SUBJECT: City Ventures [Steve Hussey Trustee & Et Al]: Application on a 1.7 acre site located at 628 E. Taylor Avenue (near N. Fair Oaks Ave.) in an M-S/ITR/R-3/PD (Industrial and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District (APN: 205-30-019).

Motion Special Development Permit to allow 10 townhome-style condominiums.

Motion Vesting Tentative Map to allow 10 condominium units and one common lot.

REPORT IN BRIEF:

Existing Site Conditions: Auto repair shop and vacant industrial site

Surrounding Land Uses:
- North: 36-unit townhome development under construction (D.R. Horton; former Flick’s Mobile Home Park)
- South: 47-unit townhome development (Classic Communities)
- East: 24-unit townhome development (City Ventures – Phase I entitled, not built)
- West: Industrial

Issues: Noise, hazardous materials, solar access

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

Staff Recommendation: Approve with Conditions
## PROJECT DATA TABLE

<table>
<thead>
<tr>
<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>REQUIRED/PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Plan</strong></td>
<td>Industrial to Residential Medium Density</td>
<td>Same</td>
<td>Industrial to Residential Medium Density</td>
</tr>
<tr>
<td><strong>Zoning District</strong></td>
<td>M-S/ITR/R-3/PD</td>
<td>Same</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Lot Size (s.f.)</strong></td>
<td>19,776</td>
<td>Same</td>
<td>8,000 min.</td>
</tr>
<tr>
<td><strong>Gross Floor Area (s.f.)</strong></td>
<td>7,400</td>
<td>22,126</td>
<td>No max.</td>
</tr>
<tr>
<td><strong>Lot Coverage (%)</strong></td>
<td>37%</td>
<td>38%</td>
<td>40% max.</td>
</tr>
<tr>
<td><strong>Floor Area Ratio (FAR)</strong></td>
<td>37%</td>
<td>112%</td>
<td>No max.</td>
</tr>
<tr>
<td><strong>No. of Units</strong></td>
<td>N/A</td>
<td>10</td>
<td>10 max.</td>
</tr>
<tr>
<td><strong>Density (units/acre)</strong></td>
<td>N/A</td>
<td>22/acre</td>
<td>24/acre max.</td>
</tr>
<tr>
<td><strong>Meets 75% min?</strong></td>
<td>N/A</td>
<td>Yes</td>
<td>7 min.</td>
</tr>
<tr>
<td><strong>Bedrooms/Unit</strong></td>
<td>N/A</td>
<td>4</td>
<td>---</td>
</tr>
<tr>
<td><strong>Unit Sizes (s.f.) (including garage)</strong></td>
<td>N/A</td>
<td>Plan 2A: 2,171</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>No. of Buildings On-Site</strong></td>
<td>1</td>
<td>2</td>
<td>---</td>
</tr>
<tr>
<td><strong>Distance Between Buildings</strong></td>
<td>N/A</td>
<td>35’</td>
<td>20’ min.</td>
</tr>
<tr>
<td><strong>Building Height (ft.)</strong></td>
<td>N/A</td>
<td>34’-9”</td>
<td>35’ max.</td>
</tr>
<tr>
<td><strong>No. of Stories</strong></td>
<td>1</td>
<td>3</td>
<td>3 max.</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td>35’</td>
<td>19’ min, 19’ avg.</td>
<td>15’ min, 20’ avg.</td>
</tr>
<tr>
<td><strong>Left Side</strong></td>
<td>26’</td>
<td>2’</td>
<td>12’ min.</td>
</tr>
<tr>
<td><strong>Right Side</strong></td>
<td>0’</td>
<td>Varies 23’-29’</td>
<td>12’ min.</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>100’</td>
<td>Varies 23’ – 25’</td>
<td>20’ min.</td>
</tr>
<tr>
<td><strong>Landscaping (sq. ft.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Landscaping</strong></td>
<td>N/A</td>
<td>8,872</td>
<td>3,955 min.</td>
</tr>
<tr>
<td><strong>Landscaping/Unit</strong></td>
<td>N/A</td>
<td>887</td>
<td>425 min.</td>
</tr>
<tr>
<td><strong>Usable Open Space/Unit</strong></td>
<td>N/A</td>
<td>789</td>
<td>400 min.</td>
</tr>
<tr>
<td><strong>Frontage Width (ft.)</strong></td>
<td>N/A</td>
<td>19’</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td><strong>Parking Lot Area Shading (%)</strong></td>
<td>N/A</td>
<td>79.6%</td>
<td>50% min. in 15 years</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Spaces</strong></td>
<td>N/A</td>
<td>27</td>
<td>27 min.</td>
</tr>
<tr>
<td><strong>Covered Spaces</strong></td>
<td>N/A</td>
<td>20</td>
<td>20 min.</td>
</tr>
<tr>
<td><strong>Unassigned</strong></td>
<td>N/A</td>
<td>7</td>
<td>7 min.</td>
</tr>
<tr>
<td></td>
<td>EXISTING</td>
<td>PROPOSED</td>
<td>REQUIRED/ PERMITTED</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------</td>
<td>-----------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Compact Spaces/ % of Total Unassigned</td>
<td>N/A</td>
<td>0</td>
<td>1 max. (10%)</td>
</tr>
<tr>
<td>Accessible Spaces</td>
<td>N/A</td>
<td>1</td>
<td>1 min.</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>N/A</td>
<td>Storage within garages, 2 Class II</td>
<td>Storage within garages, 2 Class II min.</td>
</tr>
<tr>
<td>Solar Access</td>
<td>N/A</td>
<td>34%</td>
<td>10% max.</td>
</tr>
</tbody>
</table>

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**BACKGROUND:**

The applicant proposes to construct 10 townhome-style condominiums. This project is associated with a recently-approved townhome development at 650-660 E. Taylor Avenue for 24 units, which is adjacent to the site along the east property line (to the left when facing subject site). The current applicant, City Ventures, also owns the adjacent development and plans to build both projects simultaneously; both projects will function and be maintained as one development. The adjacent development is referred to as “Phase I” in this report.

**Previous Actions on the Site**

Currently, the site developed with an industrial building and is paved with concrete and asphalt material for parking and circulation. The site has historically been used for industrial purposes. Currently, the property is occupied by an air conditioning repair shop and a florist.

A study issue (Futures Study) allowing the development of residential units in areas zoned for industrial use was completed in 1993 to address ongoing housing shortages. As a result of the study, City Council approved a Rezone, which added the Industrial to Residential (ITR) Combining District and the R-3/PD designation to the existing M-S Zone in the subject area. The ITR Combining District allows industrial, office, commercial and residential uses to exist within the same zoning district, and allows existing industrial, office and commercial sites to convert to residential use. All existing industrial uses are considered to be conforming. The R-3 district defines the residential density and development standards.

**Planning Commission Study Session:**

On July 25, 2011, the Planning Commission reviewed the project at a Study Session. Several Commissioners stated support for the overall site layout, and architectural compatibility with the adjacent townhome development. The Commission recommended that the applicant explore options to incorporate the trellis feature elsewhere in the development. Concerns were raised
regarding the deviation for solar access on the adjacent property to the west, and the possible limitation of the adjacent owner’s ability to install solar panels on the building roof.

The applicant submitted a letter addressing the comments from the Study Session and requested deviations (see Attachment G). An Alternate Site Plan was also submitted which shows two additional areas where the trellis feature can be considered, along the interior common area and rear parking lot. In addition, the front yard fence facing the street was set back further from the front property line, which will allow for increased common landscaped area along the street frontage (see Attachment E).

DISCUSSION:

Requested Permits

The applicant proposes to demolish the existing industrial building on the property in order to construct 10 three-story townhomes. The new units will be grouped into two buildings, with five units in each building.

Special Development Permit

A Special Development Permit (SDP) is required for site and architectural review of the proposed townhome development. A SDP may allow deviations from development requirements. The proposed project includes deviations from the following requirements (see discussions below):

- Front yard setback
- Left side yard setback
- Solar access
- Setbacks for trellis features

• Vesting Tentative Map

A Tentative Map is required to allow for 10 condominium units and one common lot. The purpose of the Vesting Tentative Map is to entitle the project shown on the site plans, by displaying the location of lot lines. The Vesting Tentative Map vests the developer’s right to build the project for the life of the map. It also secures the approved project against future Sunnyvale Municipal Code (SMC) changes by the City that might otherwise affect the project.

ANALYSIS:

Architecture

The proposed architectural style can be considered Spanish Eclectic, and primarily consists of smooth stucco siding and tile roofing. Architectural accents include wooden window trim and shutters, “hardie board” siding, exposed rafters, wall tile accents, window awnings, wrought iron detailing, and planter boxes. The architecture is consistent with the design of Phase I.
Development Standards

The proposed project generally complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following items are those in which the applicant is requesting a deviation from the requirements of the code or have been identified as items for clarification:

- **Site Layout/Floor Plans**

  The applicant proposes to construct two buildings that are centered on the lot and perpendicular to the street. The two buildings will contain five condominium units, for a total of 10 units. Each unit will have individual two-car garages facing the east property line. Vehicular access will be provided through a common driveway shared with Phase I.

  The project will result in lot coverage of 38%, floor area ratio of 112%. The unit sizes are comparable to the Phase I units, as well as to the D.R. Horton townhomes under construction across Taylor Avenue. The following is a summary of each unit type:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Number of Bedrooms</th>
<th>Living Area (s.f.)</th>
<th>Garage Area (s.f.)</th>
<th>Gross Floor Area (s.f.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2A</td>
<td>4</td>
<td>1,719</td>
<td>452</td>
<td>2,171</td>
</tr>
<tr>
<td>3A</td>
<td>4</td>
<td>1,800</td>
<td>452</td>
<td>2,252</td>
</tr>
<tr>
<td>4A</td>
<td>4</td>
<td>1,846</td>
<td>452</td>
<td>2,298</td>
</tr>
</tbody>
</table>

The project complies with most development standards regarding site layout, such as right side and rear yard setbacks, aisle width, distance between buildings, and lot coverage. However, deviations are requested from front yard and left side yard setback requirements. The proposed front yard setback is 19 feet, where 20 feet is required. The proposed left side yard setback is 2 feet, where 12 feet minimum is required.

**Staff's Comments on Setback Deviations:**

Attempts to meet other development standards may create a hardship on developers to meet all development requirements, especially on narrower lots. Therefore, it is not uncommon for townhome developments within the R-3 zoning district to be approved with deviations for setbacks. The D.R. Horton townhomes to the north and Classics Communities to the south were both approved with deviations from front yard setbacks ranging from 15 feet to 19 feet. Phase I was also approved with front yard setbacks of 16 feet to 19 feet. Therefore, staff finds that the requested front yard setback is consistent with previously-approved townhomes within the R-3 zoning district and established streetscape along Taylor Avenue.

The proposed left side yard setback is considered a technicality due to the location of the current property line that separates the subject property
from Phase I. Both properties will be operated and maintained as one development and the setback is adjacent to the common driveway. Therefore, this side yard setback is internal to the entire development and will not negatively impact residents. If both properties had been entitled at the same time, no deviation would be required. Staff finds that the proposed setback deviations are reasonable to achieve sizable units, while meeting most development standards.

- **Solid Waste and Recycling Facilities**
  
The approved centralized trash enclosures on Phase I will be expanded to accommodate the demand for the additional 10 units. The dimensions and locations for the trash enclosures shown in Attachment D reflect these changes and have been determined to comply with requirements.

- **Parking/Circulation**
  
The proposed project provides two-car garages for each unit and seven unassigned parking spaces, which complies with parking requirements. Both phases of the development independently meet the minimum parking requirements; however, all unassigned spaces and driveways will be commonly owned and maintained. Proper engineering instruments, such as easements, will be granted to allow for joint use.

- **Landscaping and Tree Preservation**
  
There is no existing landscaping or trees on-site. A detailed landscaping plan is included in Attachment D, which show a combination of trees and groundcover. The plans show compliance with landscaping requirements, parking lot shading, and water-efficient landscaping. The proposed landscaping is consistent with Phase I, and will be commonly maintained.

Fences: An 8-foot tall masonry wall will be constructed along the right side property line and will step down to 4 feet towards the front of the property. In addition, 4-foot 6-inch tall fence (concrete with stucco finish to match the buildings) with wrought iron gates are proposed to enclose the “front yards” of each of the units.

Based on staff’s recommendation at the Planning Commission Study Session, the applicant modified the location of the front fence and gate for the unit facing Taylor Avenue, to be set back approximately 10 feet from the front property line (see Attachment E). The area in front of the fence will be landscaped and is consistent with the streetscape of Phase I.

**Usable Open Space:** A combination of private and common useable open space will be provided throughout the development, including a common area for seating between the two buildings. Private useable open space will be provided on the ground floor patios and second and third floor balconies. The proposed balconies do not meet the minimum dimension for usable
open space; however, the ground floor patios and common area provide sufficient usable open space to meet requirements.

- **Trellis Features**

  As recommended at the Planning Commission Study Session, the applicant has explored the possibility of incorporating trellis features over the unassigned parking spaces. As shown in Attachment E, there are three areas that the applicant has explored. The front trellis feature will be approximately 9 feet 6 inches in height and is located within the 20-foot front setback area. Similarly, the trellis feature towards the back of the property is located within the 20-foot rear setback area. The third trellis located along the west property line is intended as a landscape feature, and is within the 4-foot side yard setback. These locations would need to be approved as deviations from the Zoning Code setback requirements.

  **Staff’s Comments on Trellis Setback Deviations:** Staff finds that the trellis features positively add to the streetscape and internal landscaping area, help soften the look of parking, and allow for additional shade over parking spaces. Other similar structures within setbacks can be found on other residential developments in the City, including condominium units located at 635 E. El Camino Real and Compass Place condominiums on N. Fair Oaks Avenue and Arcadia Terrace.

- **Solar Access and Shadow Analysis**

  As required by code, the new townhomes may not shade more than 10% of the roofs of existing buildings. A Solar Access and Shadow Analysis was submitted, which shows that the new units will shade up to 34% of the adjacent building roof to the west during the shortest day of the year on December 21st. This is considered to be a deficiency from the Code. The Planning Commission expressed concerns about limiting the adjacent owner’s ability to install solar panels on the roof.

  **Staff’s Comments on Solar Access Deviation:**

  Based on the analysis, the deficiency occurs for 36 minutes, in which solar access would be met for the remaining time. There is more than a threefold increase in the allowable shading (10% to 34%) however, only 10 percent of the measured solar access time (9:00 a.m. – 3:00 p.m.) is impaired. Staff finds that the requested deviation for solar access is reasonable, given the short duration of shading and the residential transition of the neighborhood. The adjacent property contains two additional buildings where solar panels could be installed; therefore, the project would not significantly limit the property owner’s ability to install solar panels on the property. No comments have been received from the adjacent property owner concerning the solar access.
• **Stormwater Management**

The applicant is aware of the associated Stormwater Management Plan requirements. A preliminary Stormwater Management Plan has been submitted, which shows proposed drainage patterns and conceptual treatment techniques to minimize surface runoff and pollution. As conditioned, a more detailed Stormwater Management Plan will be submitted during the building permit phase (Attachment B, Recommended Conditions of Approval).

• **Green Building Requirements**

The project is required to achieve a minimum of 70 green building points to fulfill green building requirements. Most of the green building points are incorporated into the design of the landscaping, building materials, energy performance and plumbing. Roof-mounted solar panels will be installed on each building. A GreenPoint Rated Checklist has been provided and demonstrates that the project is expected to achieve 103 points.

• **Easements and Utilities**

As required, all utilities and service-drops will be placed underground. In addition, a new landscaping strip and sidewalk will be added in the public right-of-way directly in front of the development, which will continue the right-of-way design of Phase I. As previously discussed, all common landscaping, circulation, driveways, and unassigned parking spaces for Phase I and II will function and be maintained as one development with proper CC&Rs and engineering controls in place.

• **Below Market Rate (BMR) Housing**

As required, one of the units will be sold as BMR housing. A draft agreement has been accepted by the Housing Division and will be implemented during the building permit phase (Attachment B).

**Environmental Review**

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

Issues that are considered to have less than significant impacts include population and housing, transportation and traffic, short-term construction noise, historic and cultural resources, geology and soils, and recreation. The initial study included further discussion about noise, air quality, and hazards and hazardous materials, which included mitigation measures. These mitigation measures have been incorporated in the attached conditions of approval at the appropriate states of construction (Attachment B).
FISCAL IMPACT

Transportation Impact Fee
Projects resulting in net new peak hour trips are subject to a transportation impact fee. The transportation impact fee is estimated to be $1,468.89, and must be paid prior to issuance of a building permit. The amount is subject to the fee in place at the time of payment.

Park Dedication In-Lieu Fee
The project is subject to a park dedication in-lieu fee for each new residential unit. The project was deemed complete on June 30, 2011 and is subject to the park dedication requirement of 2.25 acres per thousand people. Assuming that the park dedication in-lieu fee is paid during fiscal year 2011-2012, the fee is estimated to be $121,728.40 (using $69/sq. ft. land value) and must be paid prior to recordation of a Final Map. The amount is subject to the fee (based on the value of land) in place at the time of payment.

PUBLIC CONTACT
An outreach meeting was held on July 26th. A few attendees asked questions about buying the units. No comments were received about the merit of proposed project. Staff has not received any letters from neighboring property owners, residents or businesses at the time the staff report was prepared.

<table>
<thead>
<tr>
<th>Notice of Negative Declaration and Public Hearing</th>
<th>Staff Report</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Published in the Sun newspaper</td>
<td>• Posted on the City of Sunnyvale's Website</td>
<td>• Posted on the City's official notice bulletin board</td>
</tr>
<tr>
<td>• Posted on the site</td>
<td>• Provided at the Reference Section of the City of Sunnyvale's Public Library</td>
<td>• City of Sunnyvale's Website</td>
</tr>
<tr>
<td>• 150 notices mailed to the property owners and residents within 300 ft. of the project site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONCLUSION

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit and Tentative Map. Recommended 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 Vesting Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Vesting Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

**RECOMMENDATION**

Recommend Alternative 1 to the Planning Commission: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Prepared by:

Noren Caliva  
Project Planner

Reviewed by:

Steve Lynch  
Senior Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

A. Recommended Findings  
B. Recommended Conditions of Approval  
C. Mitigated Negative Declaration  
D. Site and Architectural Plans  
E. Alternate Site Plan  
F. Letter from the Applicant/Project Justifications  
G. Applicant’s Response Letter
RECOMMENDED FINDINGS

Special Development Permit

General Plan Goals and Policies:

Housing
Policy HE-1.1: Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.

Policy HE-4.3: Require new development to build to at least 75% of the maximum zoning density, unless an exception is granted by the City Council.

Policy HE-6.6: Encourage use of sustainable and green building design in new and existing housing.

Land Use and Transportation
Policy LT-3.2: Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choices.

Policy LT-4.2: Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.

Community Character
Policy CC-3.1: Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale’s economic prosperity.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. [Finding Met]

   The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project in that the proposed project provides 10 new housing units and eases the City’s jobs/housing imbalance. The project also contributes to the need for affordable housing as defined in the General Plan by providing one below market rate ownership units.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either, the orderly development of, or the existing uses being made of, adjacent properties. [Finding Met]
The proposed project meets the City-Wide Design Guidelines, will be a benefit to the ITR district, and will compliment the surrounding uses. The construction of a high quality project will further encourage the transition from industrial use to residential use in the neighborhood as desired by the city’s ITR designation for the area.

**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.

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.
RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
AUGUST 8, 2011

Planning Application 2011-7377
628 E. Taylor Avenue
Special Development Permit to allow 10 townhome-style condominiums and Vesting Tentative Map to allow 10 condominium units and one common lot.

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

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

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

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**
All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

**GC-2. PERMIT EXPIRATION:**
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior
to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-3. BMR UNITS (OWNERSHIP):
The approved project is subject to the City’s Below Market Rate (BMR) requirements and shall comply with the requirements of Sunnyvale Municipal Code 19.66.

The project will provide one four-bedroom Below Market Rate ownership dwelling unit in compliance with SMC 19.66 and the Below Market Rate Housing Program Administrative Procedures for Developers.

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)). [SDR][HOUSING]

GC-4. STORMWATER MANAGEMENT PLAN:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed “Stormwater Management Plan Data Form”, and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

GC-5. CONVEYANCE OF EASEMENT:
The Phase 1 development (650-660 E. Taylor) shall record an instrument to convey private ingress and egress easement rights to the Phase II development (628 E. Taylor) by or prior to recordation of the final map or building permit issuance for Phase II development, whichever occurs first. The CC&R’s (or an addendum to the already recorded CC&R's) shall be recorded to address these easement rights of the Phase II development. [COA] [PUBLIC WORKS]

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

PS-1. ALTERNATE SITE PLAN:
The Alternate Site Plan shown in Attachment E of the Planning Commission staff report dated August 8th, 2011, showing modifications to the front yard fence facing E. Taylor Avenue and incorporating three trellis features is approved. All permit drawings shall reflect this modified site plan. [COA] [PLANNING]
PS-2. EXTERIOR MATERIALS REVIEW:
Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. BMR STANDARD PERMIT CONDITION:
The developer shall submit a “BMR Standard Conditions Form and a site plan, as Exhibit A to the Affordable Housing Manager for review prior to submitting building permit plan. The plan will include a description of the number, type, size and location of each unit on the site. The Affordable Housing Manager will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). [SDR] [HOUSING/BMR Administrative Guidelines]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. BLUEPRINT FOR A CLEAN BAY:
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. GREEN BUILDING REQUIREMENTS:
The project shall comply with green building requirements. A copy of the green building checklist shall be included on a sheet of the building permit plans. [SDR] [PLANNING]

BP-5. RECYCLING AND SOLID WASTE CONTAINER:
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
BP-6. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit or as specified below:

a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project prior to issuance of a Building Permit and subject to the fee in place at time of payment. (SMC 3.50). [SDR] [PLANNING]

b) PARK IN-LIEU - Pay Park In-lieu fees prior to approval of the Final Map or Parcel Map. (SMC 18.10) The amount is based on a standard of 2.25 acres per 1,000 population and is subject to the fee (based value of land specified the Fee Resolution) in place at the time of payment. [SDR] [PLANNING]

BP-7. BMR DEVELOPMENT AGREEMENT:
The developer shall execute a Development Agreement with the City to establish the BMR unit(s) prior to issuance of Building Permits. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement (BMR Administrative Guidelines).

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)

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. [SDR] [HOUSING/BMR Administrative Guidelines]

BP-8. LANDSCAPE MAINTENANCE PLAN:
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-9. STORMWATER MANAGEMENT PLAN:
Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-10. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:
Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment
Projects - Addendum: Section 3.1.2 Certification of Design Criteria
Third-Party Certification of Storm Water Management Plan
Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

BP-11. BEST MANAGEMENT PRACTICES:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.

b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.

d) Covered trash, food waste, and compactor enclosures.

e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency’s authority and standards:
   i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
   ii) Dumpster drips from covered trash and food compactor enclosures.
   iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
   iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
   v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-12. CITY STREET TREES (SUBDIVISION):
At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]
BP-13. PHOTOMETRIC PLAN:
Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. [COA] [PLANNING]

BP-14. LIGHTING POLE HEIGHTS:
Pole heights shall not exceed 8 feet. [COA] [PLANNING]

BP-15. LIGHTING SPACING:
Installation of lights at a minimum of 50 feet intervals along all private streets. [COA] [PLANNING]

BP-16. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):
The Parking Management Plan shall be revised to reflect both the Phase I and Phase II projects, subject to review and approval by the Director of Community Development. [COA][PLANNING]

BP-17. HISTORIC AND CULTURAL RESOURCES:
In the event that there is a discovery of historic or cultural resources, the applicant shall meet all procedural requirements. [COA][PLANNING]

BP-18. AIR QUALITY STANDARDS:
The project shall comply with all necessary air quality standards. [COA] [PLANNING] Mitigation Measures
WHAT: Permits must be obtained from the City of Sunnyvale and Bay Area Air Quality Management (BAAQMD).
WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) 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. These permits are required prior to any demolition or construction on site.
WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.
HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

BP-19. HAZARDS AND HAZARDOUS MATERIALS:
The project shall comply with all necessary requirements regarding hazards and hazardous materials. [COA][PLANNING] Mitigation Measures
WHAT: 1) Install vapor barriers to mitigate risks potentially posed by vapor intrusion.
2) Comply with requirements as set forth by the lead regulatory agency overseeing the investigation and remediation of environmental pollution on the property. Following the installation of the vapor barriers, copies of the certifications from the contractor performing the vapor barrier installation must be provided to the City of Sunnyvale and County of Santa Clara Department of Environmental Health.

3) If any Underground Storage Tanks (USTs) or soil impacts are encountered during site development activities, perform sampling and analysis of the potential impacts and, as necessary, excavating and removing impacted soil for off-site disposal, in accordance with all applicable laws.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) 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 with installation done at time of construction. Submit evidence to the City of Sunnyvale that all requirements set forth by the lead regulatory agency (County of Santa Clara Department of Environmental Health) to address environmental pollution have been satisfied, prior to issuance of a building permit.

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.

BP-20. NOISE REDUCTION:
The project shall comply with noise standards. Final construction drawings shall incorporate all noise mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wet-stamped and signed by the consultant.

[COA] [PLANNING] Mitigation Measures

WHAT: 1) Roof ceiling construction shall be roofing on plywood. Batt insulation shall be installed in joist spaces. Ceilings shall be one layer of gypboard nailed direct.

2) All exterior walls shall be 2x4 studs 16” o.c. with batt insulation in the stud spaces. Exterior walls shall be exterior plaster or stucco, and interior walls shall be gypboard.

3) All windows and glass doors may be standard glazing.

4) All entry doors shall be 1-3/4” solid core flush wood doors with vinyl bulb weatherstripping on the sides and tops. There shall be no mail slots in entry doors.
5) 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 for all habitable rooms in the unit facing the north property line.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit (SDP) 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. All mitigation measures must be installed prior to building permit final.

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.

BP-24. MECHANICAL EQUIPMENT:
Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development. [COA] [PLANNING]

BP-25: FIRE PREVENTION REQUIREMENTS:
The following requirements and upgrades are required, for review and approval by the Department of Public Safety: [COA] [PLANNING/PUBLIC SAFETY]

a) As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, and Title 19 California Code of Regulations. Building plan submittals after January 1, 2011 will have to comply with the 2010 adopted codes.

b) The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety (508 CFC)

c) A fully automatic fire sprinkler system is required. The fire sprinkler systems shall be in accordance with NFPA 13, and CFC. (16.52.270 SMC & Section 903 CFC)

d) A fire alarm system is required for buildings meeting the requirements under Section 907.2.9 CFC.

e) Install approved smoke detectors in accordance with the Sunnyvale Municipal Code (MC 16.52.280).

f) Fire hydrants are required every 300 feet. Onsite fire hydrants are required along the fire access road. Provide locations of existing city fire hydrants and any proposed on-site hydrants. (508 CFC)

g) Provide required number of approved fire extinguishers (minimum size of 2A10BC) (CCR Title 19: 568)
h) Fire access roads are required per the Sunnyvale Municipal Code and the published requirements for Fire Department Vehicle Access.

i) Provide a written construction Fire Protection Plan. (Section 1408 CFC)(Refer to Unidocs.org, Fire Prevention documents).

BP-26: TENTATIVE MAP AND RIGHT-OF-WAY REQUIREMENTS:
The following requirements and upgrades are required, for review and approval by the Department of Public Works: [COA] [PLANNING/ PUBLIC WORKS]
a) The developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public and/or private improvements prior to map recordation or any permit issuance, whichever occurs first.

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

c) Provide a preliminary utility plan and all other documents necessary for review of the tentative map.

d) The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, building permit clearance, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance. An initial plan check fee will be accessed when the applicant submits the first public improvement plans for City’s review.

e) Provide a current preliminary title report.

f) This project requires installation of new sidewalk, curb, and gutter along the entire East Taylor Avenue frontage, unless otherwise approved by the Public Works Director.

g) The developer is required to install all public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc. prior to occupancy as required by the Director of Public Works.

h) All public improvements shall be installed per latest City’s design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless otherwise approved by the Director of Public Works.

i) All public improvement plans shall be submitted to and be approved by the Department of Public Works.
j) Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works.

k) Obtain an encroachment permit with insurance requirements for all public improvements.

l) Final approved public improvement plans shall be prepared on 24"x36", 4 mil mylars.

m) The developer is responsible for research on private company utility lines (PG &E, telephone, cable, etc.) to ensure there are no conflicts with the project.

n) 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.

o) 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.

p) 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.

q) Install cleanouts at the property line.

r) Installation of new radio-read meters will be required.

s) Install new double check detector assembly for fire services.

t) All utility lines and service drops shall be placed underground.

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<th>TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.</th>
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<td>TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&amp;RS): The CC&amp;Rs for the development shall be revised to reflect both Phase I and Phase II projects, subject to review and approval by the Director of Community Development. [COA][PLANNING]</td>
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<th>PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.</th>
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<td>PF-1. LANDSCAPING AND IRRIGATION: All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]</td>
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PF-2. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):
The Developer/Owner shall submit a copy of the recorded CC&Rs and
a letter from the Developer/Owner either indicating that the recorded
CC&Rs are in conformance with the approved draft CC&Rs or
summary of changes shall be provided to the Director of Community
Development prior to release if utilities or certificate of occupancy.
[COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

PF-3. HOA ESTABLISHMENT:
The developer shall submit to the Planning Division 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, 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. [COA] [PLANNING]

PF-4. NOISE REDUCTION VERIFICATION:
Acoustical tests shall demonstrate that noise regulations are met on
the finished units. Such test results shall be furnished to the Director
of Community Development prior to occupancy of the units. [COA]
[PLANNING]

PF-5. BMR COMPLETION 60 ADVANCE DAY NOTICE:
The Developer/Owner shall notify the Affordable Housing Manager of
the BMR unit(s) to be available sixty days (60) prior to the request for
occupancy. The developer shall also coordinate a site inspection with
the Affordable Housing Manager to verify that the constructed BMR
units are in compliance with the BMR Development Agreement. [COA]
[HOUSING]

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

AT-1. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved
landscape plan and shall thereafter be maintained in a neat, clean,
and healthful condition. Trees shall be allowed to grow to the full
genetic height and habit (trees shall not be topped). Trees shall be
maintained using standard arboriculture practices. [COA] [PLANNING]
AT-2. PARKING MANAGEMENT:
On-site parking management shall conform to the approved parking management plan for the entire development. [COA] [PLANNING]

AT-3. VISION TRIANGLES:
All vision triangles shall be maintained clear of obstruction, including fences and landscaping. [COA] [PLANNING]

AT-4. OFF-STREET PARKING:
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

AT-5. PARKING LOT MAINTENANCE:
The parking lot shall be maintained as follows:
  a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
  b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  c) Maintain all parking lot striping and marking.
  d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]

AT-6. RECREATIONAL VEHICLE STORAGE PROHIBITED:
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-7. HOA REVIEW AND APPROVAL:
Comply with all HOA requirements contained in SDP/TM 2010-7739 for Phase I. [COA] [PLANNING]
NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION

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

PROJECT TITLE:

Application for a Special Development Permit & Vesting Tentative Map filed by City Ventures.

PROJECT DESCRIPTION AND LOCATION (APN):

2011-7377: City Ventures [Applicant] Steven Hussey Trustee & Et Al [Owner] Application for a Special Development Permit to allow 10 townhome-style condominiums and Vesting Tentative Map to allow 10 condominium units and one common lot located at 628 E. Taylor Avenue. (APN: 205-30-019) NC

WHERE TO VIEW THIS DOCUMENT:

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

This Mitigated Negative Declaration may be protested in writing by any person prior to 5:00 p.m. on Monday, August 8, 2011. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Mitigated Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, August 8, 2011 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

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

Circulated On July 15, 2011

Signed: [Signature]
Gerri Caruso, Principal Planner
DESCRIPTION OF THE PROJECT:

The proposed project is a Special Development Permit to allow 10 townhome-style condominiums and Vesting Tentative Map to allow 10 condominium units and one common lot.

DETAILED PROJECT DESCRIPTION:

On-site Development: Currently, the 19,769 square foot site is developed with one 7,400 square foot building. The remaining site is paved with asphalt and concrete material for parking and circulation, with minimal landscaping and no trees. The site has historically been used for industrial purposes and is currently occupied by an air conditioning repair shop and florist.

The project includes full demolition of the entire site and construction of 10 three-story townhome-style condominiums. The new units will be grouped into two buildings, with five units in each building. Each unit will also have individual two-car garages and storage areas. In addition, private open space will be provided in the form of enclosed patio areas and balconies. Living areas range in size from 1,719 square feet to 1,846 square feet. The common lot will include landscaped areas and uncovered parking spaces. Four floor plans are provided and include three and four bedroom units (dens are included in bedroom counts).

Driveway access to the site will be provided through a recently-approved 24-unit townhome development along the east side located at 650-660 E. Taylor Avenue, which is also owned by City Ventures. Proper engineering instruments, such as easements, will be granted for each project to allow for joint use of the driveway and common landscaping areas. The intent is for both projects to function as one development, with common use areas and maintenance.
Construction Activities and Schedule: Construction activities include full demolition of all existing buildings on the subject properties, and construction of all new residential buildings and associated site improvements. The applicant’s intent is to construct the 10 townhomes and site improvements concurrently as the adjacent townhome project to the east. The project will be subject to the Sunnyvale Municipal Code requirements for noise and hours of construction contained in Chapters 19.42.0.0 and 16.08.030.

Surrounding Uses and Setting: The subject property is located on the south side of East Taylor Avenue, between N. Fair Oaks Avenue and Britton Avenue, in an area that has a mix of industrial and residential uses. The site is bordered along the north and south property lines by newly-constructed townhome developments, with a recently-approved townhome project to the east. Industrial uses exist to the west, but are currently zoned for residential transition areas. Limited retail uses and a Fair Oaks Park (City park) are also located within the vicinity.

Off-site Improvements: A new sidewalk will be installed along the entire project frontage, which can be fully accommodated within the public right-of-way. Standard water, sewer, right-of-way and utility upgrades will be provided as required by the Municipal Code.
EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:

6. Earlier Analysis Used. Identify and state where they are available for review.

7. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

8. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

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

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

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  □ Yes  ☒ No
DETERMINATION:
On the basis of this initial evaluation:

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

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

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

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

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

Checklist Preparer: Noren Caliva Date: July 15, 2011

Title: Associate Planner City of Sunnyvale

Signature: [Signature]
<table>
<thead>
<tr>
<th>Planning</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significantly with Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Aesthetics - Substantially damage scenic resources, including, but not limited to trees, historic buildings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Sunnyvale General Plan Map, Open Space Sub-element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>2. Aesthetics - Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Sunnyvale General Plan Map, Open Space Sub-element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>3. Aesthetics - Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Sunnyvale General Plan Map, Open Space Sub-element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), in a way that is inconsistent with the Sunnyvale General Plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>Sunnyvale Land Use and Transportation Element of the General Plan, General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>5. Population and Housing - Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>Housing Sub-Element, Land Use and Transportation Element and General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>6. Population and Housing - Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>Housing Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>7. Land Use Planning - Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>Planning</td>
<td>Potentially Significant Impact</td>
<td>Less Than Sig. With Mitigation</td>
<td>Less Than Significant</td>
<td>No Impact</td>
<td>Source Other Than Project Description and Plans</td>
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</tr>
<tr>
<td>10. Hazards and Hazardous Materials - For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>11. Hazards and Hazardous Materials - 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?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>There are no private airstrips in or in the vicinity of Sunnyvale</td>
</tr>
<tr>
<td>12. Hazards and Hazardous Materials - For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Sunnyvale Zoning Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>Planning</td>
<td>Potentially Significant Impact</td>
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<tr>
<td>15. Noise - Exposure of persons to or generation of excessive groundborne vibration?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>Sunnyvale Noise Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Sunnyvale Noise Sub-element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>General Plan Map Project Description</td>
</tr>
<tr>
<td>18. Biological Resources - Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>General Plan Map Project Description</td>
</tr>
<tr>
<td>19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>General Plan Map Project Description</td>
</tr>
<tr>
<td>Planning Category</td>
<td>Impact</td>
<td>Source Other Than Project</td>
<td>Description and Plans</td>
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<td>Potentially Significant Impact</td>
<td>Less than Significant with Mitigation</td>
<td>Less Than Significant</td>
<td>No Impact</td>
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<tr>
<td>20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td></td>
<td>SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Biological Resources - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td></td>
<td>Project Description</td>
<td></td>
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</tr>
<tr>
<td>22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?</td>
<td></td>
<td></td>
<td>Sunnyvale Heritage Preservation Sub-Element Sunnyvale Inventory of Heritage Resources The United States Secretary of the Interior's &quot;Guidelines for Rehabilitation&quot; Criteria of the National Register of Historic Places</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td>Project Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?</td>
<td></td>
<td></td>
<td>The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. Project Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?</td>
<td></td>
<td></td>
<td>BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element <a href="http://www.sunnvaleyplanning.com">www.sunnvaleyplanning.com</a></td>
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<tr>
<td>Planning</td>
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<tr>
<td>26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
<td></td>
<td>☒</td>
<td></td>
<td>BAAQMD CEQA Guidelines Project Description</td>
</tr>
<tr>
<td>27. Air Quality - Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
<td>BAAQMD CEQA Guidelines Project Description</td>
</tr>
<tr>
<td>28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
<td>BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element Project Description</td>
</tr>
<tr>
<td>29. Air Quality - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
<td>BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td>☒</td>
<td></td>
<td></td>
<td>BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>31. Seismic Safety - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
<td>Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
<td>Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
</tbody>
</table>
### 33. Seismic Safety—Strong seismic ground shaking?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
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</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
</tbody>
</table>

### 34. Seismic Safety—Seismic-related ground failure, including liquefaction?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation</th>
<th>Less Than Significant</th>
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<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
</tbody>
</table>

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

4. **Population and Housing (Less than Significant):** The 10 proposed residential units will provide additional opportunities for homeownership in the City of Sunnyvale and is consistent with the General Plan designation of the sites. The project's impact will be a slight incremental beneficial impact to the City's Jobs/Housing balance. As a result, this positive aspect of the project is a less than significant impact.

9. **Transportation and Traffic (Less than Significant):** The proposed project meets the City's parking requirements by providing two-car garage for each unit and an additional 7 unassigned surface parking spaces. In addition, the project provides bicycle racks and room for secured bicycle parking within garages. The proposed vehicle and bicycle parking spaces meet the City's parking requirements and Valley Transportation Authority (VTA) standards; therefore, the project is expected to have a less than significant impact.

14. **Noise (Less than Significant with Mitigation):** An Acoustical Analysis was completed by Davy & Associates, Inc. in June 2011. The study measured noise levels along the perimeter property lines of the two properties and provided estimated Community Noise Equivalent Levels (CNEL), which is the weighted average noise level throughout a 24-hour period. The study found that the ambient noise levels range from the 59.8 dB along the north (highest noise level) to 51.2 dB along the east (lowest noise level) property line. The study noted that noise levels at the site are dominated by vehicular traffic on N. Fair Oaks Avenue to the west and Central Expressway to the south. The study also estimated future noise levels associated with an expected increase in traffic volume over the next 10 years, and found that future noise levels would range from 60.8 dB along the north (highest noise level) to 52.2 dB along the west (lowest noise level) property line. Although the future noise levels would be considered “normally acceptable” along west, south and east property lines, and “conditionally acceptable” along the north property line per the City's Noise Element, the noise levels would exceed the City's noise limit of 50 dB during nighttime hours and 60 dB during daytime hours. Therefore noise-reducing measures would be required to comply with City's noise standards and to reduce the impact to a less than significant level.

This could be accomplished through the following mitigation measures:

**WHAT:**

1. Roof ceiling construction shall be roofing on plywood. Batt insulation shall be installed in joist spaces. Ceilings shall be one layer of gypboard nailed direct.

2. All exterior walls shall be 2x4 studs 16" o.c. with batt insulation in the stud spaces. Exterior walls shall be exterior plaster or stucco, and interior walls shall be gypboard.

3. All windows and glass doors may be standard glazing.

4. All entry doors shall be 1-3/4" solid core flush wood doors with vinyl bulb weatherstripping on the sides and tops. There shall be no mail slots in entry doors.
5) 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 for all habitable rooms in the unit facing the north property line.

WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit (SDP) 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. All mitigation measures must be installed prior to building permit final.

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.

15. Noise (Less than Significant): The project will introduce short-term sources of noise to the project area during construction and demolition of the site. Through the City's implementation of the Municipal Code noise regulations contained in Chapters 19.42.030 and 16.08.030, this impact will be lessened to a less than significant level during construction.

23. Historic and Cultural Resources (Less than Significant): A Phase 1 Environmental Site Assessment report was completed by Stantec Consulting Corporation on August 26, 2010, which found no evidence of historic and cultural resources on site. The existing buildings on site do not have any Federal, State, local historical or architectural significance. Staff has no evidence of archaeological resources being located on site or being found in the immediate vicinity. However, the scope of the project does include grading and excavation of the site associated with the construction of the project. There may be the potential that the project may uncover resources. As a standard Condition of Approval, staff has included specific project requirements related to the potential discovery of resources and procedural requirements. Based on this analysis and standard conditions of approval, staff has determined that the project would have a less than significant impact.

26. Air Quality (Less than Significant): The project falls below BAAQMD's applicable operational-criteria air pollutant levels and screening criteria; therefore, this impact will be less than significant.

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

This could be accomplished through the following mitigation measures:

WHAT: Permits must be obtained from the City of Sunnyvale and Bay Area Air Quality Management (BAAQMD).

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) 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. These permits are required prior to any demolition or construction on site.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.
<table>
<thead>
<tr>
<th>Transportation</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant, Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☑</td>
<td>City’s Land Use and Transportation Element, Santa Clara County Transportation Plan, and AASHTO: A Policy on Geometric Design of Highways and Streets.</td>
</tr>
<tr>
<td>36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds).</td>
</tr>
<tr>
<td>37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Sunnyvale General Plan including the Land Use and Transportation Element.</td>
</tr>
<tr>
<td>38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☑</td>
<td>City and CA Standard Plans &amp; Standard Specifications.</td>
</tr>
<tr>
<td>Transportation</td>
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<tr>
<td>40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>VTA Community Design and Transportation Manual, and Sunnyvale Neighborhood Traffic Calming Program.</td>
</tr>
<tr>
<td>41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects.</td>
</tr>
<tr>
<td>42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>VTA Transit Operations Performance Report, VTA Short Range Transit Plan, and Valley Transportation Plan for 2035.</td>
</tr>
</tbody>
</table>

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

42. Transportation and Traffic (Less than Significant): The Traffic Division of Public Works Department has determined the project does not warrant the preparation of a Traffic Study based on the anticipated number of peak trips relative to existing peak trip amounts. In addition, there are no roadway or signal upgrades needed to accommodate the multi-modal project trips and the proposed project is expected to result in no impact on peak traffic conditions for the area streets. Pedestrian movements to/from the site can be accommodated by the existing sidewalks and crossing facilities on Fair Oaks Avenue and Wolfe Road. A new sidewalk will be installed along the entire project frontage (as required by Sunnyvale Municipal Code Chapter 19.38.080 and not as a mitigation measure) where is currently deficient in order to connect with the sidewalk facilities within the area. Through implementation of the City's Transportation Impact Fee requirement, which includes payment of the estimated fee of $1,468.89, this impact is less than significant.

Responsible Division: Planning Completed by: Noren Caliva Date: July 14, 2011
<table>
<thead>
<tr>
<th>Building</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>, California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description</td>
</tr>
<tr>
<td>44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>, California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description</td>
</tr>
<tr>
<td>45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1995 ABAG Dam Inundation Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a>, California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description</td>
</tr>
<tr>
<td>47. Geology and Soils - Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>Safety and Seismic Safety Sub-Element, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code</td>
</tr>
<tr>
<td>48. Geology and Soils - Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code</td>
</tr>
</tbody>
</table>

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

47. Geology and Soils (Less than Significant) – 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.
<table>
<thead>
<tr>
<th>Engineering</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>Project Description Sunnyvale Wastewater Management Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>52. Utilities and Service Systems: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>Project Description Water Resources Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>53. Utilities and Service Systems: Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>Project Description Sunnyvale Wastewater Management Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>❌</td>
<td>Sunnyvale Solid Waste Management Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>Engineering</td>
<td>Potentially Significant Impact</td>
<td>Less than Significantly Mitigated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td>Source Other Than Project Description and Plans</td>
</tr>
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</tr>
<tr>
<td>55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit</td>
</tr>
<tr>
<td>56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a></td>
</tr>
<tr>
<td>58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>60. Utilities and Service Systems: Comply with federal, state, and local statues and regulations related to solid waste?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Solid Waste Management Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
<tr>
<td>Engineering</td>
<td>Potentially Significant Impact</td>
<td>Less than Significant with Mitigation</td>
<td>Less Than Significant</td>
<td>No Impact</td>
<td>Source Other Than Project Description and Plans</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------------------</td>
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<td>-----------------------------------------------</td>
</tr>
<tr>
<td>61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>Project Description</td>
</tr>
</tbody>
</table>

Further Discussion if “Less than Significant” with or without mitigation: None required.

Responsible Division: Planning  Completed by: Noren Caliva  Date: July 14, 2011
<table>
<thead>
<tr>
<th>Public Safety – Hazardous Materials</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
</tr>
</thead>
</table>
| 62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? | ☐ | ☐ | ☐ | ☒ | Sunnyvale Law Enforcement Sub-Element  
Sunnyvale Fire Services Sub-Element  
Safety and Seismic Safety Sub-Element  
www.sunnyvaleplanning.com |
| 63. Public Services Police and Fire protection - Would the project result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | California Building Code  
SMC Section 16.52 Fire Code |

Further Discussion if “Less than Significant” with or without mitigation: None required.

Responsible Division: Planning  
Completed by: Noren Caliva  
Date: July 14, 2011
### Public Safety – Hazardous Materials Source Other Than Project Description and Plans

<table>
<thead>
<tr>
<th>Public Safety – Hazardous Materials</th>
<th>Potentially Significant</th>
<th>Less than Sign. With Mitigation</th>
<th>Less than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>Project Description</td>
</tr>
<tr>
<td>65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>Project Description</td>
</tr>
<tr>
<td>66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>☒</td>
<td>Project Description</td>
</tr>
<tr>
<td>67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>Project Description Hazardous Waste &amp; Substances List (State of California) List of Known Contaminants in Sunnyvale</td>
</tr>
<tr>
<td>68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></td>
</tr>
</tbody>
</table>

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

67. Hazards and Hazardous Materials (Less than Significant with Mitigation): Phase I Environmental Site Assessment and Phase II Soil and Groundwater Investigation were completed by Stantec Consulting Corporation in August 2010 and June 2011, respectively. Based on the previous uses on the site and available records, the Phase I study recommended additional analysis to explore the possible impacts of the historical agricultural use, three underground storage tanks previously located on the site, and the regional groundwater contamination concerns in the vicinity. As a result a Phase II study was required by the City to further explore these possible hazardous materials.
Based on soil samples of the site contained in the Phase II study, the consultants found concentrations of Total Petroleum Hydrocarbons (TPH), Volatile Organic Compounds (VOCs), and pesticides in the soil to be below established regulations and recommended no further investigation. Low detections of metals were also found, but were below established regulatory or regional background standards set by the California Department of Toxic Substances Control.

The report also acknowledges that a regional groundwater plume containing PCE, TCE and benzene exists in the vicinity. Groundwater samples collected from the site confirm this conclusion and are consistent with contamination of groundwater detected at surrounding properties. Due to the shallow depth to the groundwater (approximately 9 feet below ground surface) and elevated contaminant concentrations in soil vapor, the consultant recommends the installation of vapor barriers to mitigate risks potentially posed by vapor intrusion. The Phase II study concludes that contaminant concentrations in the soil, as mitigated, do not represent an environmental concern and recommends no further studies.

This could be accomplished through the following mitigation measures:

WHAT: 1) Install vapor barriers to mitigate risks potentially posed by vapor intrusion.

2) Comply with requirements as set forth by the lead regulatory agency overseeing the investigation and remediation of environmental pollution on the property. Following the installation of the vapor barriers, copies of the certifications from the contractor performing the vapor barrier installation must be provided to the City of Sunnyvale and County of Santa Clara Department of Environmental Health.

3) If any Underground Storage Tanks (USTs) or soil impacts are encountered during site development activities, perform sampling and analysis of the potential impacts and, as necessary, excavating and removing impacted soil for off-site disposal, in accordance with all applicable laws.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) 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 with installation done at time of construction. Submit evidence to the City of Sunnyvale that all requirements set forth by the lead regulatory agency (County of Santa Clara Department of Environmental Health) to address environmental pollution have been satisfied, prior to issuance of a building permit.

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.

Responsible Division: Planning  Completed by: Noren Caliva  Date: July 14, 2011
<table>
<thead>
<tr>
<th>Community Services</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less than Significant</th>
<th>No Impact</th>
<th>Source Other Than Project Description and Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
<td>☐</td>
<td>Open Space &amp; Recreation Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
<td>☐</td>
<td>Open Space &amp; Recreation Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
<tr>
<td>71. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
<td>Open Space &amp; Recreation Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description</td>
</tr>
</tbody>
</table>

Further Discussion if "Less than Significant" with or without mitigation: None required.

**69. & 70. Recreation (Less than Significant):** The project will generate an increase in the use of existing park facilities. Through implementation of the City's Park Dedication requirement, which includes payment of the estimated park in-lieu fee of approximately 121,726.40 for the 10 new residential units, this impact is less than significant.

Responsible Division: Planning       Completed by: Noren Caliva       Date: July 14, 2011
Note: All references are the most recent version as of the date the Initial Study was prepared:

**City of Sunnyvale General Plan:**
A. General Plan Map  
B. Air Quality Sub-Element (1993)  
C. Arts Sub-Element (1995)  
D. Community Design Sub-Element (1990)  
E. Community Engagement Sub-Element (2007)  
F. Fire Services Sub-Element (1995)  
H. Fiscal Sub-Element (2006)  
J. Housing & Community Revitalization Sub-Element (2009)  
K. Land Use & Transportation Sub-Element (1997)  
  Revised 4/28/09 with Allocation of Street Space Policies  
L. Law Enforcement Sub-Element (1995)  
M. Legislative Management Sub-Element (1999)  
N. Library Sub-Element (2003)  
O. Noise Sub-Element (1997)  
P. Open Space and Recreation Sub-Element (2006)  
Q. Safety & Seismic Safety Sub-Element (2008)  
R. Socio-Economic Sub-Element (1989)  
S. Solid Waste Management Sub-Element (1996)  
T. Support Services Sub-Element (1988)  
U. Surface Run-off Sub-Element (1993)  
V. Wastewater Management Sub-Element (1996)  
W. Water Resources Sub-Element (2008)  

**City of Sunnyvale Municipal Code:**
A. Title 8 Health and Sanitation  
B. Title 9 Public Peace, Safety or Welfare  
C. Title 10 Vehicles and Traffic  
D. Title 12 Water and Sewers  
E. Chapter 12.60 Storm Water Management  
F. Title 13 Streets and Sidewalks  
G. Title 16 Buildings and Construction  
H. Chapter 16.52 Fire Code  
I. Chapter 16.54 Building Standards for Buildings Exceeding Seventy-Five Feet in Height  
J. Title 18 Subdivisions  
K. Title 19 Zoning  
L. Chapter 19.28 Downtown Specific Plan District  
M. Chapter 19.29 Moffett Park Specific plan District  
N. Chapter 19.39 Green Building Regulations  
O. Chapter 19.42 Operating Standards  
P. Chapter 19.54 Wireless Telecommunication Facilities  
Q. Chapter 19.81 Streamside Development Review  
R. Chapter 19.96 Heritage Preservation  
S. Title 20 Hazardous Materials  

**Specific Plans:**
A. Downtown Specific Plan  
B. El Camino Real Precise Plan  
C. Lockheed Site Master Use Permit  
D. Moffett Park Specific Plan  
E. 101 & Lawrence Site Specific Plan  
F. Southern Pacific Corridor Plan  
G. Lakeside Specific Plan  
H. Arques Campus Specific Plan  

**Environmental Impact Reports:**
A. Futures Study Environmental Impact Report  
B. Lockheed Site Master Use Permit Environmental Impact Report  
C. Tasman Corridor LRT Environmental Impact Study (supplemental)  
D. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)  
E. Downtown Development Program Environmental Impact Report  
F. Caribbean-Moffett Park Environmental Impact Report  
G. Southern Pacific Corridor Plan Environmental Impact Report  
H. East Sunnyvale ITR General Plan Amendment EIR  
I. Palo Alto Medical Foundation Medical Clinic Project EIR  
J. Luminaire (Lawrence Station Road/Hwy 237 residential) EIR  
K. NASA Ames Development Plan Programmatic EIS  
L. Mary Avenue Overpass EIR  
M. Mathilda Avenue Bridge EIR  

**Maps:**
A. General Plan Map  
B. Zoning Map  
C. City of Sunnyvale Aerial Maps  
D. Flood Insurance Rate Maps (FEMA)  
E. Santa Clara County Assessors Parcel  
F. Utility Maps  
G. Air Installations Compatible Use Zones (AICUZ) Study Map  
H. Noise Sub-Element Appendix A 2010 Noise Conditions Map
Note: All references are the most recent version as of the date the Initial Study was prepared:

Lists / Inventories:
A. Sunnyvale Cultural Resources Inventory List
B. Heritage Landmark Designation List
C. Santa Clara County Heritage Resource Inventory
D. Hazardous Waste & Substances Sites List (State of California)
E. List of Known Contaminants in Sunnyvale
F. USFWS / CA Dept. F&G Endangered and Threatened Animals of California
http://www.dfg.ca.gov/biogeodatalcnddb/pdfs/TEAni mals.pdf
G. USFWS / CA Dept. F&G Endangered, Threatened and Rare Plants of California
http://www.dfg.ca.gov/biogeodatalcnddb/pdfs/TEPl ants.pdf

Legislation / Acts / Bills / Resource Agency Codes and Permits:
A. Subdivision Map Act
B. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit
C. Santa Clara County Valley Water District Groundwater Protection Ordinance
D. The Hazardous Waste and Substance Site List www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
E. The Leaking Underground Petroleum Storage Tank List www.geotracker.waterboards.ca.gov
F. The Federal EPA Superfund List www.epa.gov/region9/cleanup/california.html
Section 404 of Clean Water Act

Transportation:
A. California Department of Transportation Highway Design Manual
B. California Department of Transportation Traffic Manual
C. California Department of Transportation Standard Plans & Standard Specifications
D. Highway Capacity Manual
E. Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
F. Institute of Transportation Engineers - Traffic Engineering Handbook
G. Institute of Transportation Engineers - Manual of Traffic Engineering Studies
H. Institute of Transportation Engineers - Transportation Planning Handbook
I. Institute of Transportation Engineers - Manual of Traffic Signal Design
J. Institute of Transportation Engineers - Transportation and Land Development
K. U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
L. California Vehicle Code
M. Santa Clara County Congestion Management Program and Technical Guidelines
N. Santa Clara County Transportation Agency Short Range Transit Plan
O. Santa Clara County Transportation Plan for 2035
P. Traffic Volume Studies, City of Sunnyvale Public Works Department of Traffic Engineering Division
Q. Statewide Integrated Traffic Records System
R. Sunnyvale Zoning Ordinance – including Titles 10 & 13
S. City of Sunnyvale General Plan – land Use and Transportation Element
T. City of Sunnyvale Bicycle Plan
U. City of Sunnyvale Neighborhood Traffic Calming Program
V. Valley Transportation Authority Bicycle Technical Guidelines
W. Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
X. Santa Clara County Sub-Regional Deficiency Plan
Y. City of Sunnyvale Deficiency Plan
Z. AASHTO: A Policy on Geometric Design of Highways and Streets
AA. City of Sunnyvale Pedestrian and Bicycle Opportunities Studies
BB. Valley Transportation Authority Operations Performance Report

Public Works:
A. Standard Specifications and Details of the Department of Public Works
B. Storm Drain Master Plan
C. Sanitary Sewer Master Plan
D. Water Master Plan
E. Solid Waste Management Plan of Santa Clara County
F. Geotechnical Investigation Reports
G. Engineering Division Project Files
H. Subdivision and Parcel Map Files
Note: All references are the most recent version as of the date the Initial Study was prepared:

**Miscellaneous Agency Plans:**
A. ABAG Projections 2010
B. Bay Area Clean Air Plan
C. BAAQMD CEQA Guidelines
J. Criteria of the National Register of Historic Places

**Building Safety:**
A. California Building Code,
B. California Energy Code
C. California Plumbing Code,
D. California Mechanical Code,
E. California Electrical Code
F. California Fire Code
G. Title 16.52 Sunnyvale Municipal Code
H. Title 16.53 Sunnyvale Municipal Code
I. Title 16.54 Sunnyvale Municipal Code
J. Title 19 California Code of Regulations

**Guidelines and Best Management Practices**
B. Sunnyvale Citywide Design Guidelines
C. Sunnyvale Industrial Guidelines
D. Sunnyvale Single-Family Design Techniques
E. Sunnyvale Eichler Guidelines
F. Blueprint for a Clean Bay
G. SCVWD Guidelines and Standards for Land Use Near Streams
H. The United States Secretary of the Interior’s Guidelines for Rehabilitation
I. Criteria of the National Register of Historic Places

**Additional Project References:**
A. Project Description
B. Sunnyvale Project Environmental Information Form
C. Project Development Plans dated 6/20/2011
D. Project Noise Study
E. Project Air Quality Analysis
F. Field Inspection
G. Project Site Plan dated 6/20/2011
H. Project construction schedule
I. Project Draft Storm Water Management Plan
J. Project Tree Inventory
K. Project Green Building Checklist
L. Project LEED Checklist

**Other:**
A. Phase I Environmental Site Assessment, Stantec Consulting Corporation, Dated August 26, 2010
B. Phase II Site Assessment, Stantec Consulting Corporation, Dated June 20, 2011
Legend
- Usable Open Space
- Other Landscaping
- Parking Area Boundary
- Parking Area Landscape

Summary
Usable Open Space:
Ground Level = 7,894 +/- sq.ft. (789.4 sq.ft. per Home provided)
* Minimum 400 sq.ft./home required (INV 19.28.040)

Balconies: = 1,368 +/- sq.ft.

Landscape Area:
Usable Open Space = 7,894 +/- sq.ft.
Other Landscaping = 978 +/- sq.ft.
Total = 8,872 sq.ft. (887.2 sq.ft. per Home provided)
* Minimum 450 sq.ft./home required (INV 19.28.040)
Solar Access and Shadow Analysis

December 21st 9:00 am (34% Shadow Effect on Adjacent Buildings)

December 21st 9:36 am (2% Shadow Effect on Adjacent Buildings)

December 21st 10:00 am (0% Shadow Effect on Adjacent Buildings)

December 21st 3:00 pm (0% Shadow Effect on Adjacent Buildings)

Sunnyvale, East Taylor
Sunnyvale, California
City Ventures
Conceptual Building Elevations

Sunnyvale, East Taylor
Sunnyvale, California
City Ventures
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**Green Point Rated Check List**

**City Ventures**

**Sunnyvale, California**

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**William Hermann Architects Inc.**

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**Green Point Rated Check List**

- Sunnyvale, East Taylor
- Sunnyvale, California
- City Ventures

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MLKetty/Checked: Jessica Goytia
Summary

Total Site: 1.707 ac
Total Units: 34 homes
Density: 19.9 homes per acre

Parking:
- Garage = 68 Spaces
- Guest = 10 Standard Spaces
  - 2 Compact Spaces
  - 1 Handicap Space
- Total: = 90 Spaces (2.64 per home)
  - 2.6 spaces per home required (SMV 19.45.010)

Bicycle Parking: 2 U-stand Spaces

Lot Coverage: 28,393 Sq. Ft. (38%)
  - 40% maximum permitted (SMV 19.32.020)

* = Accessible Home
June 1, 2011

Noren Caliva  
Associate Planner  
City of Sunnyvale  
456 W. Olive Ave  
Sunnyvale CA, 94086

Re: Planning Application APN 205-30-019  
Use Permit/Special Development Permit Justifications

Noren:

The proposed project attains the objectives and purposes of the General Plan of the City of Sunnyvale as the proposed project is a medium density residential townhome development (22 dwelling units per net acre) and the General Plan identifies the site as a “Medium Density Residential” site (14-27 dwelling units per net acre). The site zoning has been classified as “ITR: Industrial to Residential.”

The project supports and enhances the following General Plan Goals and Policies as outlined in the General Plan Policy 1.0.1 Land Use and Transportation — Goals, Policies and Action Statements

**Policy C1.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

**Policy C2.1** Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.

**C2.1.4** Support the transition of Industrial to Residential (ITR) areas as opportunities to increase housing variety and stock.

**Policy C2.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.

**C2.4.1** Locate higher density housing with easy access to transportation corridors, rail transit stations, bus transit corridor stops, commercial services, and jobs.
The project supports and enhances the following General Plan Goals and Policies as outlined in the General Plan Policy 2.3.1 Housing and Community Revitalization — Goals and Policies Provision of Adequate Housing Sites

**Policy D.1** Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

**Policy D.2** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

**Policy D.3** Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

**Policy D.5** Provide opportunities and incentives for mixed use, multifamily infill, and transit-oriented development in Downtown Sunnyvale as part of the City’s overall revitalization strategy for the area.

**Policy D.6** Provide expanded areas for higher density housing through the conversion of underutilized industrial areas to residential use, if the sites are consistent with General Plan standards for residential uses (i.e., no health hazards exist).

Sincerely,

Philip H. Kerr  
Vice President of Development  
444 Spear Street, Suite 200  
San Francisco, CA 94105
VIA EMAIL

July 31, 2011

Planning Commissioners
& Planning Department
C/O Noren Caliva
456 W. Olive Avenue
Sunnyvale, CA 94086

Dear Noren, Planning Staff & Commissioners:

Thank you for taking the time to review our submittal for redevelopment of 628 E. Taylor St. The redevelopment plan for this parcel is well coordinated with the development next door at 650 & 660 East Taylor, creating a single new community that will further revitalize this Industrial to Residential zoned area with 34 new homes. The project has been very well received by the community with brisk sales (10 pre-sales!) and positive comments from those that have seen the positive changes along East Taylor.

We would like to take a minute to respond in writing to the comments raised at the study session and the minor modifications requested.

1. **Setback:** the setback along East Taylor is consistent with the project approved at 650 & 660 E. Taylor and, although the setback is 19 ft at the entry feature, the average setback is over 20 ft which is within the requirements of the zoning code for the R-3 zoning applied to this area.

2. **Solar Shading:** Section 19.56.020 of the Municipal Code requires us to show the solar shading when the sun is at its lowest; at 9am on the shortest day of the year. We have included studies showing the shading at 9:00am, 9:36am, 10:00am and 3:00 pm on December 21st. The 9:36am study illustrates the shadow on the adjacent roof for the first 10% of the 9:00am-3:00pm time period. The shadow is only 2% at 9:36am. The code defines solar access as “the absence of shadows blocking or reducing exposure to the sun to an extent greater than ten percent daily during the hours between nine a.m. to three p.m.” Shading, if any, is approximately 5-10 minutes on the shortest day of the year on the very edges of the roof. This minor variation will not materially impact solar access for the neighboring property. The neighboring property is also a very old storage building that is one story in height and unlikely to be upgraded with solar panels without redevelopment of the property. The area is zoned ITR so any future redevelopment will likely be to three story residential which would eliminate any solar concern.
Furthermore we will be adding solar panels to all of our units which will be a net positive to the area.

3. **Front Yard**: based on feedback from staff, we have modified the front yard fence (see revised sheet A1-0). The new fence line will allow for a larger common area along Taylor. Given the need for specific storm treatment landscape areas, the gate on the front yard will not align directly with the front door. As we finalize our building permit plan sets we will explore ways to line the gate up with the front door, to the extent feasible.

4. **Trellis**: Based on feedback from the Commission, we have updated our application to include additional trellis over the parking at the rear of the project and in the common area (see revised sheet A1-0). Adding trellis over the parking area in the middle of the development was not feasible as the spans would require additional posts that would interfere with code requirements for disability access at the central parking stalls. The 650/660 project already has approved building permits and is under construction so changes to that project will be reflected on the building permit sets for that development and are not reflected on this application. Although, the vision triangle code requirements prohibit adding trellis to the parking area in the front of the 650 East Taylor project, we are planning to add trellis at the pedestrian entrance and in the rear parking area.

Thank you again for your time and your comments. We look forward to continuing to work with the Commission and Staff on the exciting revitalization of the East Taylor neighborhood.

Sincerely,

Philip H. Kerr  
Vice President of Development  
444 Spear Street, Suite 200  
San Francisco, CA 94105  
415-271-3669