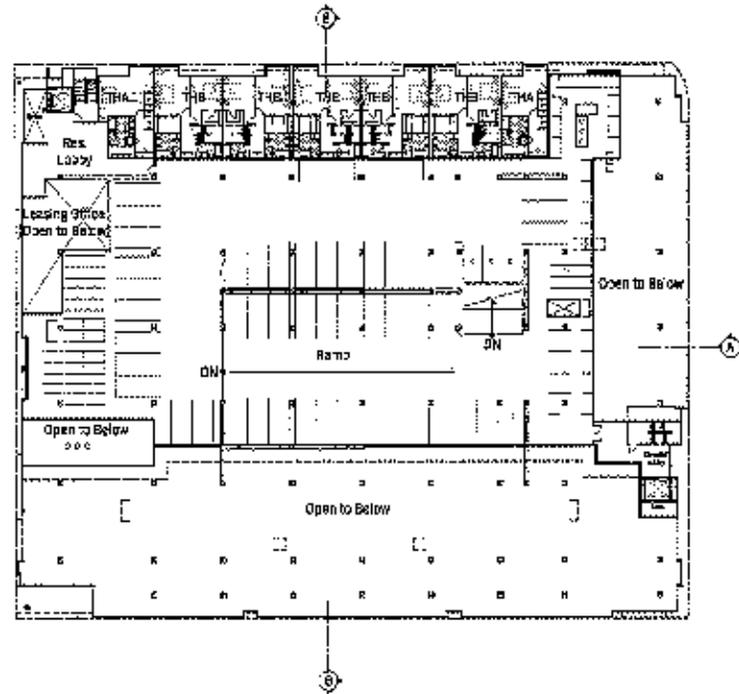
CAPELLA MIXED-USE DEVELOPMENT

DOWN-TOWN SUNNYVALE NORTH, LLC

Grade Level Retail, Townhome & Parking Plan / A2.0

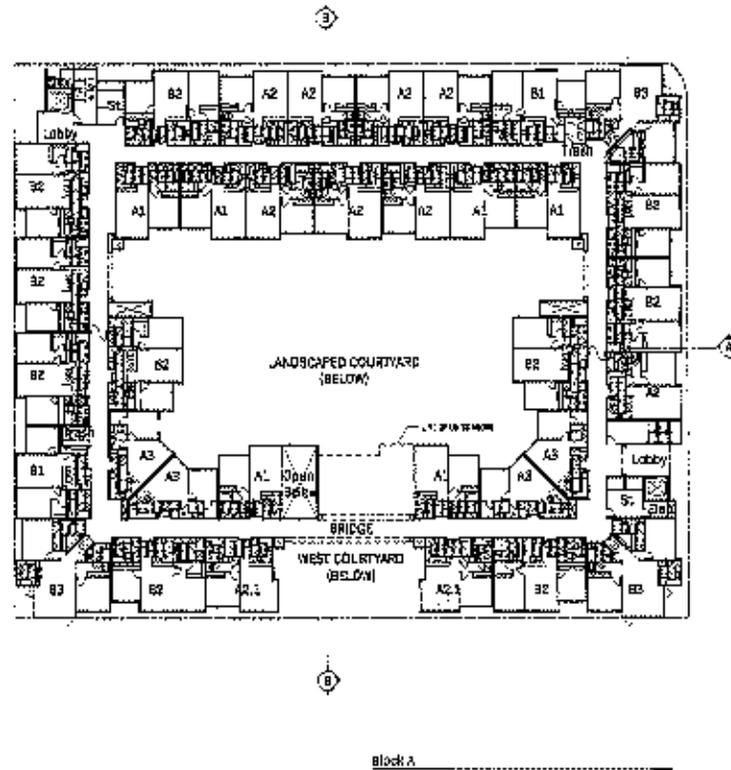
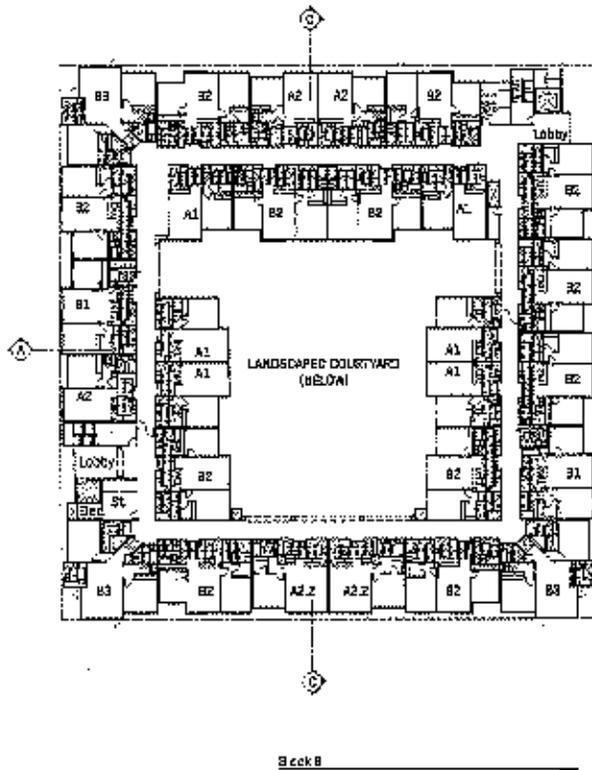


Block 9

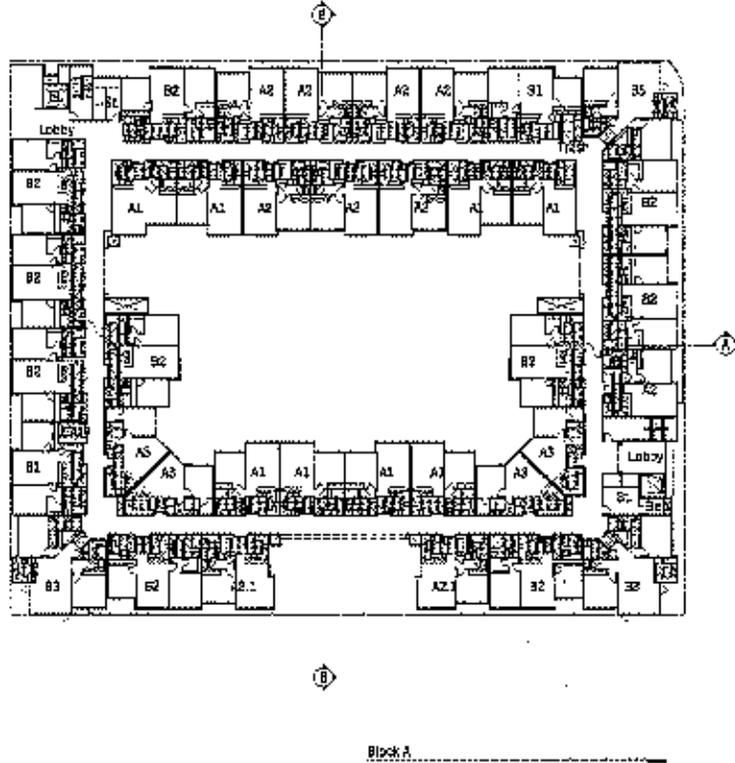
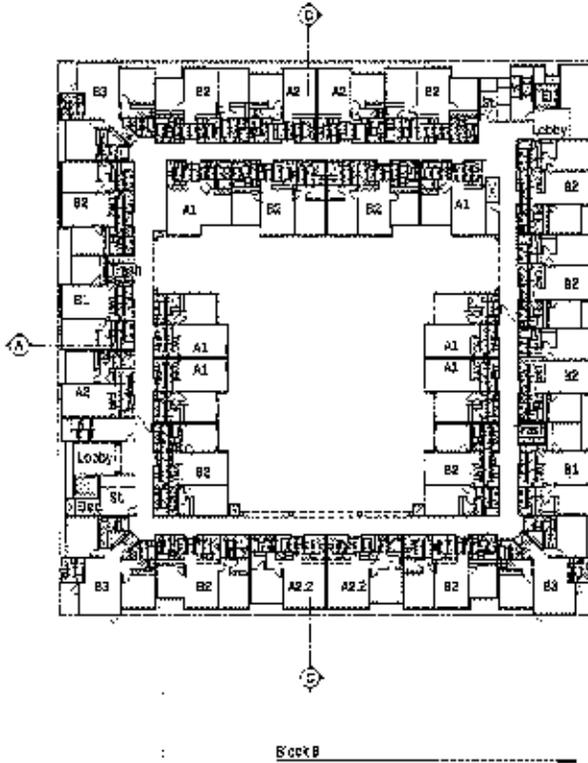


Block A

ATTACHMENT D
 Page 22 of 41



ATTACHMENT
 DW
 1/1



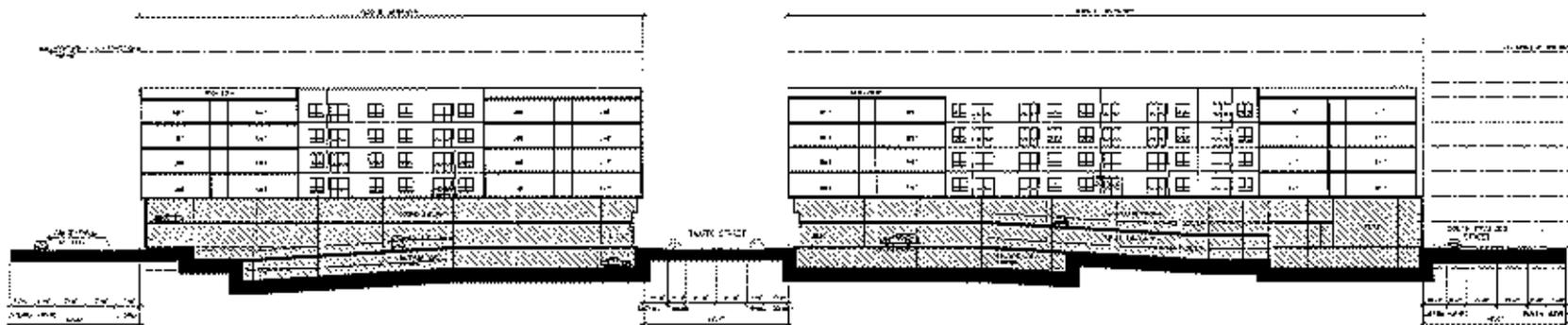
ATTACHMENT P
 FROM 25 of 47



Site Elevation - Pranzel Street



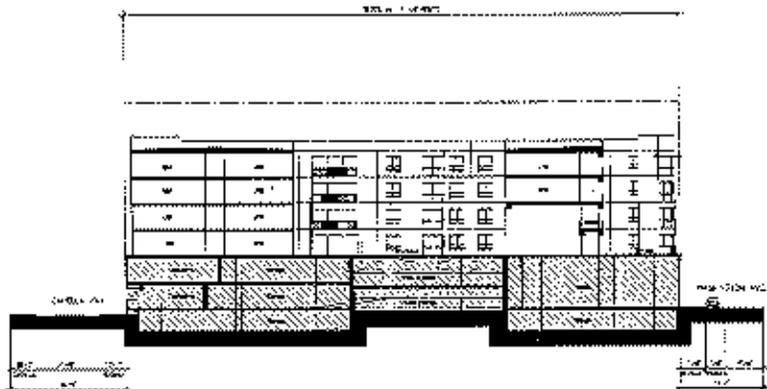
Site Elevation - Washington Ave



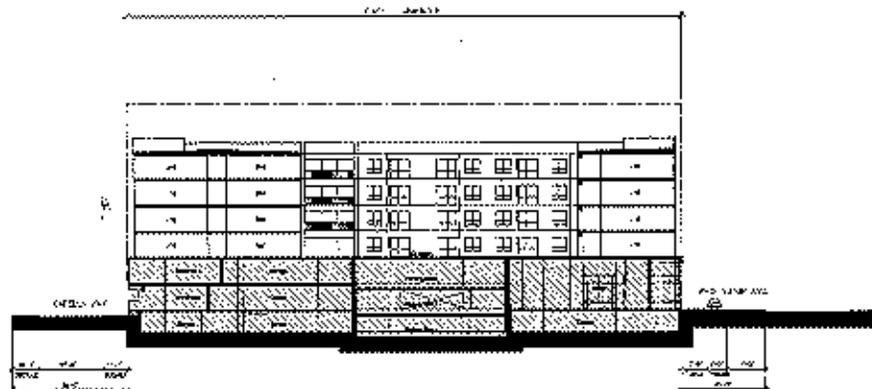
Section A-A

HATCHING INDICATES AREAS OF TYPE 'A' CONSTRUCTION.
ALL OTHER AREAS ARE TO BE OF TYPE 'B' CONSTRUCTION.

ATTACHMENT
 20
 10



Section B-B



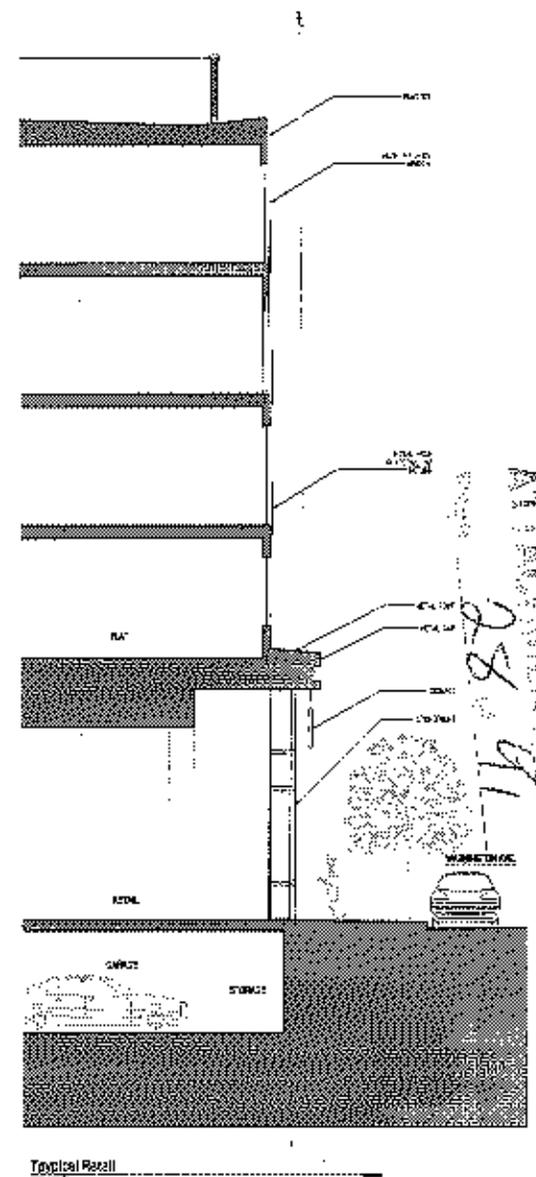
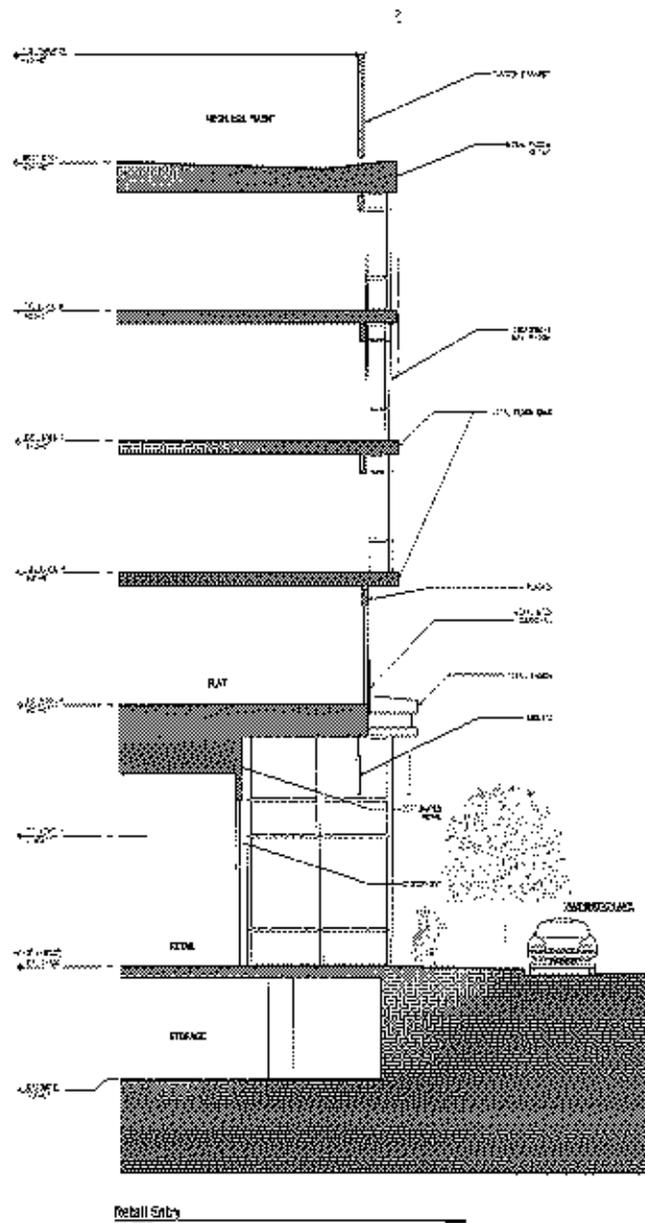
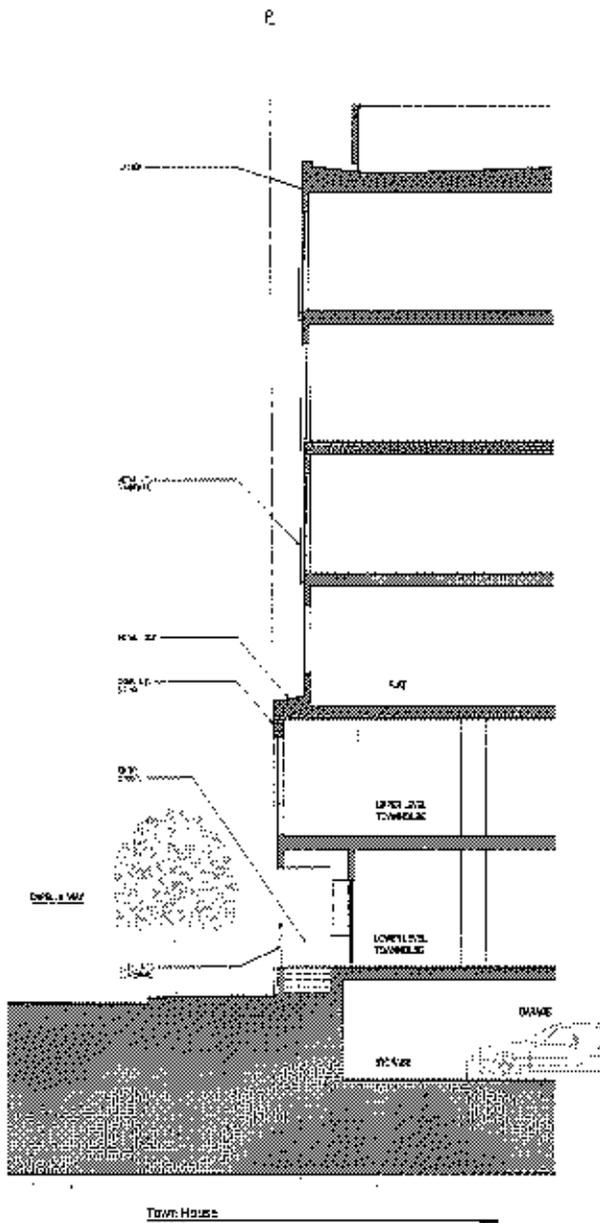
Section C-C

 HATCHED AREAS ARE TO BE CONSTRUCTION. ALL OTHER AREAS ARE TO BE TYPE III CONSTRUCTION.

ATTACHMENT B
PAGE 27 of 41

CAPELLA MIXED-USE DEVELOPMENT

DOWNTOWN SUNNYVALE NORTH, LLC



ATTACHMENT D
28 of 31



Block A - Perspective at 75th and Washington

TRACUMENT
29
11



Block B - Perspective 2: Tsaffe and Washington

30
D
11



FIGURE A - PERSPECTIVE AT 1/4" = 1'-0" @ 1/4" = 1'-0"

ATTACHMENT
51
of
41
D

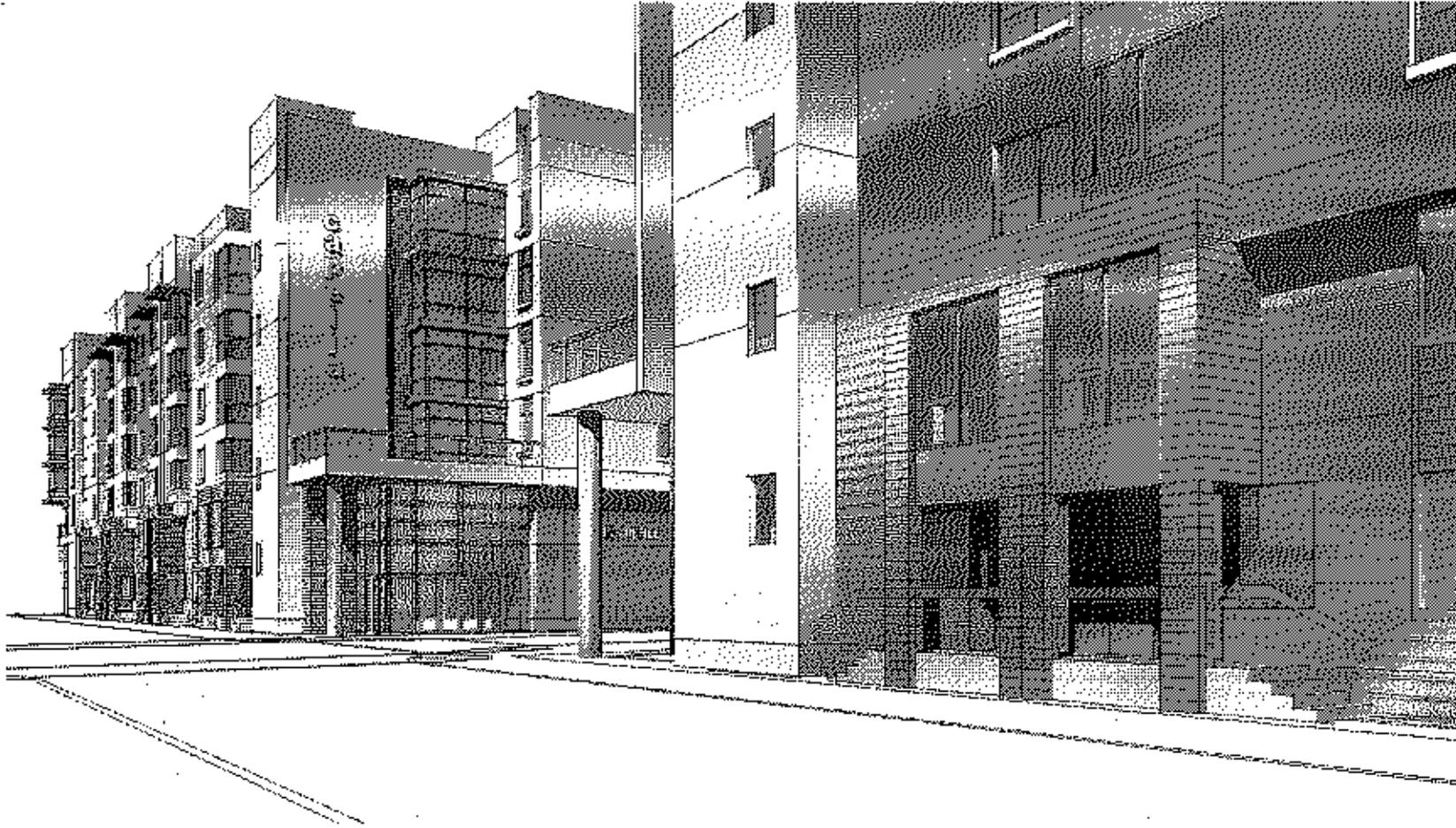
CAPELLA MIXED-USE DEVELOPMENT

DOWNTOWN SUNNYVALE NORTH, LLC



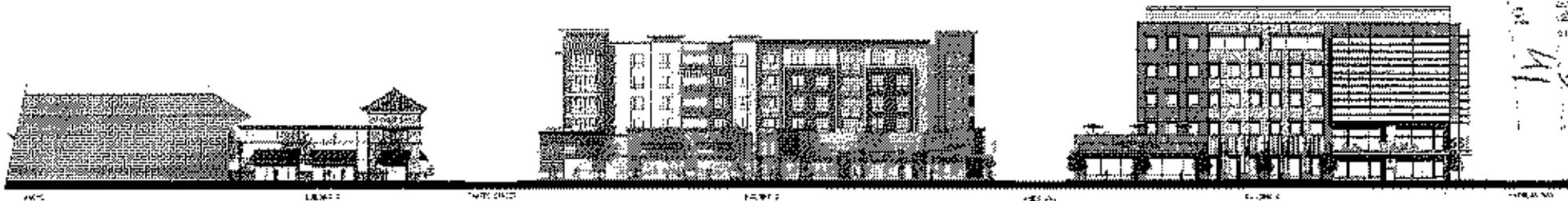
Retail along Washington Ave.

ATTACHMENT D
Page 37 of 41



ATTACHMENT D
Page 33 of 47

Two homes along Cape 18 Way



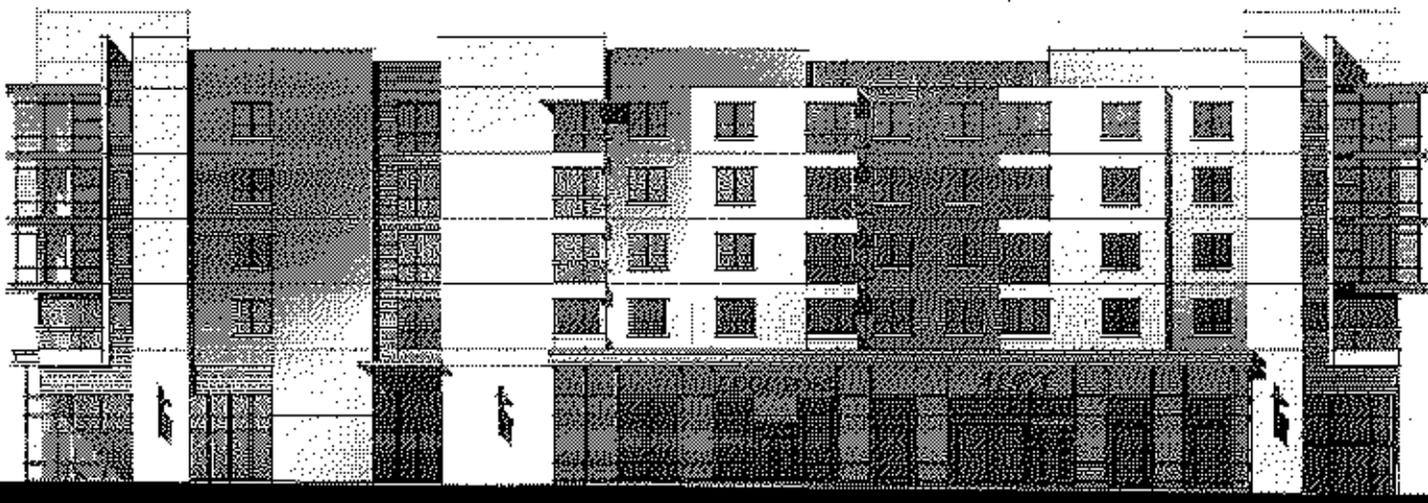
West Washington Ave. Elevation Looking South (Scale is Notional)

ATTACHMENT D
 Page 21 of 21

4' 0" (121.9)
 10' 0" (304.8)
 4' 0" (121.9)
 4' 0" (121.9)
 4' 0" (121.9)
 4' 0" (121.9)
 4' 0" (121.9)
 4' 0" (121.9)
 4' 0" (121.9)



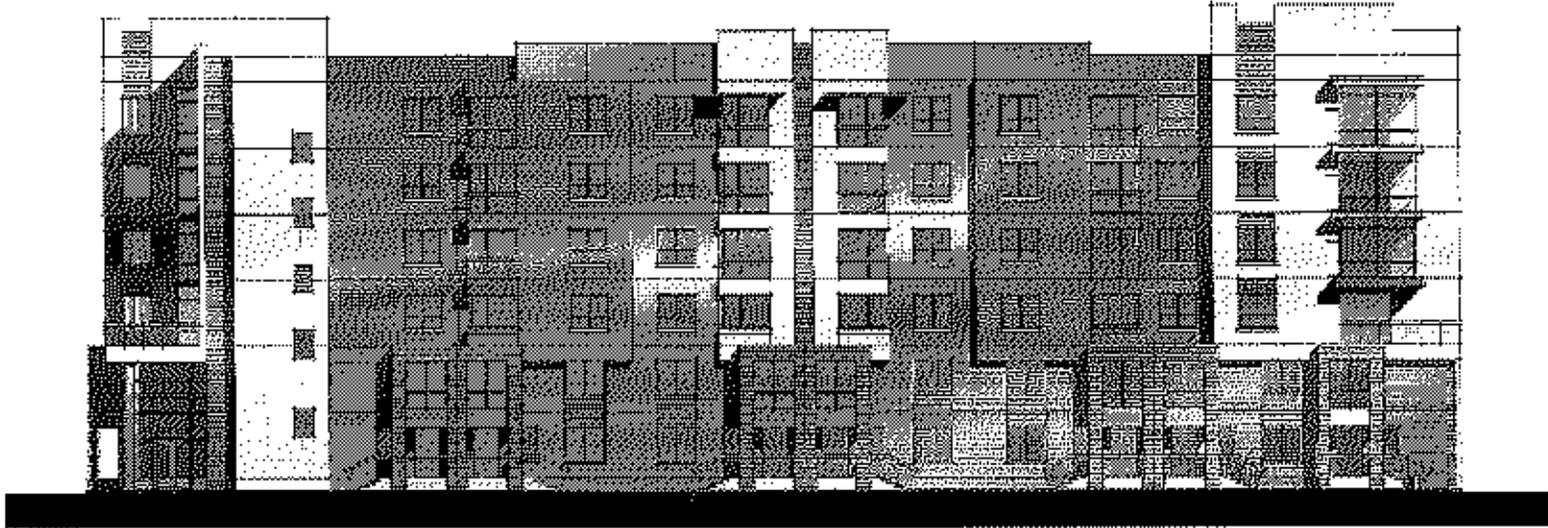
10' 0" (304.8) Vertical Door
 10' 0" (304.8) Vertical Door



South Frances Street Elevation

ATTACHMENT P
 Page 28 of 47

10'-0" (3050)
 9'-0" (2743)
 8'-0" (2438)
 7'-0" (2133)
 6'-0" (1828)
 5'-0" (1523)
 4'-0" (1218)
 3'-0" (913)
 2'-0" (608)
 1'-0" (303)

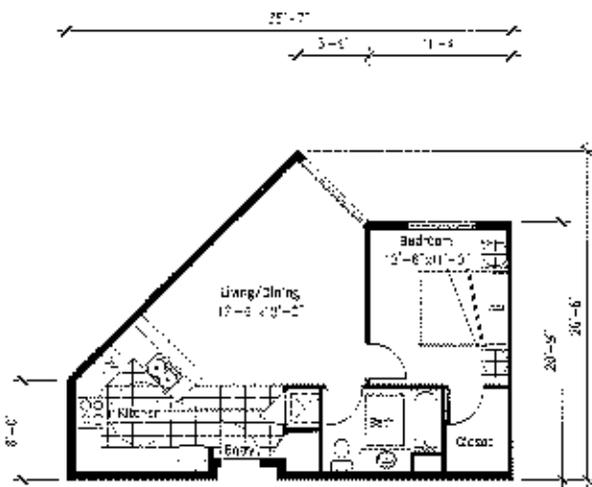


Capella Way Elevation



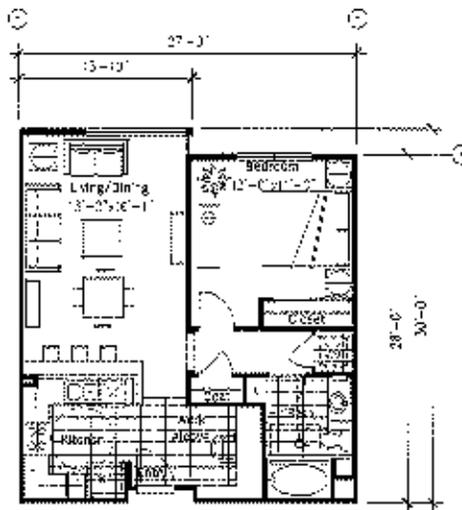
Washington Avenue Elevation

ATTACHMENT D
 Page 37 of 41



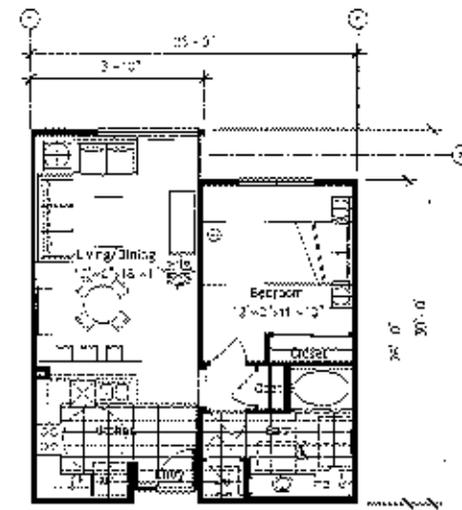
Typical Unit 33 3

UNIT 33 (1 BR / 1.35 BA)
 LIVING AREA: 933 sq ft



Typical Unit 22 2

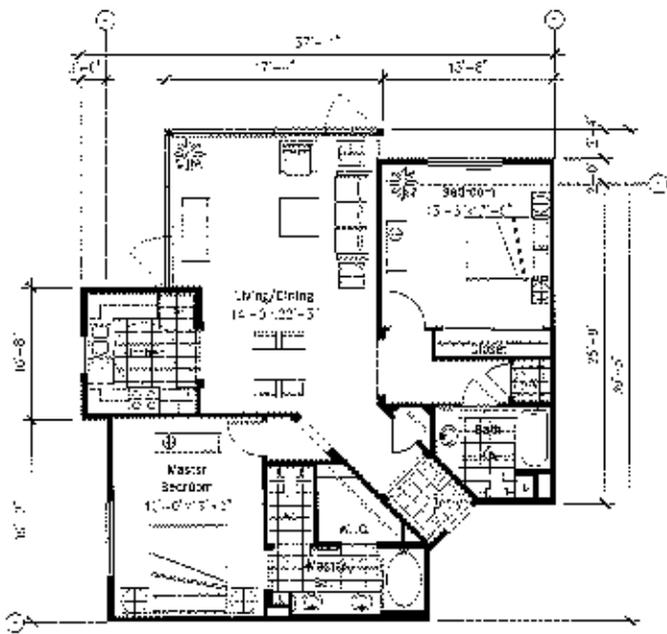
UNIT 22 (1 BR / 1.04 BA)
 LIVING AREA: 725 sq ft



Typical Unit 41 1

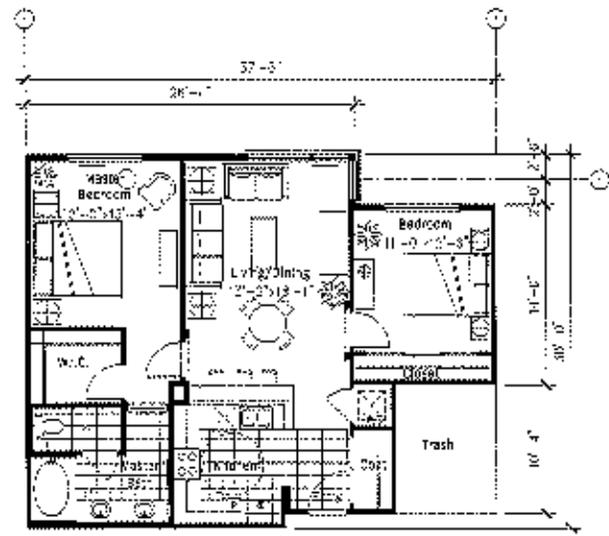
UNIT 41 (1 BR / 1.30 BA)
 LIVING AREA: 881 sq ft

ATTACHMENT D
 Page 39 of 41



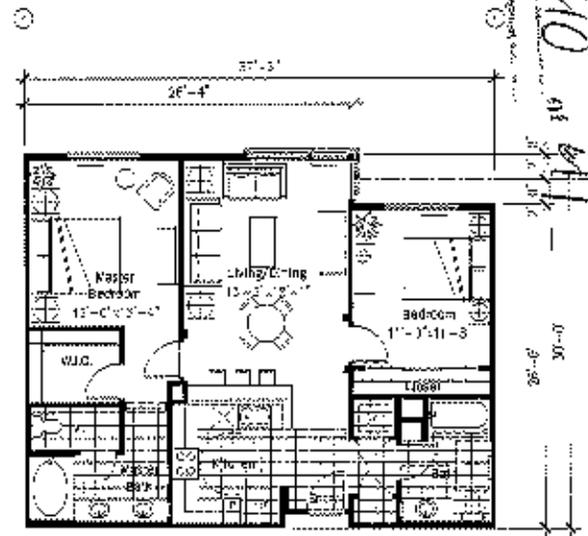
Typical Unit 185 3

UNIT BR: 2 BR / 2 BATH
 LIVING AREA: 1,151 SF



Typical Unit 82 2

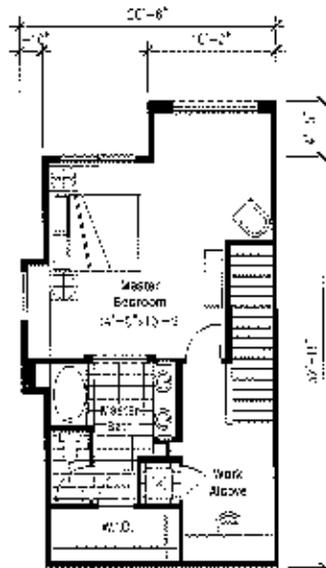
Unit 82 BR: 1 BATH
 LIVING AREA: 1,016 SF



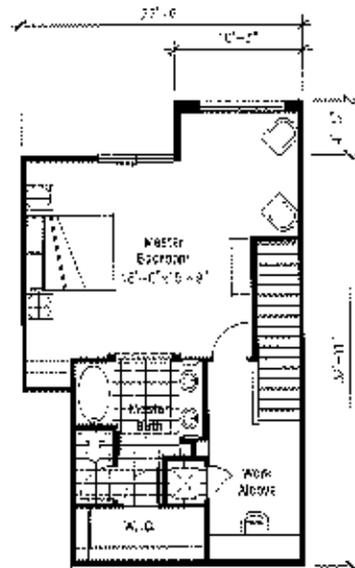
Typical Unit 61 1

UNIT BR: 2 BR / 1 BATH
 LIVING AREA: 522 SF

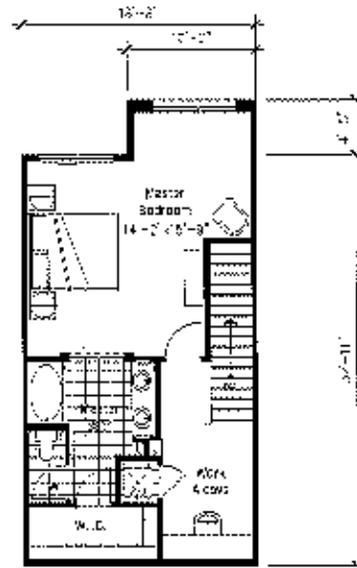
AGREEMENT
 NO. 1111



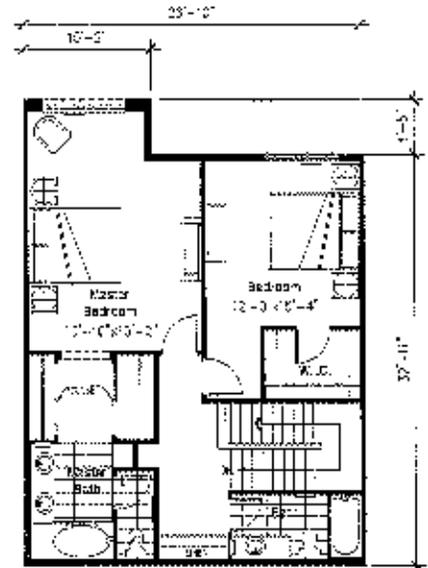
Typical Townhome Unit TH4-E - Second Level 4b



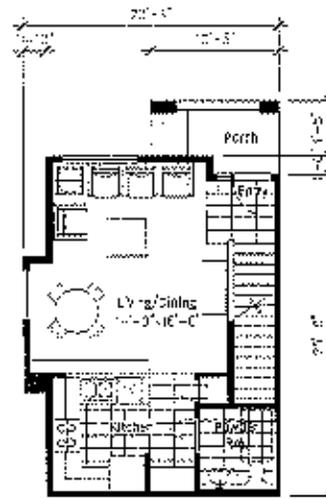
Typical Townhome Unit TH5 - Accessible E - Second Level 3b



Typical Townhome Unit TH-A - Second Level 2c

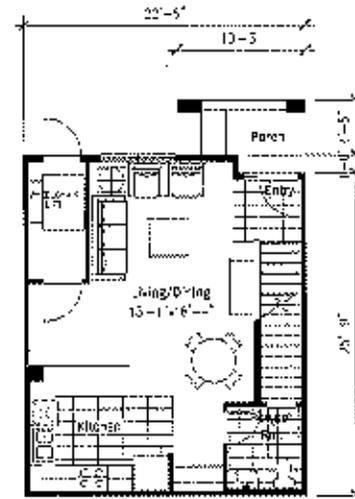


Typical Townhome Unit TH-B - Second Level 1b



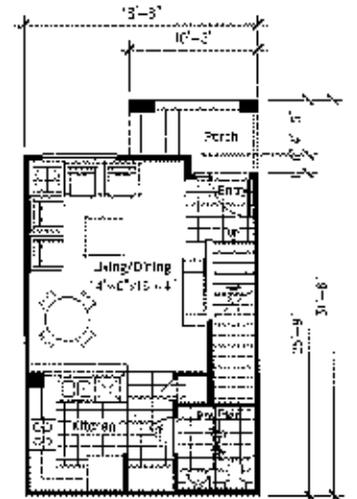
Typical Townhome Unit TH-E - First Level 4a

UNIT TH4-E 1 BR / 1 1/2 BATH
 1,136 SQ. FT. 1,052 KSF



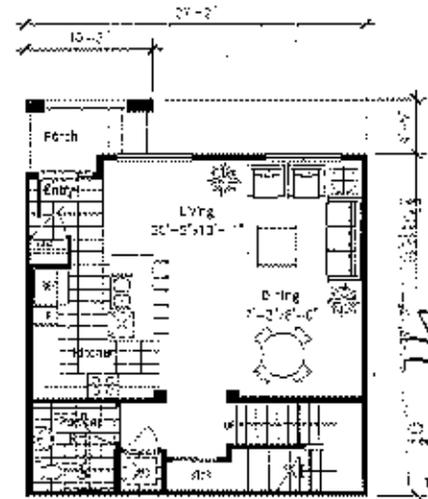
Typical Townhome Unit TH5 - Accessible E - First Level 3a

UNIT TH5 1 BR / 1 1/2 BATH
 1,134 SQ. FT. 1,134 KSF



Typical Townhome Unit TH-A - First Level 2a

UNIT TH-A 1 BR / 1 1/2 BATH
 1,126 SQ. FT. 1,026 KSF



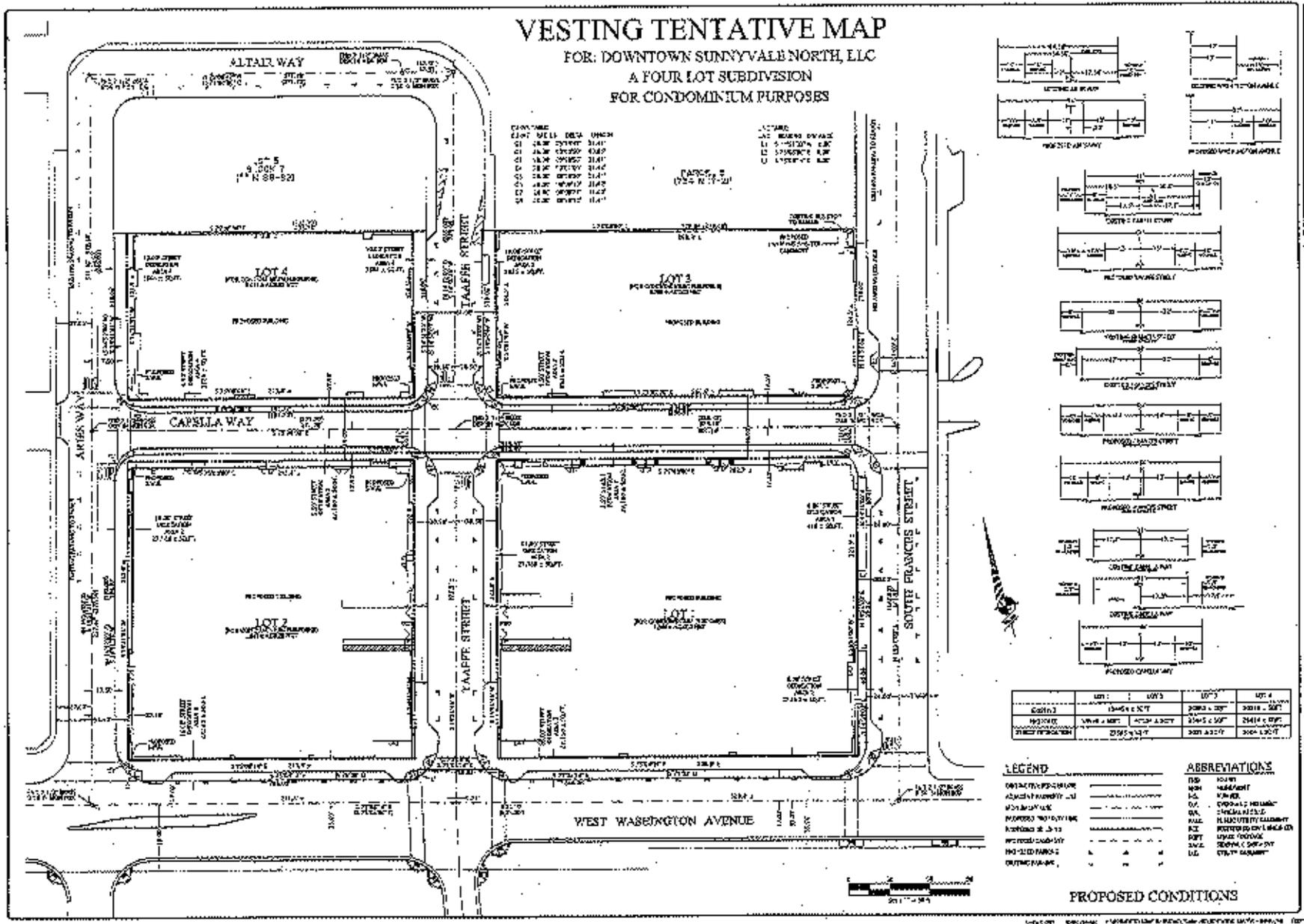
Typical Townhome Unit TH-B - First Level 1a

UNIT TH-B 1 BR / 1 1/2 BATH
 1,146 SQ. FT. 1,046 KSF

ATTACHMENT
 ALL OF
 [Signature]

VESTING TENTATIVE MAP

FOR: DOWNTOWN SUNNYVALE NORTH, LLC
 A FOUR LOT SUBDIVISION
 FOR CONDOMINIUM PURPOSES

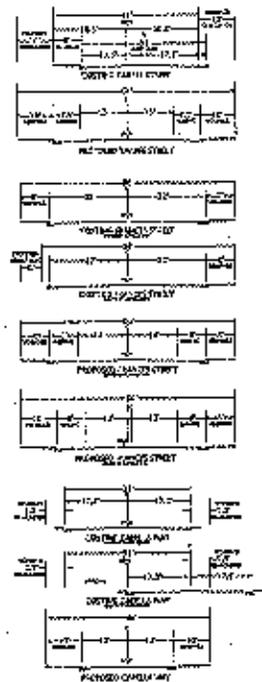
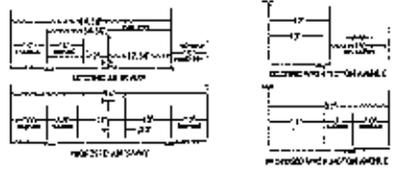


PROPOSED LOT SIZES

LOT	AREA (SQ FT)	AREA (SQ M)
LOT 1	10,000	929
LOT 2	10,000	929
LOT 3	10,000	929
LOT 4	10,000	929

ACTUAL LOT SIZES

LOT	AREA (SQ FT)	AREA (SQ M)
LOT 1	10,000	929
LOT 2	10,000	929
LOT 3	10,000	929
LOT 4	10,000	929



	LOT 1	LOT 2	LOT 3	LOT 4
Area (sq ft)	10,000	10,000	10,000	10,000
Area (sq m)	929	929	929	929
Number of Units	1	1	1	1

LEGEND

Proposed Building Footprint	---
Proposed Parking	---
Proposed Driveway	---
Proposed Easement	---
Proposed Setback	---
Proposed Utility	---
Proposed Other	---

ABBREVIATIONS

BB	Basement
GA	Garage
LA	Living Area
BA	Bathroom
KL	Kitchen
ST	Staircase
HT	Hallway
CL	Cl. (Closet)
UT	Utility
DR	Driveway
EX	Exterior
IN	Interior
SI	Site
ST	Street
UT	Utility
DR	Driveway
EX	Exterior
IN	Interior
SI	Site

PROPOSED CONDITIONS

KIER & WRIGHT
 CIVIL ENGINEERS & ARCHITECTS, INC.
 1000 W. CALIFORNIA STREET, SUITE 200
 SUNNYVALE, CALIFORNIA 94087
 (415) 343-1111

VESTING TENTATIVE MAP
 FOR: DOWNTOWN SUNNYVALE NORTH, LLC

DATE: 10/15/2014

SCALE: AS SHOWN

PROJECT NO: 14-001

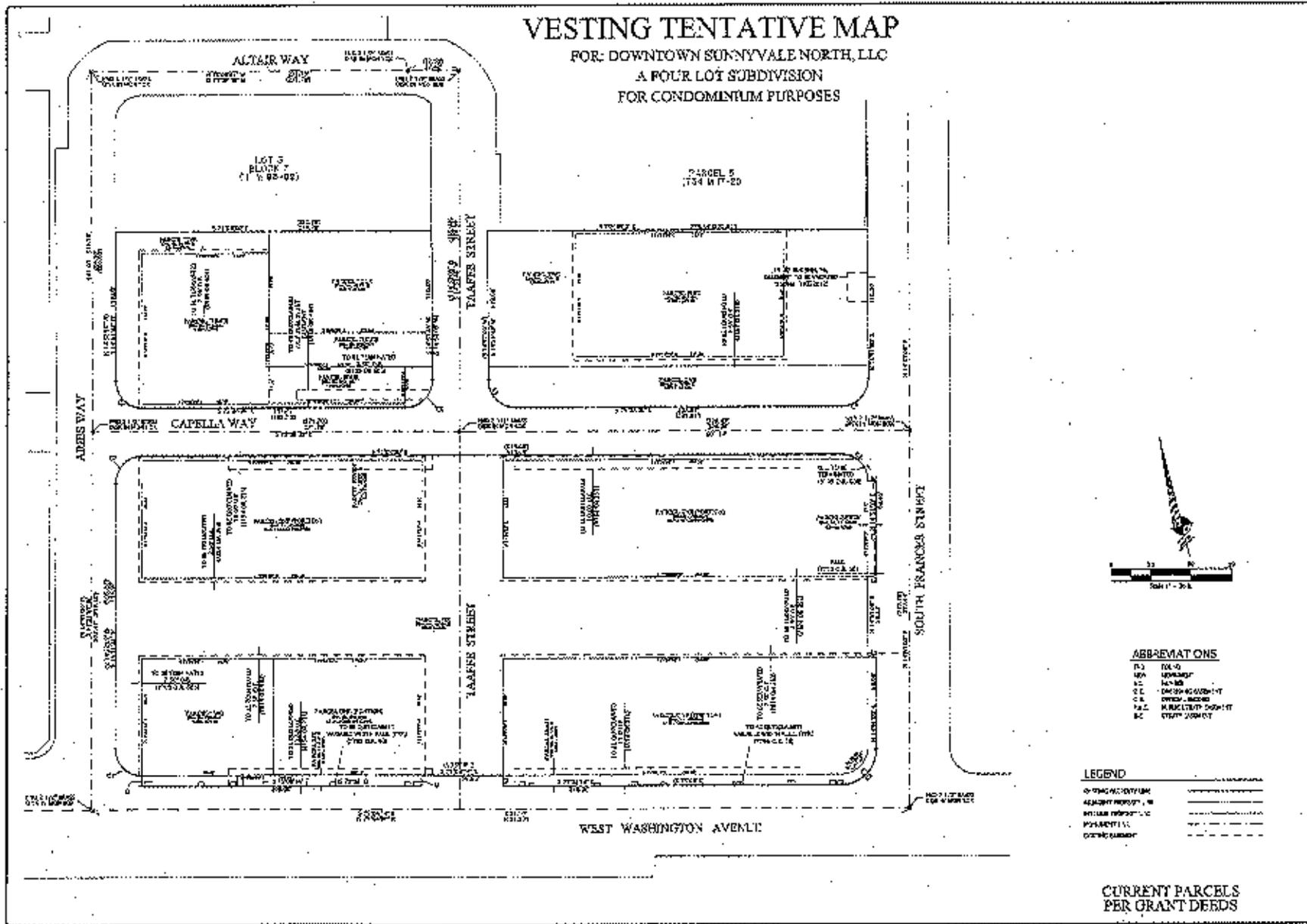
DATE: 10/15/2014

SCALE: AS SHOWN

PROJECT NO: 14-001

VESTING TENTATIVE MAP

FOR: DOWNTOWN SUNNYVALE NORTH, LLC
 A FOUR LOT SUBDIVISION
 FOR CONDOMINIUM PURPOSES



- ABBREVIATIONS**
- TS TO-DO
 - EN ENCLAVE
 - CEP CONVEYANCE
 - CEP CONVEYANCE

- LEGEND**
- PROPOSED LOT BOUNDARY
 - EXISTING LOT BOUNDARY
 - EXISTING EASEMENT
 - EXISTING UTILITY
 - EXISTING CURB
 - EXISTING DRIVE

CURRENT PARCELS
 PER GRANT DEEDS

<p>VESTING TENTATIVE MAP FOR: DOWNTOWN SUNNYVALE NORTH, LLC</p> <p style="text-align: right;">KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 1000 S. GARDEN AVENUE, SUITE 100 GARDEN CITY, CA 92345 (951) 261-1111</p>	<p>CALIFORNIA CIVIL ENGINEER No. 10000</p>
<p>DATE: 11/11/17 SHEET: 3 OF 3 SCALE: AS SHOWN DRAWN BY: JLD CHECKED BY: JLD IN CHARGE: JLD</p>	<p>SUNNYVALE</p>

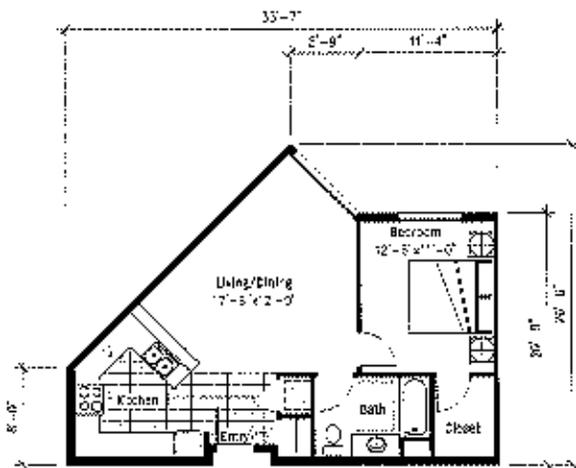
ATTACHMENT E

Capella - A Mixed Use Development

5/20/2009

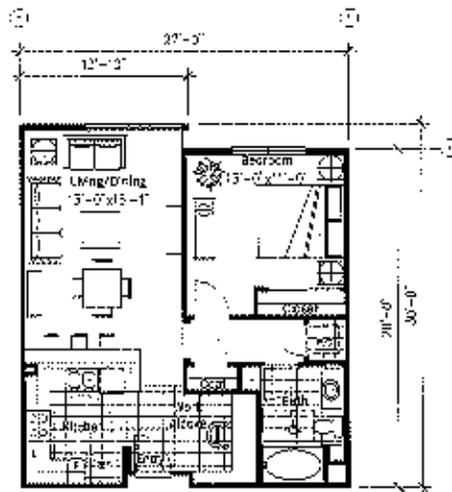
Block A					Block B				
Unit - Description	gross	net	Unit count	Unit net total	Unit - Description	gross	net	Unit count	Unit net total
Studio		434	6	2,604	Studio		480	-	-
A1 - 1BR/1Ba		681	23	15,663	A1 - 1BR/1Ba		681	24	16,344
A2 - 1BR/1Ba		728	32	23,296	A2 - 1BR/1Ba		728	12	8,736
A2.1-1BR/1Ba		752	8	6,016	A2.1-1BR/1Ba		752	-	-
A2.2-1BR/Aba		832	-	-	A2.2-1BR/Aba		832	8	6,656
A3 - 1BR/1Ba		623	16	9,968	A3 - 1BR/1Ba		623	16	9,968
B1 - 2BR/1Ba		922	8	7,376	B1 - 2BR/1Ba		922	8	7,376
B2 - 2BR/2Ba		1,016	40	40,640	B2 - 2BR/2Ba		1,016	39	39,624
B3 - 2BR/2Ba		1,181	12	14,172	B3 - 2BR/2Ba		1,181	12	14,172
TH A - 1BR/1.5Ba		1,029	1	1,029	TH A - 1BR/1.5Ba		1,029	1	1,029
THA.1 (ADA) - 1BR/1.5Ba		1,194	1	1,194	THA.1 (ADA) - 1BR/1.5Ba		1,194	1	1,194
THA.2 - 1 BR/1.5Ba		1,052	-	-	THA.2 - 1 BR/1.5Ba		1,052	1	1,052
TH B - 2BR/2.5Ba		1,495	5	7,475	TH B - 2BR/2.5Ba		1,495	6	8,970
			152	126,829				128	115,121

ATTACHMENT # 5
 Page 1 of 5



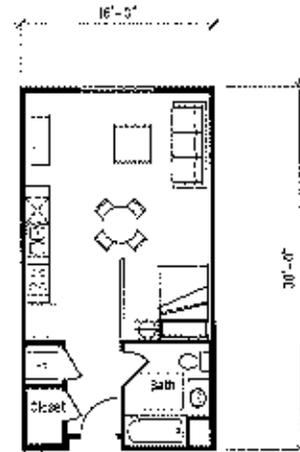
Typical Unit 103

UNIT 103 (L. BR./1. BR./1. BATH)
 LIVING (NET): 523 NSF



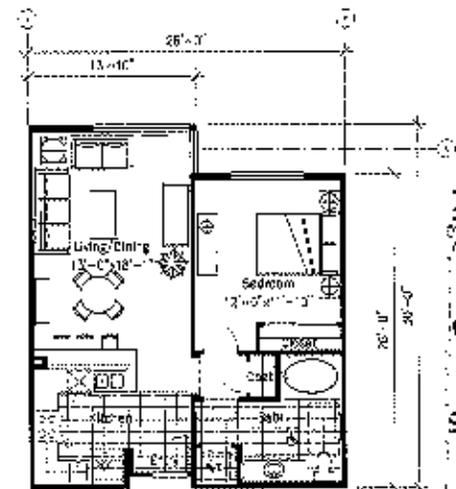
Typical Unit 102

UNIT 102 (L. BR./1. BR./1. BATH)
 LIVING (NET): 738 NSF



Typical Unit 101

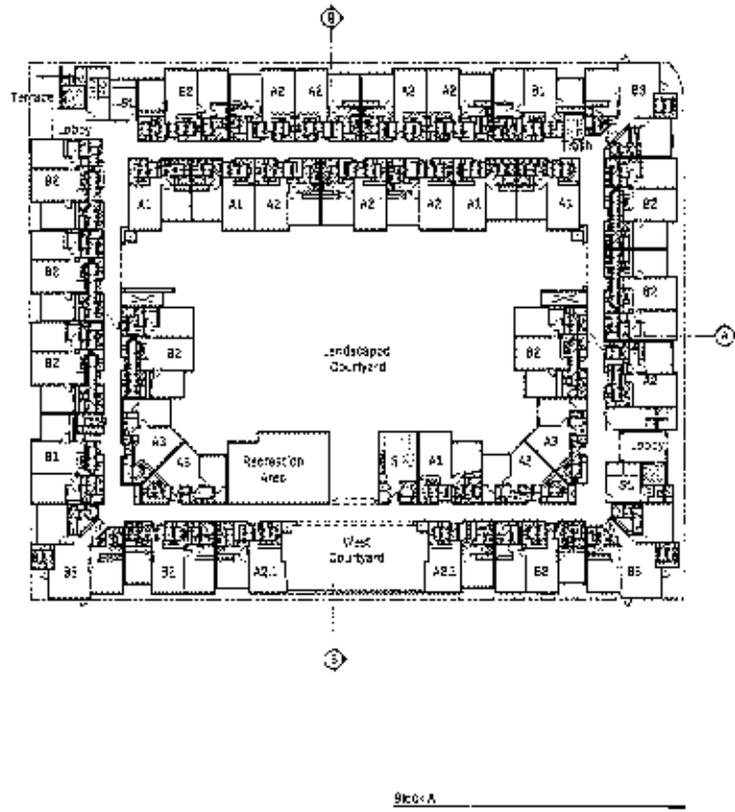
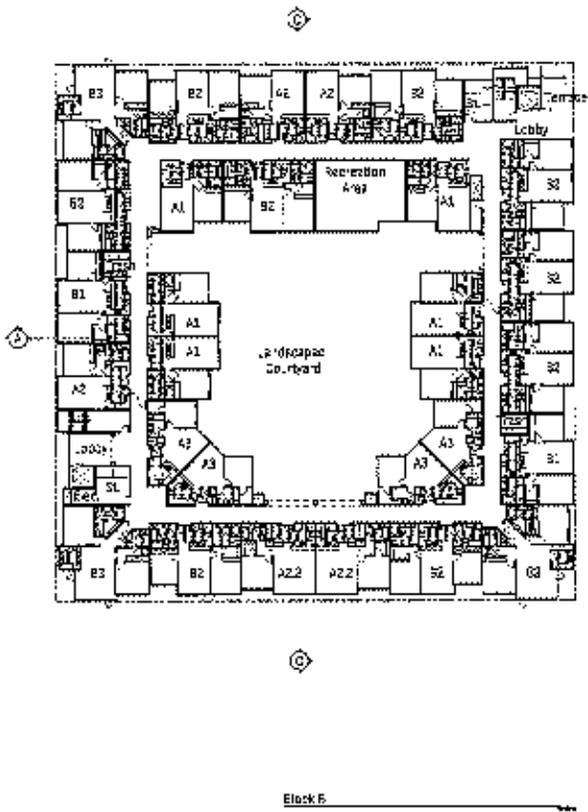
UNIT 101 (L. BR./1. BR./1. BATH)
 LIVING (NET): 454 NSF



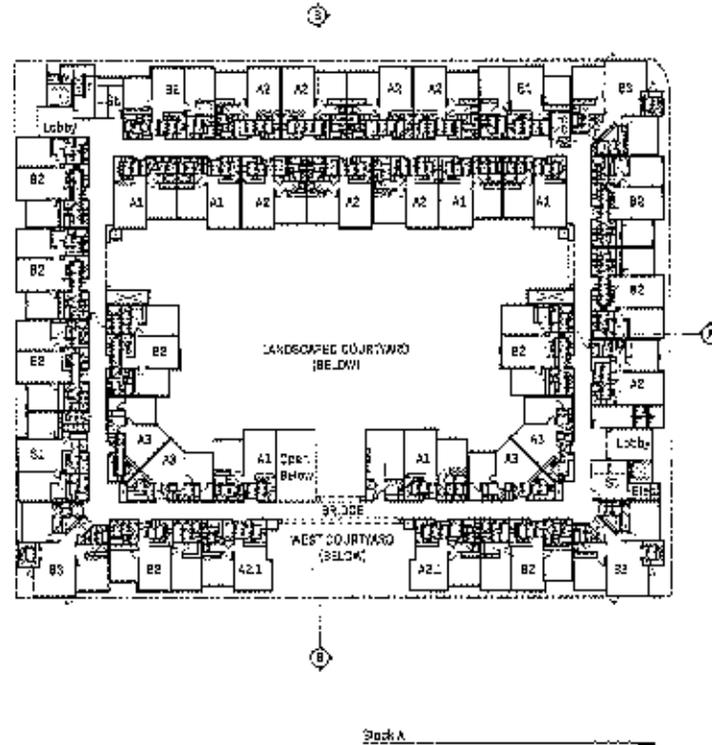
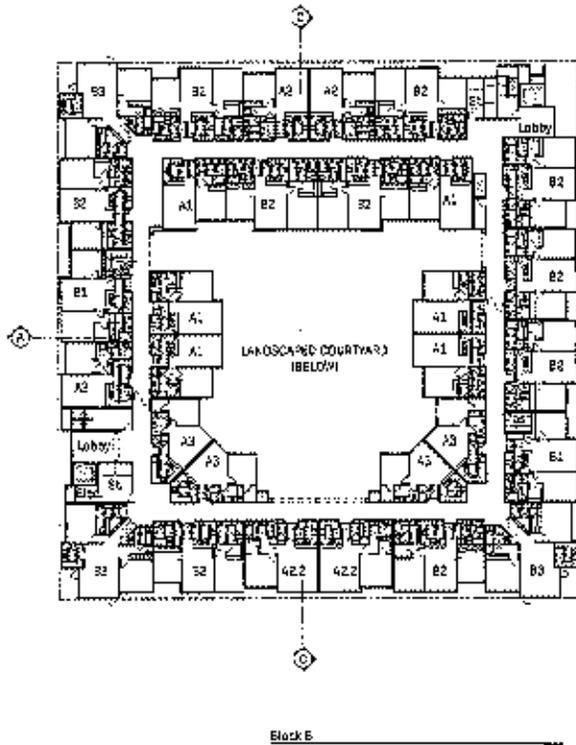
Typical Unit 104

UNIT 104 (L. BR./1. BR./1. BATH)
 LIVING (NET): 681 NSF

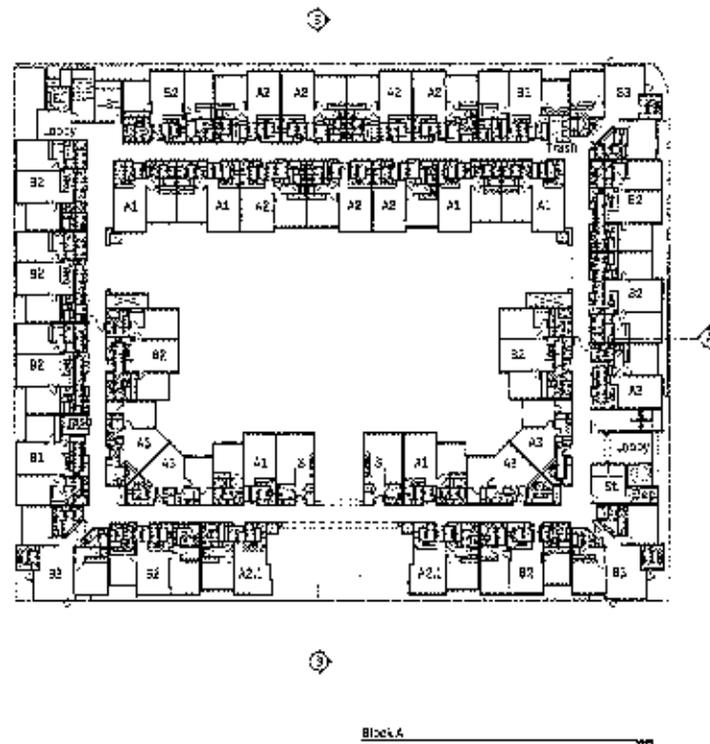
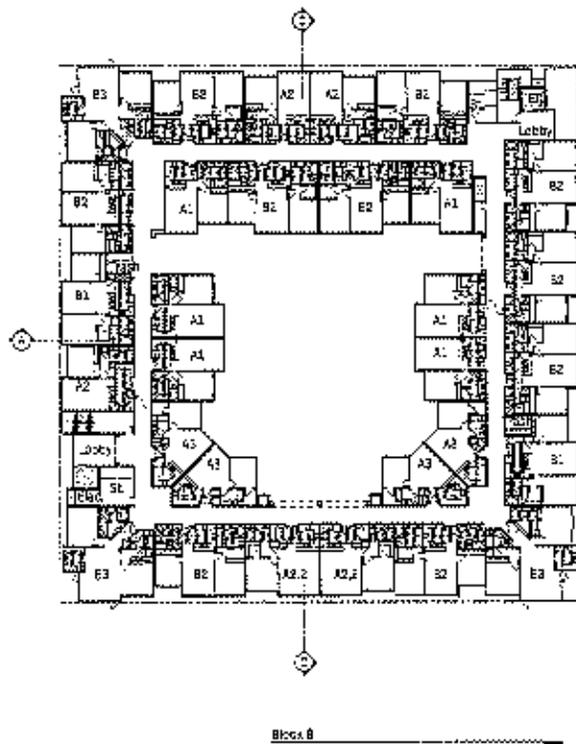
ATTACHMENT F
 Page 2 of 5



ATTACHMENT E
 Page 3 of 15



ATTACHMENT F
 Page 4 of 5

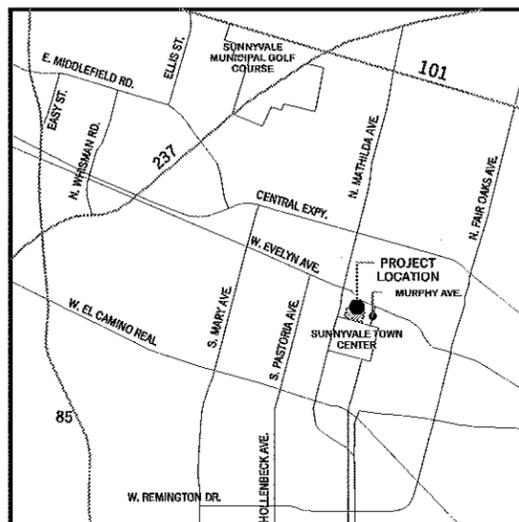


ATTACHMENT E
 Page 5 of 5

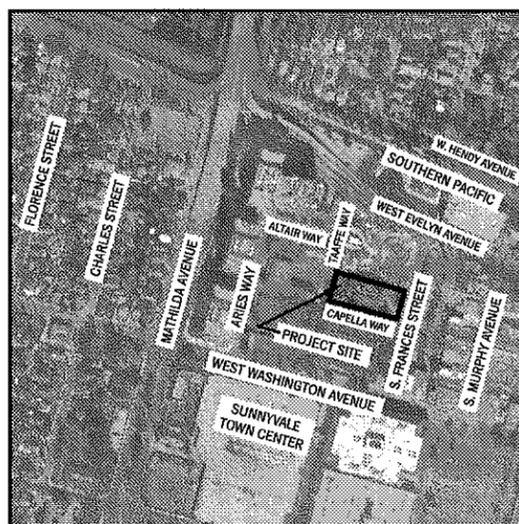
CAPELLA CONDOMINIUMS - BLOCK C STUDY

A MIXED USE DEVELOPMENT SUNNYVALE, CALIFORNIA

FOR REFERENCE ONLY



VICINITY MAP
NOT TO SCALE



AERIAL PLAN
NOT TO SCALE



PROJECT TEAM

OWNER: DOWNTOWN SUNNYVALE NORTH, LLC
SAND HILL PROPERTY COMPANY
480 SOUTH EL CAMINO REAL
SAN MATEO, CALIFORNIA 94402
CONTACT: KELLY SNIDER
TEL: 408.735.7610

RREEF
101 CALIFORNIA STREET, SUITE 2600
SAN FRANCISCO, CALIFORNIA 94111-5836
CONTACT: CATHERINE MINOR
TEL: 415.262.7716

FAX: 415.986.6247

**ARCHITECT/
PLANNER:** STEINBERG ARCHITECTS
60 PIERCE AVE.
SAN JOSE, CA 95110
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INDEX OF DRAWINGS

T1.0 TITLE SHEET

A1.0 SUB BASEMENT PLAN
A2.0 LOWER BASEMENT PLAN
A3.0 BASEMENT PLAN
A4.0 STREET LEVEL PLAN
A5.0 LEVEL 2 - FLOOR PLAN
A6.0 LEVEL 3 - PODIUM PLAN
A7.0 LEVELS 4 THRU 6 - FLOOR PLAN

PARKING CALCULATIONS

REQUIRED PARKING						
	# UNITS	ASSIGNED RATIO	TOTAL ASSIGNED	UN ASSIGNED RATIO	TOTAL UN ASSIGNED	TOTAL REQUIRED
1 BR	24	3.0	24	0.50	12	36
2 BR	57	3.0	57	1.00	57	114.00
TOTAL	81		81		69	150

ADA CALCULATION			
		REQUIRED ADA SPACES	
2% OF ASSIGNED	3.6	2	
5% OF UNASSIGNED	3.5	4	
TOTAL		6	

GUEST PARKING			
	% UN-ASSIGNED	GUEST SPACES	
	25	17	

PARKING PROVIDED						
	ADA		GUEST	RESIDENT		TANDEM
	ASSIGNED	UN-ASSIGNED	STANDARD	ASSIGNED	UN-ASSIGNED	
BASEMENT	2	4	36	10	33	8
LOWER BASEMENT	0	0	0	54	36	11
SUB BASEMENT	0	0	0	17	0	0
TOTAL	2	4	36	81	69	19

SECURED BICYCLE PARKING REQUIRED			
	REQUIRED	PROVIDED	
1 SECURED BICYCLE SPACE PER 4 UNITS*	21	24	

UNIT CALCULATIONS

Unit - Description	gross	net	Unit count	Unit net total
A2 - 1BR/1Ba	779	728	8	5,824
A3 - 1BR/1Ba / Den	914	834	16	13,344
B - 2BR/1Ba	1,074	1,016	47	47,752
TH B - 2BR/2.5Ba	1,713	1,534	10	15,340
			81	82,260

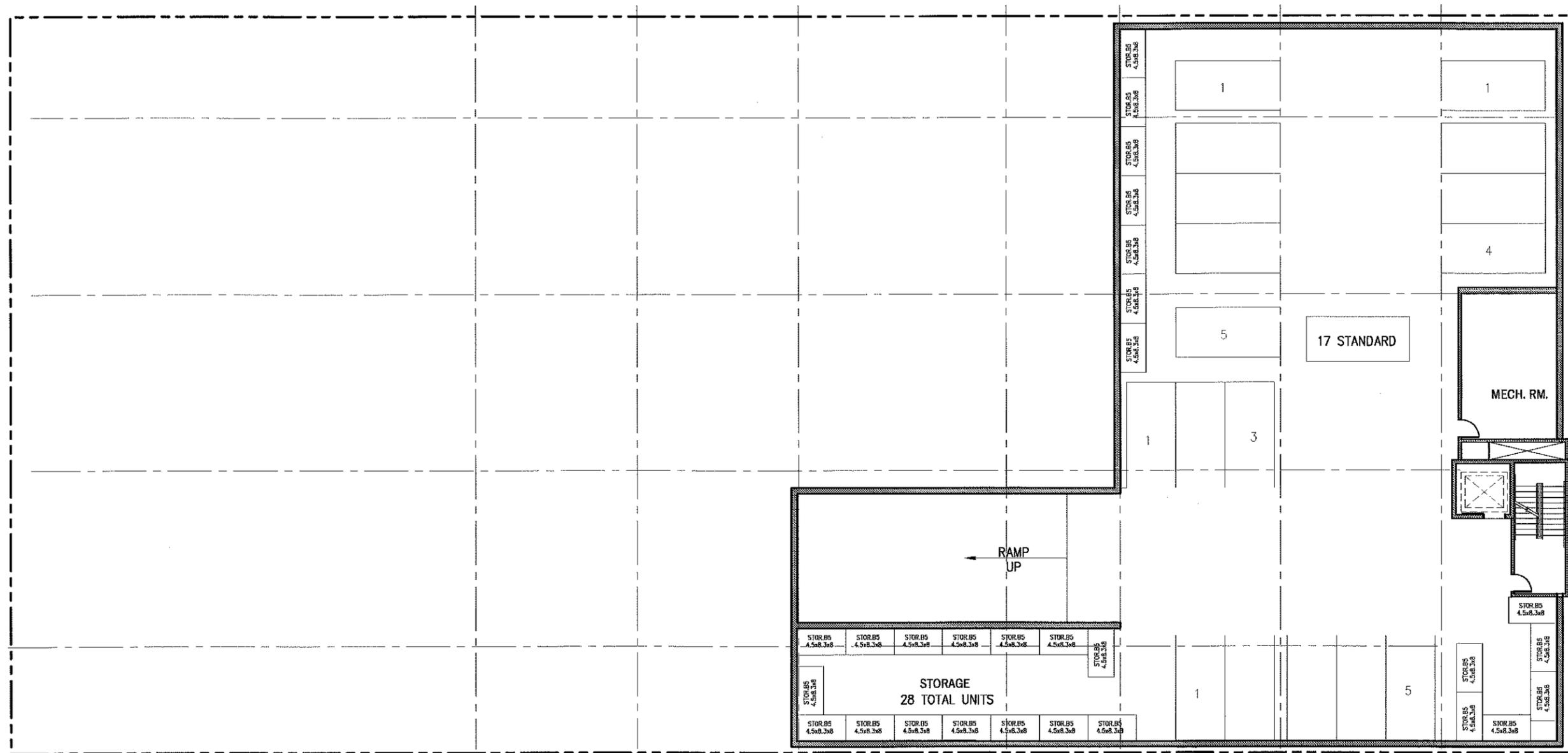
Notes:

1. Residential gross does not include balconies or porches.
2. Unit net area excludes balconies, corridor walls, exterior walls, party wall/chases

TOTAL STORAGE SPACES PROVIDED - 81

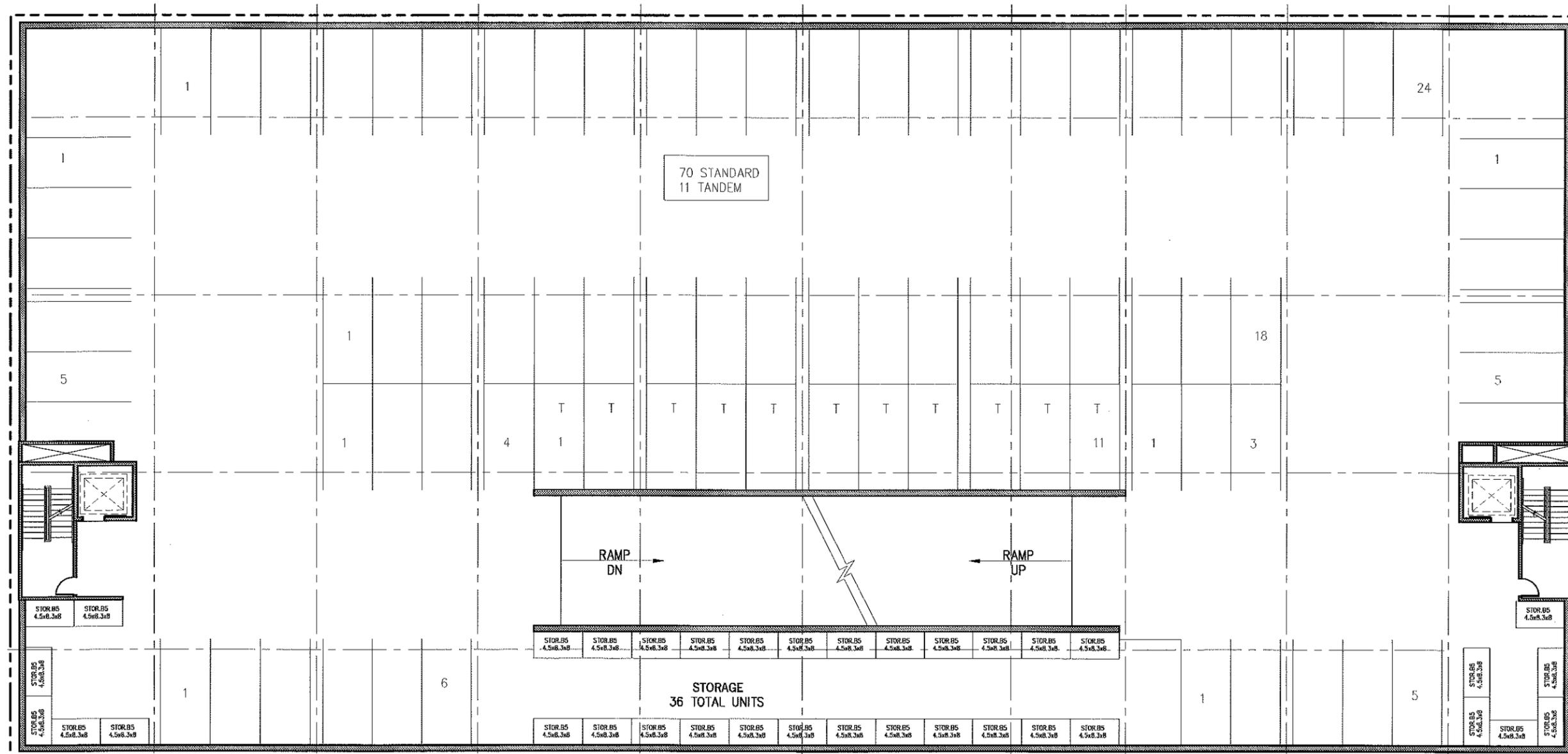
CAPELLA CONDOMINIUMS - BLOCK C STUDY

FOR REFERENCE ON



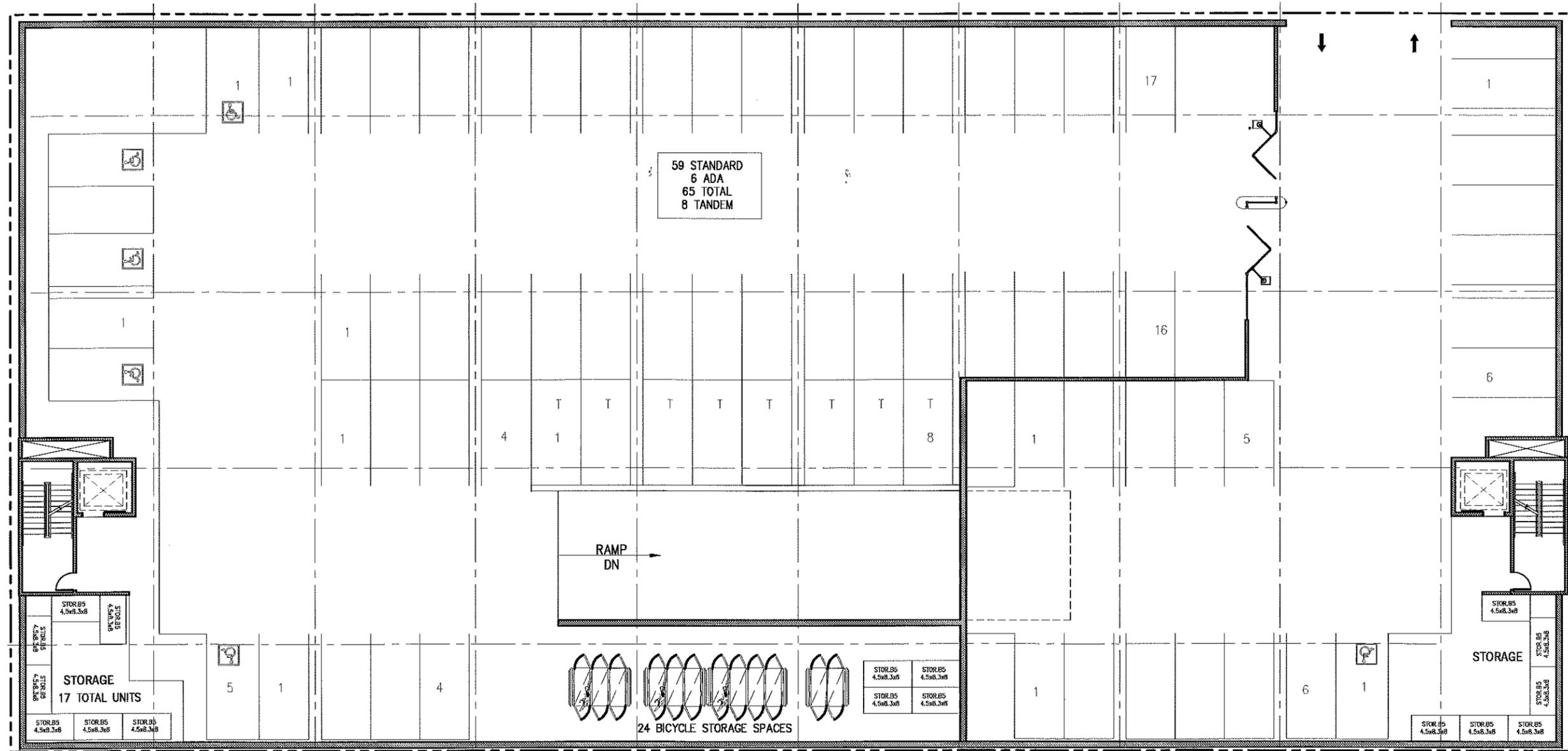
Sub Basement Plan
SCALE: 1" = 20'-0"

FOR REFERENCE ONLY



Lower Basement Plan

SCALE: 1"=20'-0"

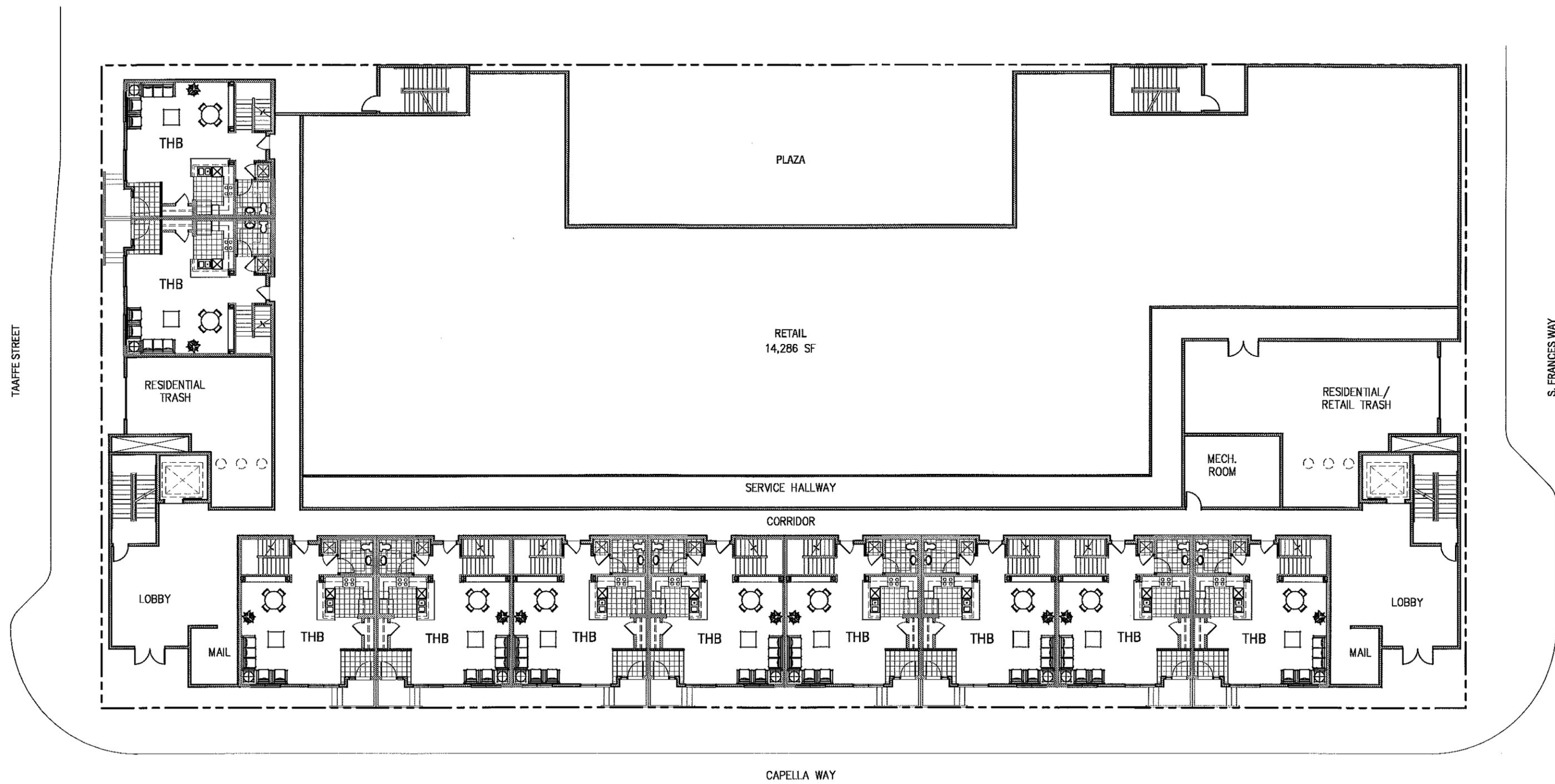


Basement Plan
SCALE: 1/8"=1'-0"

CAPELLA CONDOMINIUMS - BLOCK C STUDY

DOWNTOWN SUNNYVALE NORTH, LLC

FOR REFERENCE ONLY

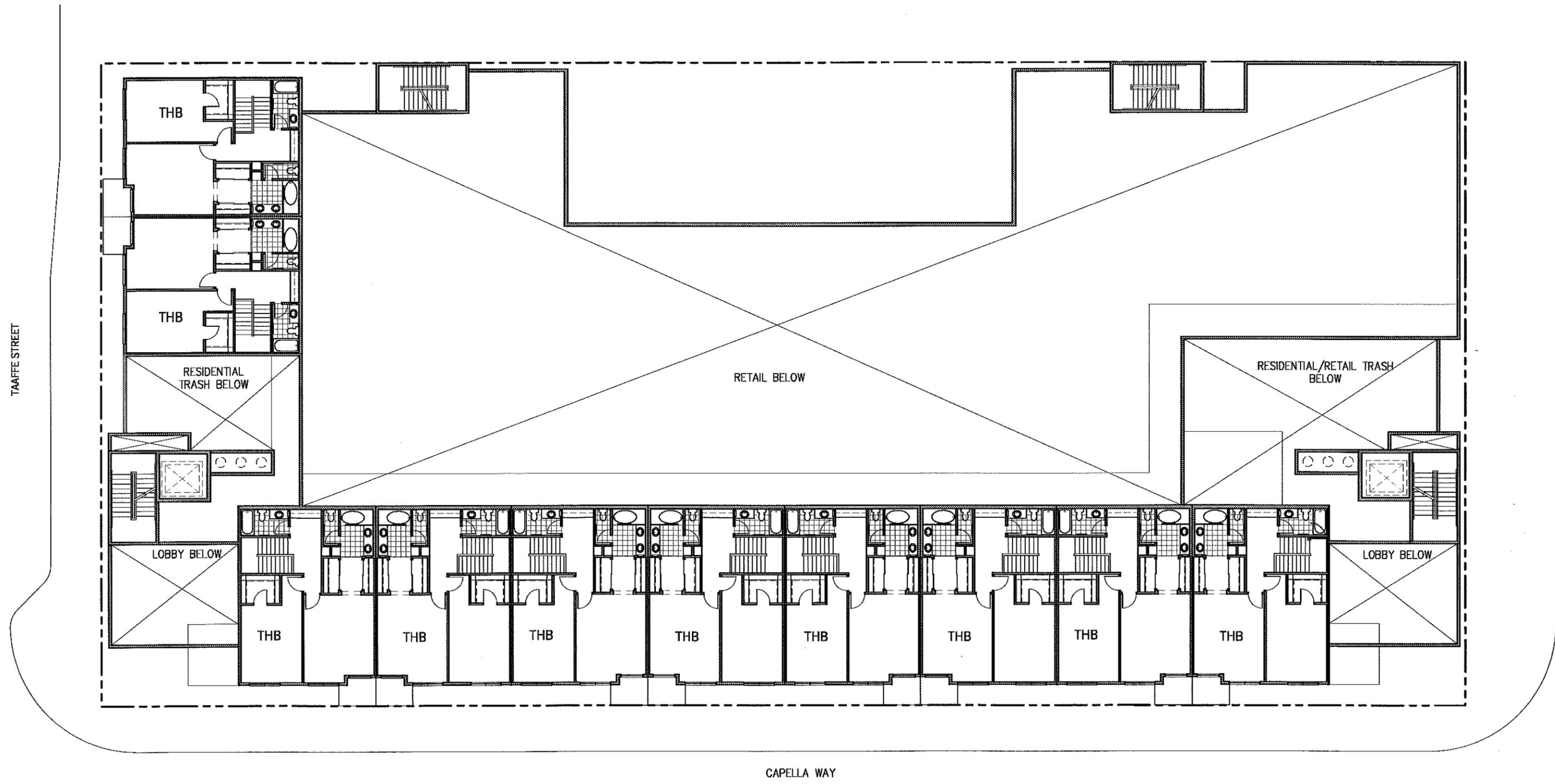


Street Level Plan
SCALE: 1"=20'0"

CAPELLA CONDOMINIUMS - BLOCK C STUDY

DOWNTOWN SUNNYVALE NORTH, LLC

FOR REFERENCE ON



Second Level Plan
SCALE: 1/8" = 1'-0"

FOR REFERENCE ONLY



Level 3 - Podium Plan
SCALE: 1/8\"/>

FOR REFERENCE ONLY



Floor Plan - Levels 4-6
SCALE: 1" = 20'-0"

Table 1 showing proposed residential unit types in Block A

Unit Type	Number of Units	Unit Type	Unit Sizes
Block A			
Plan (studio)	6	Studio	434 sf
Plan A1	23	1 Bedroom	681 sf
Plan A2	32	1 Bedroom	728 sf
Plan A2.1	8	1 Bedroom	752 sf
Plan A2.2	-	1 Bedroom	-
Plan A3	16	1 Bedroom	623 sf
Plan B1	8	2 Bedroom	922 sf
Plan B2	40	2 Bedroom	1,016 sf
Plan B3	12	2 Bedroom	1,181 sf
Plan TH A	1	1 Bedroom	1,029 sf
Plan TH A1	1	1 Bedroom	1,194 sf
Plan TH A2	-	1 Bedroom	-
Plan TH B	5	2 Bedroom	1,495 sf
Total	152 units		

Table 2 showing proposed residential unit types in Block B

Unit Type	Number of Units	Unit Type	Unit Sizes
Block B			
Plan (studio)	-	Studio	-
Plan A1	24	1 Bedroom	681 sf
Plan A2	12	1 Bedroom	728 sf
Plan A2.1	-	1 Bedroom	752 sf
Plan A2.2	8	1 Bedroom	832 sf
Plan A3	16	1 Bedroom	623 sf
Plan B1	8	2 Bedroom	922 sf
Plan B2	39	2 Bedroom	1,016 sf
Plan B3	12	2 Bedroom	1,181 sf
Plan TH A	1	1 Bedroom	1,029 sf
Plan TH A1	1	1 Bedroom	1,194 sf
Plan TH A2	1	1 Bedroom	1,052 sf
Plan TH B	6	2 Bedroom	1,495 sf
Total	128 units		

Parking Management Plan
Capella – Special Development Permit application
Owner: Downtown Sunnyvale North, LLC
Applicant: Sand Hill Property Company

ATTACHMENT I
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Submitted on June 1, 2009

Capella Block A and Block B are the two largest blocks of a 4-block project site formerly known as “Town and Country Village”. The Capella site is ideally suited for development as a Transit-Oriented-Development, as it is located adjacent to multiple public transit lines and mode choices. Occupants of the residential units will have many transit options available to them, including the ability to walk to most of their “day-to-day” needs including shopping, dining, employment, and recreation. Capella’s location in Downtown Sunnyvale makes it ideally situated for bicycle commuting as well, with enhanced bike/pod access to nearby employment centers via the Borregas/Rt. 237 Bicycle bridge to the north and the Mary Ave. bicycle bridge to the south.

Visitors and patrons of Capella’s proposed retail shops have numerous automobile parking options available to them, and Capella is located in the Downtown Parking District. Visitors to Capella will find several thousand public parking spaces available in the Orange Parking Garage on Taaffe and the Plaza del Sol parking garage. There is additional public and retail parking available at the Frances Street lot, and on-street parking along Washington, Frances, Arics, and Taaffe. These several thousand parking spaces are literally adjacent to the Capella site.

The “Downtown Rate” currently used for evaluating parking sufficiency in downtown projects would provide too much parking for the 280 residential units proposed here. As demonstrated in some of Sunnyvale’s recently built multi-family neighborhoods (such as IIR neighborhoods in North Sunnyvale), an abundance of un-assigned “Guest Parking” spaces quickly leads to disputes among users. The best way to ensure parking-space harmony among neighbors is to have assigned parking spaces that are well-managed by a professional management company – which is what we are proposing. Furthermore the Capella residential units are efficient studio, 1-Bedroom and 2-Bedroom units which are likely to be occupied those who actively seek an urban lifestyle and will rely less on personal automobile travel in their day-to-day activities.

The sustainability initiative report prepared by the Director of Community Development and presented to City Council on August 26, 2008 includes among its recommendations, “iii. Allow flexible parking standards in conjunction with Transportation Demand Management Programs and/or Parking Management Plans”. This project is requesting flexibility in the required parking standards because of the exemplary parking options for motorcycles, scooters, plug-in electric vehicles, and car-sharing programs, and also because of the proximity of thousands of public parking spaces adjacent. The most important of the parking management program amenities (as stated earlier) is conscientious and professional management, and policies and programs which are flexible enough to be updated regularly to respond to the needs of the times. The policies and programs described in this Parking Management Program should be amended and/or improved subject to approval by the City of Sunnyvale

Parking Management Plan
Capella Special Development Permit application
Owner: Downtown Sunnyvale North, LLC
Applicant: Sand Hill Property Company

ATTACHMENT I
Page 2 of 5

Planning Commission or the Director of Community Development.

PARKING ASSIGNMENT POLICIES

1. Each residential unit will be ASSIGNED one parking space per rental unit. The parking space will be numbered and identified in the rental agreement; allow unlimited, untimed parking for the duration of the rental agreement; and will not be transferable to another unit or renter. This policy will permanently assign 280 parking spaces.
2. At least 70 additional parking spaces (equivalent to .25 spaces per unit) will be ASSIGNED to residential units who wish to lease a second parking space on a monthly basis. A resident may wish to lease a second space just for the months when an out-of-town guest is visiting (e.g. during summer months), and not pay for it as part of the entire lease term. Collecting monthly rent for the second ASSIGNED parking space also ensures that residents don't leave their "extra" unused car (typically a friends' car) in an "unassigned" space for weeks at a time just because it's free.
3. These minimum 350 ASSIGNED parking spaces will be managed by the Property Manager and additional rent (or a parking space fee) may be collected from the units who receive two ASSIGNED parking spaces. If the final parking garage layout includes tandem parking spaces, they will be assigned to a single residential unit (and not shared between two units).
4. In addition to the minimum 350 automobile parking spaces, the project will contain at least 20 Motorcycle and Scooter Parking slots. These 20 spaces will be ASSIGNED to residential units who wish to lease a Motorcycle/Scooter Parking slot on a monthly basis.

CAR-SHARING AND ALTERNATIVE FUEL VEHICLE PROGRAMS

1. Prior to issuance of Certificate of Occupancy, the Owner shall enter in agreement with a car-sharing company (e.g. ZipCar) to make up to 4 cars available within the Capella garage(s). If the Owner is unable to find a commercial car-sharing company prior to issuance of Certificate of Occupancy, then City shall consider it the obligation of the Owner/Operator to create a car-sharing program unless this Parking Management Plan is amended.
2. Within one year of the date of issuance of the Certificate of Occupancy, at least 2 electric car-charging stations (1 per garage) will be installed for use by residents and resident's guests. The car charging stations may be "meter-style" wherein the user must pay for the cost of the electricity, as long as their use is managed and available to all residents and guests of residents and NOT limited to users of a particular parking space. The usage will be monitored by the professional management company.

ALTERNATIVE TRANSPORTATION & TRANSIT INCENTIVE POLICIES

1. Each residential unit will receive a complimentary EcoPass each year from the owner/property manager. After lease-up and stabilization of the project, the program of free EcoPasses will be evaluated and may be revised as deemed appropriate by the owner/Property Manager and appropriate City Staff.

2. Each residential unit will receive a complimentary 8-ride CalTrain ticket each year from the owner/property manager, valid for 3 zones of travel from the Sunnyvale Station. (3 zones of travel sufficient for San Francisco northbound, and Gilroy southbound). Like the EcoPass program, after lease-up and stabilization of the project, this program will be evaluated and may be revised as deemed appropriate by the owner/Property Manager and appropriate City Staff.
3. A minimum of 100 Bicycle lockers will be placed within the project and made available at no cost to residents (maximum 2 lockers per unit). Property Manager will be required to monitor bike locker use on a weekly basis to ensure that they are being used for bicycle storage, and not sitting empty or for non-bike storage.
4. An informational kiosk with current and up-to-date information about transit options, schedules, costs, ticketing policies, and dates of service will be maintained in the residential leasing office and information about public transit options will be made available on the management company's website/intranet.

GUEST PARKING POLICIES

1. Block A will have at least 35 of its "unassigned" spaces designated for GUEST PARKING. Guest Parking is defined as maximum 12 hours, after which cars will be subject to towing by the property manager.
2. Block B will have at least 30 of its "unassigned" spaces designated for GUEST PARKING. Guest Parking is defined as maximum 12 hours, after which cars will be subject to towing by the property manager.
3. In Block A, 4 of the full-size GUEST PARKING spaces on the grade-level will be designated for Prospective Tenant parking during Leasing Office Open Hours 7 days/week, and will be available as Guest Parking on evenings and overnight hours. Cars illegally parked in these Prospective Tenant parking spaces when the leasing office is open will be subject to towing by the Property Manager.
4. Access to the Guest Parking & Prospective Tenant parking will require a security access code or key card entry. The security gates shall be located such that there is at least 35' linear distance between the property line and the security gate and control panel (enough for queueing 2 or 3 cars).

OFF-SITE PARKING

1. Capella will provide, as part of its required public improvements on adjacent public streets, ample pole-mounted and ROW-painted signage indicating the public parking at adjacent and nearby public parking lots (e.g. Frances St. lot, Plaza del Sol, Taaffe Orange, and others subject to city approval).
2. Capella is surrounded by 31 on-street public parking spaces (parallel parking spaces), which are owned, maintained, and controlled by the City of Sunnyvale, including the ability to charge for parking, install pay meters, limit and/or restrict on-street parking altogether in accordance with applicable city policies and ordinances.

Parking Management Plan
 Capella – Special Development Permit application
 Owner: Downtown Sunnyvale North, LLC
 Applicant: Sand Hill Property Company

Parking Table - Capella Block A & Block B

	BLOCK A				BLOCK B				Code Required		Downtown Rate	
	Units	Assigned	Unassigned	Total	Units	Assigned	Unassigned	Total	Ratio	Spaces	Ratio	Spaces
Studio	6	6	0	6	0	0	0	0	1.75	10.5	1.5	9
1-bedroom	81	81	25	113	63	63	24	92	1.75	141.75	1.5	121.5
2-bedroom	65	65	34	112	65	65	28	106	2	130	2	130
Extra Assigned	0	20			0	18						
Sub-total:	152	172	59	231	128	146	52	198		240.25		224.5
Tandem:		16			16							
TOTAL:		188	59	247		162	52	214	Total	282	Total	261
									Ratio	Spaces	Ratio	Spaces
Studio	0				0							
1-bedroom	63	63	24	92	63	63	24	92	1.75	110.25	1.5	94.5
2-bedroom	65	65	28	106	65	65	28	106	2	130	2	130
Extra Assigned	0	18			0	18						
Sub-total:	128	146	52	198	128	146	52	198		240.25		224.5
Tandem:		16			16							
TOTAL:		162	52	214		162	52	214	Total	240	Total	225

	Per Code:	Per Downtown Rate:	W/ PMP & Tandem:
Block A Deficiency:	51	30	14
Block B Deficiency:	42	26.5	10.5
Combined Deficiency:	94	56.0	24.0

Surachita Bose - Town & Country project

From: "Bob Kiehl" <bob@murphyslawpub.com>
To: <sbose@ci.sunnyvale.ca.us>
Date: 6/15/2009 9:29 AM
Subject: Town & Country project

ATTACHMENT J
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Surachita,

Please consider this email as a rejection to the Sand Hill Town and Country project. The proposal eliminates parking spaces, creates deficit parking for the residential tenants, and does not provide additional parking for the proposed retail. By the way, how can they start a new project when they have stopped work on the mall?

Bob @ Ann Kiehl
Property owners