



REPORT TO PLANNING COMMISSION

Hearing Date: November 14, 2011
File Number: 2011-7661

SUBJECT: **CP3 Town and Country (Carmel Partners)**
[Owners/Applicants]: Application for a mixed use project located at 704 Town and Country in the Downtown Specific Plan Area, Block 1a Zoning District (APN: 209-07-03, 04, 05, 06, 08 and 09):

Motion **Special Development Permit** to allow the development of one residential building and one mixed use building with 133 rental units and 8,183 square feet of ground floor commercial space and 235 parking spaces located on Blocks C and D;

Motion **Mitigated Negative Declaration** for the Special Development Permit.

REPORT IN BRIEF:

Existing Site Conditions Former Town and Country Village site (demolished)

Surrounding Land Uses

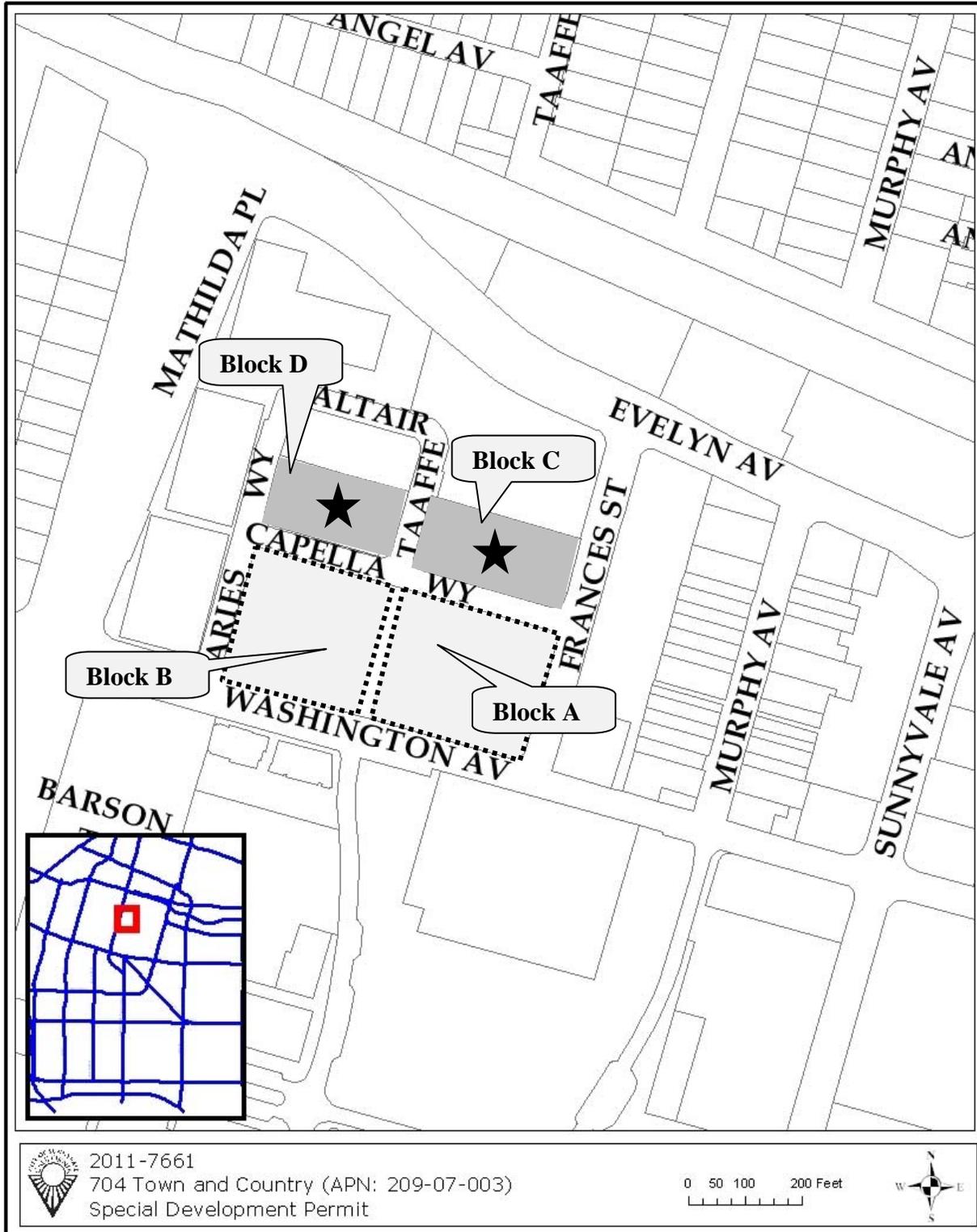
- North Plaza del Sol, Mixed use retail/residential/post office
- South (across Olson Way) former Town and Country development (New BRE Project)
- East (across Frances) Frances Street public parking lot, 100 Block of South Murphy Avenue (retail/entertainment)
- West (across Aries) JP Morgan buildings

Issues Architecture, Parking, Construction-related impacts

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

Staff Recommendation Approval with conditions

VICINITY MAP



PROJECT DATA TABLE

	EXISTING/ PREVIOUS	PROPOSED	REQUIRED/ PERMITTED
General Plan	DSP	No Change	N/A
Zoning District	DSP - Block 1a	No Change	N/A
Lot Size (acres)	Block C: .852 acres Block D: .712 acres <i>Total: 1.56 acres</i>	No Change	.30 ac
COMMERCIAL/RETAIL (BLOCK C)			
Gross Floor Area (s.f.)	87,860 (6 buildings comprising Town and Country village, demolished)	8,183 (Block C only)	52,500 max. (DSP- 1a combined) <i>12,217 square feet remain for DSP-1a</i>
Lot Coverage (%)	44%	100%	100% as per SDP max.
RESIDENTIAL (BLOCKS C AND D)			
No. of Units	0	85 for Block C 48 for Block D 133 Total <i>(Project is using Green Building Density Incentive)</i>	450 max. (DSP- 1a combined) <i>127 remaining (Minus BRE 280 Units and Kasik 40 Units)</i>
Bedrooms/Unit	N/A	63 1-BR units 70 2-BR units	N/A
No. of BMR units	N/A	N/A	N/A
Unit Sizes (s.f.)	N/A	696 -1,473 sq. ft.	N/A
Lockable Storage/Unit	N/A	200 cu. ft. per unit 101 Lockers Provided	300 cu. ft. min. per unit 133 Lockers Required
No. of Buildings On-Site	0	2 Buildings (<i>1-Block C; and 1 Block D</i>)	N/A
Building Height (ft.)	N/A	70'	85' max. (including rooftop mechanical)
No. of Stories	1	6	6 max.
Setbacks	N/A	0	No setbacks are required for Block 1a
Landscaping			



	EXISTING/ PREVIOUS	PROPOSED	REQUIRED/ PERMITTED
• Total Landscaping	N/A	23% Block C: 8,698 Block D: 7,003 Total: 15,701 (includes paved, lawn and planting areas)	20% as per DSP min.
• Usable Open Space/Unit (sq. ft.)	N/A	Block C: 13,960 s.f. Block D: 8,475 s.f. (Includes private balconies)	50 sq.ft. min. per unit Block C: 4,250 s.f. Block D: 2,400 s.f. Total: 6,650
• Clubhouse (s.f.)	N/A	1 clubhouse/ amenities building; 5,298 sq. ft.	450 min. per site (building)
Parking			
• Total No. of Spaces	N/A	172 underground spaces in Block C; and 63 underground spaces in Block D (includes 8 tandem spaces) Total:235	145 spaces in Block C; and 90 spaces in Block D Total: 235 spaces
• Standard Spaces	N/A	196	169 min.
★ • Compact Spaces/ % of Total	N/A	36 spaces (37.5%)of unassigned 3 spaces (3%) for assigned	33 (35% max) unassigned
• No. of Underground (in parking garage)	N/A	235	No specific requirement for underground parking. Project is parked per code.
• No. of Accessible	N/A	10	Per Building Code

	EXISTING/ PREVIOUS	PROPOSED	REQUIRED/ PERMITTED
• Bicycle Parking	N/A	44 Class I spaces 9 Class II spaces	44 Class I spaces 9 Class II spaces min. per VTA standards
• Driveway aisle	N/A	24'	24' min.
Stormwater			
Impervious Surface Area (s.f.)	35,371-Block C 31,026-Block D	37,739-Block C 30,144-Block D	No max.
Impervious Surface (%)	92.2%-Block C 95.9%-Block D	98.3%-Block C 97.2%-Block D	No max.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

BACKGROUND:

The subject site is located within the Downtown Specific Plan (DSP), which was adopted by the City Council in 2003. Specifically, the site is located in Block 1a of the DSP, which is described as part of the Commercial Core District of the Downtown. This district includes Blocks 1, 1a, 2, 3, 18, and 20. The “commercial core district” supports a wide variety of uses ranging from Class A office, regional commercial retail, local retail, personal service businesses, a cinema, hotel and high density housing.

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

The DSP identifies the land uses and development intensities for the various blocks. Block 1a is allowed up to 450 residential units and 52,500 square feet of retail space. The City has agreed to hold 43 residential units for the Kasik property. Block 1a has been approved for 280 units, leaving a remainder of 127 units for this site. The proposed development will be subtracted from the remaining allowable development. Staff notes that the applicant is proposing to use the Build it Green residential density incentive for the project.

In September 2010, the Planning Commission reviewed and approved a mixed use project located on the larger portion of the former Town and Country site (Blocks A & B). The proposed project was comprised of 280 residential dwelling

units and approximately 34,000 square feet of retail space. The project also included a Tentative Map (for all of the Town and Country area), which reconfigured the existing parcels into a cleaner grid pattern and included the continuation of Taaffe Street. As part of the map approval, a condition was included requiring development on Block C to include elements to “activate” Plaza del Sol. That project approval resulted in 127 residential dwelling units and 17,000 square feet being available for future redevelopment in the former Town and Country area.

Planning Commission Study Session

The applicant submitted a Preliminary Review application, which was reviewed by the Planning Commission on August 22, 2011. Staff provided a brief overview and the applicant provided a presentation on the project design and architecture. The Planning Commission had minor questions and appeared to be generally supportive of the direction the project was moving towards.

DISCUSSION:

The subject site is located in Block 1a of the DSP (for discussion purposes, staff refers to the four quadrants of 1a as Blocks A, B, C and D). Block 1a is surrounded by office development to the west, the Town Center development to the south, parking area to the east and Plaza del Sol and the Kasik mixed use property to the north. The Kasik property is currently developed with 20 residential units and 10,000 square feet of commercial retail service. The subject site was previously occupied by the Town and Country Village development, which comprised six separate buildings, totaling 87,860 sq. ft. The site was occupied by retail/commercial uses which were demolished in early fall 2010. The proposed mixed use buildings will be located on the two blocks adjacent to Olson Way (formerly Capella Way) and will include a mixed use building on Block C and a residential building on Block D.

Requested Permit(s)

The applicant is requesting approval of a Special Development Permit (SDP) for site and architectural review for Blocks C and D to allow the construction of two new buildings. The first building will be a mixed-use project of 85 residential rental units situated above retail space totaling approximately 8,100 sq. ft. and 172 parking spaces. The second building will be completely residential and comprised of 48 residential rental units and 63 parking spaces (including 8 tandem).

- **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review for Blocks C and D. A SDP may also allow deviations from Zoning Code requirements and in this case the applicant is requesting the following deviations:

- Parking:
 - To allow the use of 8 tandem parking spaces;
 - To allow more than 35% of compact spaces for unassigned parking for a total of 36 (37.5%) unassigned spaces ; and
 - To allow 3 compact assigned spaces.
- Required storage locations and total provided storage space for the residential units.

ANALYSIS:

Architecture

Both buildings are proposed in a contemporary or modern design in a “loft-style” architecture, which includes taller plate heights for each floor, larger window openings for the residential units, contrasting color palate, floating box elements, and emphasis on the vertical elements of the design. The exterior materials will include precast cement for the ground level, stucco, smooth panel systems, metal accents, including fascia elements, and awnings. The architecture has been designed to enhance the residential character of Olson Way while providing additional retail on Frances and Plaza del Sol. The proposed color palate includes earthy browns and contrasting light gray and bright green accents. The color palate for bay elements and main fascia wall for the residential floors will be reversed for Blocks C and D to differentiate the two buildings. In combination with the buildings previously approved for Blocks A and B, the proposed buildings will add to the contemporary architecture in the immediate area (see elevations in Attachment D).

Block C

The building located on Block C will be six stories and will include two levels of underground parking, ground level residential units and retail space, with additional levels of residential above. This building will provide two story residential units on Olson Way, similar to the project approved for the adjacent blocks (A and B). It will also provide a raised courtyard area, including a pool, which will be oriented toward the south. Retail space will appear to be two stories in height and be oriented on Frances Street and along approximately 130 feet of Plaza del Sol. The applicant has indicated concern regarding adding further retail frontage on the plaza due to limited use and visibility. As an alternative, the project has located the leasing area, lobby, and club room adjacent to the plaza to provide additional activity.

Block D

The building located on Block D will be approximately four stories and will include one partially sunken level of parking with residential above. The first floor of the Block D building will be raised approximately four feet above grade,

which results in the use of a main lobby and hallways to access the units, instead of providing individual stoops. The architectural elements will be similar to the building on Block C, but the colors will be reversed to provide differentiation and to soften the architecture.

Staff has noted some concern regarding the massing and proportions of the first floor on Block D. Specifically, the first floor living area appears to be short/squished due to the window sizes and color/materials although the plate height is the same as the two floors above. Staff has included a condition that requires the project applicant to modify the architecture and/or exterior materials so the first floor fascia appears to match its plate height of 11' 2".

Site Layout

Block C will be developed out to each property line, with parking access on Taaffe Street into the three level garage. Open space will be provided above the second floor at the podium level with the remaining floors above wrapping the open area. A bus shelter currently exists on the northeast corner of the site and will need to be relocated north of the site onto Plaza del Sol adjacent to the existing raised planter area (see Attachment E). Relocation of the bus shelter will also require the construction of new bus stress pads north of the existing pads. Conditions requiring the relocation of the shelter and construction of new stress pads have been included in the recommended conditions of approval.

The building on Block D will be developed out to the property lines with the residential dwellings oriented towards the southern side of the property in a rectangular form. This orientation will allow for passive open space on the north side of the property above the partially sunken garage level. Parking access will be accommodated on Aries Way. Block D is slightly narrower than Block C, which has resulted in some difficulties in submerging the parking completely below grade. The applicant has studied lowering the garage further into the site; however, it results in a longer ramp, which impacts the number of parking spaces that can be accommodated (see Parking section for further discussion). The open space will be elevated approximately four feet and it will be set in from Aries and will extend to Taaffe Street. A colorful panel system will provide screening and interest at the street level. A condition has been added requiring the application of an anti-graffiti coating to the color panel system.

Plaza del Sol

Plaza del Sol includes a multi-level underground parking structure and public space at grade. The public area contains varying levels of hardscape space, which is complemented with raised planter beds and lawn areas. The southern edge of the plaza is primarily hardscape with round planters placed at an equal spacing. The Downtown Specific Plan includes goals and policies which guide development to activate the plaza area. In addition, as part of the subdivision

map that was approved for Blocks A and B, a condition was added requiring Block C to provide retail space to activate the plaza.

The proposed building on Block C contains retail space for a portion of the frontage along the plaza. The applicant has evaluated the as-built drawings for Plaza del Sol to better understand the transition from the subject property to the plaza. The applicant has provided schematic plans illustrating a proposed alternative for the plaza interface adjacent to the Block C. The design proposes new larger curvilinear planter elements to play off the existing plaza elements, which will allow for future outdoor dining area.

As part of the project development, the applicant identified concern regarding visibility for retail uses from Frances Street due to the existing bus shelter and garage stairwell. The bus shelter will be relocated as part of the project. The applicant has indicated a preference to slightly reduce the planter bed around the existing stairwell to allow for improved pedestrian flow from Frances Street. Review of the plans will be coordinated with Public Works and staff will evaluate this proposal with the bus shelter relocation plans.

Changes to the plaza will require allocation of additional City funds and the appropriate Request for Proposal (RFP) process. It is anticipated that the budget allocation will occur early 2012. The City has determined, based on discussions with the applicant, that the future improvement plans will be designed in phases with the southern edge to occur first. The City will be working closely with the Downtown business association (SDA), property owners and residents during the development of future plans for the plaza.

Parking/Circulation

The proposed project includes 133 residential units with 63 one-bedroom units and 70 two-bedroom units, in Blocks C and D combined. The project requires a total of parking 235 spaces, which are provided on-site. Parking is provided through the use of standard size spaces, compact spaces and eight tandem spaces. The Zoning Code limits the percentage of compact spaces for unassigned parking and does not allow compact for assigned spaces. The project proposes a total of 37.5% (38 vs. 35) for compact unassigned spaces and 3% (three spaces) for assigned. The project also includes eight tandem spaces on Block D, which would functionally accommodate up to 16 automobiles. This would increase the total parking of Block D to 71 (adding an additional eight spaces to the 63 spaces provided).

The parking for Block C does include some at-grade parking (13 spaces in the garage) which will be available for residential guests and future tenants of the project. The lower levels of parking will be secured for residents approximately 150 feet from the garage opening. The resident parking located on Block D will also be secured near the entrance into the parking ramp and will be for residents only. Block D will provide 13 unassigned spaces, which will require

access from a resident. Guests visiting Block D or Block C will be able to park in the at-grade spaces on Block C after business hours or they will require access from residents. The following table indicates the parking spaces assigned to each block.

	Block C -85 Units		Block D – 48 Units	
	Required	Provided	Required	Provided
Assigned Parking	85	85	48	50 (58 ¹)
Unassigned Parking	60	87	42	13
Total	145	172	90	63 (71¹)

1. The tandem spaces proposed in Block D will provide an additional eight assigned spaces.

The project site is located within the Downtown Parking Maintenance District and properties located within this area are assessed a fee for parking provided within the district. The proposed project will provide approximately 8,000 square feet of retail space, which is approximately half of the remaining (17,000) commercial space from the former Town and Country site. The retail parking ratio for Downtown commercial is 1 per 250 square feet. The proposed retail parking demand would be only 32 parking spaces, which is less than the remaining demand from the former commercial space (68 parking spaces). In addition, the retail is oriented on the east and north side of Block C, which is close proximity to the Plaza del Sol parking garage and stairwell. Staff has determined that the proposed commercial space will result in far less parking demand and has not been required as part of the project. *(Note: the formula for assessing park district fees is different from the formula for calculating parking space requirements for mixed used projects in the downtown area).*

Storage Lockers

The Zoning Code requires 300 cubic feet of storage for each residential unit. The intent of the storage area is to provide additional lockable storage space for developments that do not have individual secured garage space. The project proposes 101 residential storage units, which provide 200 cubic feet each. The storage units are located in the garage levels and within storage areas at each residential level. The proposed project results in 32 units not having any storage space and the overall provided storage is substandard. The applicant is requesting a deviation from the required storage space and number of lockers provided.

Deviations allowing alternative locations of the required storage have been considered in the past. The Zoning Code has specific limitation on the location of the required storage and it precludes the use of interior closet space. Staff has evaluated the proposed floor plans and 14 units have two walk-in closets (Floor Plans 2-3, 2-6, TH-1 and TH-2). This leaves 18 units without the required storage. Several other unit layouts can accommodate a slight increase in the walk-in closet space. The proposed storage lockers will still be deficient in the cubic space required. There are other opportunities for each unit to

accommodate additional space in the closet located on the balcony. This may be done through either widening the door to better access the closet or the project may change to a central boiler, which would eliminate the need for individual water heaters.

Staff is recommending approval of a deviation of the location of the storage space to allow the use of additional closet space within the units. Staff has added a condition requiring compliance with the 300 cubic foot per unit requirement. The applicant will need to demonstrate compliance prior to building permit submittal.

Landscaping

The project applicant has provided a preliminary landscape plan to illustrate that the required facilities can be provided. Specifically, the proposed buildings provide the required 14,924 square feet of landscaped area including passive outdoor space and a pool. In addition, the buildings will also include new streetscape furniture for the sidewalks area around the building. These will include new benches, bike racks, and news racks consistent with the DSP guidelines and requirements. The sidewalk on Olson Way will be slightly narrowed to 8.5 feet in a few areas to allow a small landscape planter adjacent to the building face to further define the private space. The Planning Commission has noted some concern regarding sidewalk width in the Downtown Area. Staff is in support of the proposed planters as they will help to define the private space for the units located at grade for Block C and those on the first floor of Block D. Staff has added a condition requiring these landscape areas to be maintained with appropriate plant materials at all times.

The project has been required to apply for a final landscape plan as a condition of approval, which will be reviewed against the new landscape water efficiency requirements. The final landscape plans must be in substantial conformance with what was included in the plans reviewed by the Planning Commission. Implementation of the landscape plan will require the removal of trees currently located on the project site. Review of the final landscape plan will be coordinated with the Public Works Department.

Green Building Requirements

The project is required to implement green building features into the residential and commercial elements. The project is proposing to achieve 100 Built It Green (BIG) points to gain access to the allowed 5% density incentive. Blocks C and D are limited to a total of 127 dwelling units and the applicant has included an additional six units based on achieving 100 BIG points. The project will have to comply with the applicable green building ordinance requirements at the time of applying for building permits. The project has been conditioned to comply with the City's adopted Green Building requirements to achieve 100 points for the residential portion of the project.

Easements

Block C will require the recordation of a fire safety access easement on the Plaza del Sol side of property to allow ladder access to the north side of the building. The easement will allow only temporary elements or low landscape elements. Without the easement, the north wall face would have to be completely fire rated or setback back from the north property line. The easement allows the building to be constructed to the property line while providing elements that help to activate the plaza consistent with the intent of the DSP. The easement will need to be recorded prior to issuance of the building permit for the structure.

The applicant has agreed to include an ingress and egress easement for the Kasik property to the north of Block D. The easement has been recorded and will allow access to the solid waste and deliveries for the Kasik property. The area will also be the staging area for the solid waste for Block D. The final design of the staging area and surrounding landscaping will be reviewed with the final landscape plan to ensure that adequate access is provided with the proposed landscaped areas and plantings.

Stormwater Management

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

Art in Private Development

The applicant is required to provide public art for this project. Public art, valued at a minimum of 1% of the construction valuation of the commercial portion of the project must be provided. Possible locations for pieces of art have been identified in the project design; the artwork could be integrated into the art armature element located on the roof of Block C (see sheet A1.1 of the plans). The applicant will be required to submit a separate application for review and approval to the Arts Commission.

Below Market Rate (BMR) Housing

A recent court case (“Palmer”) has invalidated BMR requirements for rental housing. Since the proposed project does not include a condominium map to allow the individual sale of units, the BMR requirements will not be imposed. The applicant has been informed that the BMR requirements will apply at the time they decide to move forward with a condominium map. A condition has been added clarifying this future requirement.

Environmental Review

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

The project, as proposed, is well within the scope identified for Block 1a of the DSP area. An Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared and focused on whether there are new impacts or mitigation measures, as defined by CEQA Guideline Section 15162, not previously disclosed in the Final Program EIR. Specific requirements regarding the analysis of greenhouse gas emissions impacts have gone into effect recently and were further analyzed in the IS/MND. The MND determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures for air quality, aesthetics, noise and traffic (see Attachment D, MND). Mitigation measures identified in the MND have been incorporated in the attached conditions of approval at the appropriate stages of construction (see Attachments B and C). In addition, the subject project will be required to comply with Mitigation Monitoring Program (MMP) requirements identified in the 2003 Final EIR for downtown Sunnyvale.

FISCAL IMPACT

Traffic Impact Fee

Projects resulting in net new peak hour trips are subject to a citywide traffic impact fee. The fee is calculated based upon the type of development/intensification proposed and the number of net new peak hour trips generated (SMC 3.50.050(c) & 3.50.060), and is calculated based on the actual fee in place at the time of payment. Payment is due prior to issuance of a building permit for construction or expansion of any uses (excepting parking structures). The fee for Blocks C and D will be determined at the time a new development proposal submitted to the City for review. Based on today's fee the TIF is estimated as \$77,091.

Park Dedication In-Lieu Fee

The Park Dedication In-Lieu Fee shall be paid in accordance with SMC 19.74. for the 133 housing units upon submittal of building permit application, based on the acreage requirement of 0.00540 acres per dwelling unit. Based on today’s adopted land value, the fee would be \$2,235,742.03

PUBLIC CONTACT

Public hearing notices were sent to property owners and tenants in an approximate 300-foot radius of the project area, as well as the following: all neighborhood associations, downtown business property and business owners and other interested parties. In addition, information was posted on the website regarding the Planning Commission hearing dates for this project as well as the availability of the staff reports.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 350 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

CONCLUSION

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

Conditions of Approval: Recommended Conditions of Approval are located in Attachments B (SDP).

ALTERNATIVES

1. Adopt the Negative Declaration and approve the Special Development Permit with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions.

3. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.
4. Deny the Special Development Permit application.

RECOMMENDATION

Recommend Alternative 1 .

Prepared by:

Shaunn Mendrin
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Approved by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval (Special Development Permit)
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Conceptual Bus Shelter Relocation Plan
- F. Letter from Applicant

RECOMMENDED FINDINGS

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Downtown Specific Plan

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

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

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

General Plan

Land Use and Transportation

Policy LT-1.7: *Contribute to efforts to minimize region-wide average trip length, and single-occupant vehicle trips.*

Policy LT-3.1: *Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.*

Policy LT-3.4: *Determine appropriate density for housing based on site planning opportunities and proximity to services.*

Policy LT-4.8: *Cluster high intensity industrial uses in areas with easy access to transportation corridors.*

GOAL LT-7.1: *Support efforts to establish Sunnyvale's downtown area as a strong commercial center for the City.*

Housing

Policy HE-4.5: *Provide opportunities and incentives for mixed use, multi-family infill, and transit-oriented development in Downtown Sunnyvale as part of the City's overall revitalization strategy for the area.*

The proposal is located in Block 1a, an area located in close proximity to the transit station at Evelyn Avenue and zoned to allow high density residential and mixed use type developments. The project proposes to build 133 residential units and approximately

8,100 sq. ft. of retail in Blocks C and B. The residential units are designed around podium level courtyards to provide a sense of privacy; the retail component of the project is oriented towards Frances Street and Plaza del Sol, which will extend the retail space on Block A and activate the plaza. The proposed townhomes on Block C facing Olson Way have been designed to have a strong residential character. The project will provide a balanced mix of residential and commercial uses in the core of downtown in accordance with the goals and policies laid out in the DSP. The proposal as conditioned will have a cohesive physical form that will assist in identifying Sunnyvale's downtown.

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

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

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

The proposed project blends in with the existing uses in the surrounding neighborhood. The proposed project through its mix of permitted uses, high quality architectural design, contemporary building forms, supply of parking, and investments in street frontage improvements and landscaping will improve the overall appearance of downtown Sunnyvale. The proposal, as conditioned, minimizes development impacts on the surrounding properties and allows development complementary to Sunnyvale DSP goals and image. Redevelopment of the currently vacant Town and Country village site will be a positive benefit to surrounding uses and improve the general appearance and form of Block 1a and Plaza del Sol.

Design Guidelines of the Downtown Specific Plan

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

Site Design and Organization	
GOAL A2: Locate private on-site parking below grade or behind active uses.	The project will provide parking for the residential uses only; all the proposed parking is located in parking structures below each building and wrapped on all sides with active commercial or residential uses. The commercial portion of the project will utilize on-street parking and other parking district spaces which is appropriate for the pedestrian friendly and lively streetscape intentions of the DSP.
GOAL A5: Locate retail entrances, displays and special design features at building corners. Locate less active uses, such as lobby entrances to upper levels, at mid-block.	The retail component of the project is oriented towards Frances Street and Plaza del Sol; Residential lobbies and service entrances are located mid-block and face the less active Olson Way frontage.
GOAL A6: Provide direct entrances or stoops to street level residential units to create an intimate streetscape	All proposed, on-grade townhomes facing Olson Way have walk-up front doors. Building D, although slightly raised, will provide a residential appearance along Olson Way.
Architecture and Design details	
GOAL B1: Use variable heights and roof forms to break up the building mass	The proposed project provides articulation through architectural elements, window types and exterior materials.
GOAL B.2: Interrupt ground floor facades every 30 ft. with various architectural elements such as trellises, balconies, steps, openings etc.	The project has been designed to provide variations approximately every 30 feet at the pedestrian level and additional variation above with the bay elements and varied setbacks.
GOAL B3: New commercial development should have a variety of styles and appear to be constructed over a long period of time.	Final design schemes for the retail portion of the project are in the design development phase. Staff has included a condition of approval that future tenant improvements will be in substantial conformance with the approved designs and DSP.

Site Landscaping	
GOAL C1: Demonstrate a landscape design concept and link various site components.	The street trees and streetscape design features are the primary link to the broader Downtown as a whole and also within the project. The streetscape design is the most critical link to the site. In addition to streetscape improvements, the project has been designed around raised courtyard areas with attention given to the location of raised planters, walkways, outdoor seating, grass and trees.
Building Facades	
GOAL B9. Use strongly defined bases for buildings. Delineate the building base with architectural features such as a string course or cornice element or quality exterior materials such as stone, precast concrete, brick, terracotta and limited applications of metals such as steel, chrome or bronze	The project uses strong architectural elements and materials to provide a defined base for the structures. Staff has included a condition requiring further refinement of the base for Block D to address the proportions.
GOAL B11. Provide awnings, canopies and shade structures along the street level to create intimate enclosures at the sidewalk and accommodate signs, graphics and lighting	Fabric awnings have been prohibited as they will not be consistent with the architectural design. The retail frontage has been slightly recessed from the building face to provide some shade and shelter at the entrances. A separate <i>Master Sign Program</i> will be required for the project to ensure consistency in the design of signage for the project.
GOAL B13. For upper floors, articulation is the most important quality. Continuous flat facades should be avoided through recessed windows, awnings, bay windows and vertical elements	The design includes articulation in the form of projections and recesses along each façade. The architecture also provides additional articulation through the use of materials, balconies and awnings.
GOAL B18. Accentuate special locations such as street intersections and major building entrances with building treatments such as tower elements.	The buildings have been design to accentuate entrances, corner elements and the residential lobby entrances.

<i>Open Space</i>	
GOAL 9: Provide private outdoor space for each residential unit as an outward projecting balcony or an inward projecting terrace when possible.	The project includes balcony elements for a majority of the residential units.

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

ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS

Planning Application 2011-7661
704 Town and Country

Special Development Permit to allow the development of one residential building and one mixed use building with 133 rental units and 8,183 square feet of ground floor commercial space and 235 parking spaces located on Blocks C and D.

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, plan details, 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. The Development Agreement supersedes and/or extends this permit expiration timeline. [SDR] [PLANNING]

- GC-3. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-4. ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-5. RECREATION FACILITIES:
The recreation facilities (pool and clubhouse) shall be installed in connection with the construction of the buildings located on Blocks C and D and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-6. REQUIRED STORAGE:
The project shall provide 300 cubic feet of storage for each residential unit as outlined in section PS of the Conditions of Approval. [COA] [PLANNING]
- GC-7. 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 Final Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. Stormwater runoff on private property shall be treated on-site prior to discharging into the city's public storm drain system [SDR] [PLANNING/PUBLIC WORKS]
- GC-8. BELOW MARKET RATE PROGRAM:
Any future subdivision resulting in the individual sales of the residential units will require the submittal of a Tentative Map application subject to review by the City and compliance with the City's Below Market Rate Housing Program and SMC 19.66. [SDR] [PLANNING]
- GC-9. DOWNTOWN PARKING MAINTENANCE DISTRICT:
The site does not have sufficient on-site parking for the commercial parking demand and is dependent on the Downtown Parking

Maintenance District to provide necessary parking for the commercial uses and therefore the property owner is required to participate in the Downtown Parking Maintenance District by paying appropriate fees. [COA] [PUBLIC WORKS].

GC-10. ALTERNATIVE MATERIALS AND METHODS FOR CONSTRUCTION:
The Alternative Materials and Methods for Construction included in the planning application set of plans is subject to separate review and approval by the Building Division. [COA] [PLANNING]

GC-11. VESTING TENTATIVE MAP:
All Vesting Tentative Map Conditions of Approval as approved under Planning Application 2010-7493 and subsequent revision under Planning Application 2011-7424 shall apply to the development of Blocks C and D. [COA] [PUBLIC WORKS]

GC-12. SUBDIVISION AGREEMENT:
The developer shall execute a separate Subdivision Agreement and post surety bond(s) and/or cash deposit(s) for all applicable public and/or private improvements associated with Blocks C and D prior to the parcel map recordation and/or any permit issuance associated with Blocks C and D. (COA) [PUBLIC WORKS]

GC-13. DEVELOPMENT FEES:
The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to second final map recordation and/or any permit issuance, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

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

PS-1 REQUIRED REVISIONS TO THE PLANS:
The project plans shall be revised to address the following items and shall be subject to review and approval by the Community Development Director.

- a) The applicant shall propose alternatives to address the base proportions for Block D. This may include reducing the height of the base element and increasing the height of the windows for the first. Other alternatives may be proposed by the applicant.
- b) The plans shall include an equivalent of 300 cubic feet of storage space for each unit. This may be accomplished through the walk-in closet space (larger space or second walk-in) and balcony closet

space located within each unit. The applicant shall provide plans indicating how this will be achieved.

- c) The north wall of Block D (adjacent to the driveway) shall be modified to provide clear visibility and compliance with the vision triangle requirements. [COA] [PLANNING].

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 and the appropriate plans page reference shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. COMPLETE PLAN SET SUBMITTAL REQUIRED:

A complete plan check submittal (except demolition, rough grading, excavation, foundations up to grade level, and utilities) shall be submitted for the first building permit submittal; no partial sets are allowed. [COA] [PLANNING]

BP-4. EXTERIOR MATERIALS:

All exterior materials shall comply with the following:

- a) Visible roof material shall be of a high quality and durable materials such as various tiles, slates, or metal, as approved by the Director of Community Development.
- b) In accordance with the DSP, the following materials are not permitted in this project: EIFS, composition roofing, glazed tiles (except as accents and on the base of buildings), mirrored glass, and foam trim (unless the material can be shown to be of a quality, appearance, and longevity equivalent to real wood, concrete, or stone).
- c) All plaster or stucco materials must be a three coat materials and have a controlled surface texture (sand finish) that is subject to review and approval by the Director of Community Development, in accordance with the DSP.
- d) The plans shall include anti-graffiti coating or other method to ensure easy maintenance of the color panel walls. [COA] [PLANNING]

- BP-5. 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-6. GREEN BUILDING REQUIREMENTS:
The project shall comply with the City’s Green Building zoning standards applicable at the time of applying for building permits. The residential portion of the development is required to achieve 100 Build it Green points to access the requested density incentive. [COA] [PLANNING]
- BP-7. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) PARK IN-LIEU - Pay Park In-lieu fees shall be paid prior to issuance of building permit application. (SMC 18.10). [SDR] [PLANNING]
 - b) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new peak hour trips resulting from the proposed project shall be paid prior to issuance of a building permit. (SMC 3.50). [SDR] [PLANNING]
 - c) ART IN PRIVATE DEVELOPMENT BOND – Pay Art in Private Development bond based on 1% of the construction valuation for the new office building, amenities building and parking structure, prior to issuance of a building permit. [PLANNING] [SDR]
- BP-8. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements and all sidewalk street furniture and landscaping (excluding what is proposed with the previously approved tentative map and associated improvements). Landscape and irrigation plans are subject to review and approval by the Director of Community Development through a Miscellaneous Plan Permit submitted at the time of Building Permit submittal. The landscape plan shall include the following elements:
- a) The solid waste staging area for Block D shall be designed in a manner to ensure adequate access while allowing for screening subject to review and approval.
 - b) All areas not required for parking, driveways or structures shall be landscaped.
 - c) The landscape plan shall be approved by the stormwater consultant prior to submittal. The plans shall be stamped and signed.
 - b) Ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

- c) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- d) All street furniture as required by the Downtown Specific Plan and as proposed in the approved plans.
- e) Backflow devices and other appurtenances are to include screening and covers as approved by the Director of Community Development. Devices required for street level landscaping shall be located within the garage or below grade enclosures. Covers should be black, metal mesh with rounded top covers (e.g. – “mailbox style”). [COA] [PLANNING]

BP-9. 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-10. NEWS RACKS:

News racks on private property shall be of the same design as the 100 block of South Murphy Avenue. News racks and details shall be included in the building permit plans and shall be subject to review by the Director of Community Development. [COA] [PLANNING]

BP-11. STORMWATER MANAGEMENT CALCULATIONS:

Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

BP-12. 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-13. STORMWATER 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-14. STORMWATER 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-15. EXTERIOR LIGHTING PLAN:

The building permit plans shall include an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties.
- g) Any exterior lighting located at 50 feet or greater shall include a timing system that will turn off such lighting at 10:00 p.m. The plans shall include notes and details for clarification. [COA] [PLANNING] **MITIGATION MEASURE**

BP-16. HISTORICAL AND CULTURAL REMAINS:

The project shall comply with all necessary requirements regarding Historic and Cultural Remains. [COA][PLANNING] **MITIGATION MEASURE**

WHAT: 1) For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future development projects that the CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project sponsor contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

2) If a significant archaeological resource is identified during grading, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

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

3) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data,

provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

WHEN: These conditions shall apply during construction of the project.

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

HOW: These conditions shall apply during construction of the project and shall be incorporated into the construction plans.

BP-17. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-18. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be included on the plans and all equipment shall be fully screening to the tallest point of the equipment. [PLANNING] [COA]

BP-19. PARKING GARAGE MECHANICAL VENTILATION:

The mechanical ventilation for the parking garage shall be vented to the roof of the structure. Alternatives may be considered and shall be subject to review and approval of the Director of Community Development. [COA] [PLANNING]

BP-20. COMPACT SPACES:

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

BP-21. BICYCLE SPACES:

The project is required to provide bicycle parking consistent with VTA Bicycle Technical Guidelines, which includes the following facilities:

- a) 44 Class I bicycle facilities.
- b) 9 Class II bicycle facilities.
- c) The facilities shall be consistent with VTA Bicycle Technical Guidelines. [COA] [PLANNING]

BP-22. PARKING MANAGEMENT PLAN:

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

- a) The final Parking Management Plan shall be implemented at the time of issuance of Certificate of Occupancy and may be revised, as necessary, subject to review and approval by the Director of Community Development.
- b) Features described and subsequently approved in the final Parking Management Plan shall be incorporated into the project's design at the time of applying for building permits and installed prior to issuance of Certificate of Occupancy.
- c) The final Parking Management Plan shall include penalty provisions for non-compliance with the features included in the PMP document.
- d) The Parking Management Plan shall clearly describe how the property managers will meet the requirements outlined in the plan. The plan will confirm the responsibility of the property owner to enforce provisions of the PMP. Planning staff may provide the tools for property owners to carry out their responsibility to enforce provisions of the PMP.
- e) The Parking Management Plan shall be designed to allow flexibility in the PMP plans and programs that would provide room for substitutions in the future with other auto use reduction measures subject to review and approval by the Director of Community Development.
- f) Each residential unit shall have at least one assigned parking space per unit at no cost to the residents. To assure sufficient total parking to accommodate guests and residents, at least 25% of the remaining unassigned spaces shall be available for guests and prospective tenants. No more than 75% of the unassigned spaces could be offered to residents at an additional cost. Developer shall specify the number of spaces that will be assigned, or available to be assigned and unassigned (guests/tenants) as well as secured and unsecured bicycle parking stalls as part of the final Parking Management Plan to be submitted prior to issuance of building permits or final map approval, whichever occurs first.
- g) All residential guest shared parking areas shall be available on a 24-hr basis for residential guest parking use.

- h) The PMP shall include measures to ensure that residents use their assigned parking spaces prior to using open parking.
- i) The PMP shall include adequate signage to provide directions to visitors.
- j) The parking available on the ground floor shall remain open for resident guest parking during normal business hours of 9:00 a.m. to 6:00 p.m. and shall be available for residential guests between 6:00 p.m. and 7:00 a.m. The PMP shall include provisions for enforcement and clear signs.
- k) The owner/manager shall provide at least one annual ridership Eco-pass to each residential unit that would allow the holder to use VTA buses on an unlimited basis. [PLANNING] [COA]

MITIGATION MEASURE

BP-23. PARCEL MAP:

The applicant shall submit a separate Parcel Map application to accommodate minor parcel line changes for grease interceptors and stormwater treatment. The Parcel Map will need to be reviewed and a decision made prior to building permit issuance. [COA] [PLANNING]

BP-24. WASTE & RECYCLING REPORTING FORM (CONSTRUCTION):

To mitigate the impacts of large projects on local waste disposal and recycling levels, construction weights/volumes, demolition waste weights/volumes, and recycling weights/volumes are to be reported to the City, per City's "Waste & Recycling Reporting Form" (electronic copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report the Department of Public Works, Solid Waste Division both periodically and at project completion. [COA] [PUBLIC WORKS]

BP-25. WASTE AND RECYCLING MANAGEMENT PLAN:

A Waste and Recycling Management Plan prepared by a private consultant approved by the City with scope of work approved by the City, shall be submitted to the Director of Community Development prior to building permit issuance. The consultant shall:

- a) Identify and plan for type and quantity of projected waste/recycling generation.
- b) Design collection systems for operational efficiency & safety.
- c) Integrate recycling and waste diversion systems into design.
- d) Consolidate sites to reduce waste storage locations where possible.
- e) Design to minimize visual and traffic impacts of collection vehicles and garbage/recycling facilities.
- f) Design to provide adequate space allotment for facilities. [COA] [PUBLIC WORKS]

BP-26. SOLID WASTE AND RECYCLING:

The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The required solid waste and recycling facilities shall:

- a) Be screened from view;
- b) All gates, lids and doors shall be closed at all times;
- c) Shall not conflict with delivery/receiving areas;
- d) Shall be consistent with the approved Waste and Recycling Management Plan;
- e) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PUBLIC WORKS/PLANNING]

BP-27. SOLID WASTE AND RECYCLING MANAGEMENT:

All Waste and Recycling services for all similar uses shall be maintained under master accounts held by the property management, except in the case of non-shared facilities or services (such as major department stores). The property management will be responsible for ensuring adequate services and that all locations, sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the appropriate documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]

BP-28. EXTERIOR SOLID WASTE AND RECYCLING FACILITIES ON BLOCK D:

The developer shall provide adequate truck access to/from the existing trash enclosure or arrange for alternative waste disposal methods serving the adjacent property to the north. The developer shall comply with City's Solid Waste and Recycling Facility guidelines for any proposed design and/or disposal methods prior to any building permit issuance. [COA] [PUBLIC WORKS]

BP-29. 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-30. 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 current requirements contained in Sunnyvale Municipal Code Chapter, California Fire Code, and Title 19 California Code of Regulations;
- b) The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety.
- c) A fully automatic fire sprinkler system, fire alarm system, standpipes, and smoke control system are required.
- d) Provide required number of approved fire extinguishers.

- e) Adhere to Sunnyvale Fire Prevention fire access road requirements. www.fireprevention.insunnyvale.com. Roadway leading around proposed parking garage has dead-end fire apparatus access road in excess of 150 feet, so approved turnaround provisions would apply.
- f) Onsite fire hydrants shall be required along the fire access road(s) and/or parking lots.
- g) Trash enclosures, within 5 feet of building exterior walls or overhangs require fire sprinkler protection.
- h) A Knox box (key box) will be required in accordance with Fire Prevention guidelines. www.FirePrevention.inSunnyvale.com
- i) Firefighter's air system required.
- j) Radio retransmission equipment required.
- k) Fire Equipment Rooms required.
- l) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- m) Provide a written Fire Protection Construction Plan.
- n) Provide electronic version of plans to assist with Fire Department "Pre-Fire Survey" maps.

BP-31. CONSTRUCTION PHASING AND MITIGATION PLAN:

The permittee shall prepare a detailed construction phasing and mitigation plan for the subject project; the plan shall be subject to review and approval by the Director of Community Development with input from Public Safety and Public Works Departments, to include at a minimum the number of parking spaces available at any one time, location of construction activities and routes of construction vehicles, public safety and protection measures. Plan shall include measures to protect downtown businesses and residents from construction related impacts and include measures to assure compliance and accountability.

- a) If multiple general contractors are utilized for development of this project, construction mitigation shall be coordinated amongst the contractors.
- b) Any residual materials and/or contaminated soil shall be handled cautiously during construction or construction related activities.
- c) Identify the general contractor or project contact for construction related issues. [COA] [PLANNING/PUBLIC WORKS/PUBLIC SAFETY]

BP-32. ART IN PRIVATE DEVELOPMENT REVIEW:

An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide public visible artwork. [COA] [PLANNING]

BP-33. NOISE REDUCTION:

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

WHAT: 1) Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB inside the residential units in blocks C and D. Based on the project plans dated August 15, 2011, it is estimated that sound insulation ratings of STC 28-35 (depending on façade) will be needed to achieve the interior 45 dBA.

2) Additional sound insulation should be added to those units on the north side of both buildings to achieve the 50 dBA maximum instantaneous noise level.

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

4) The applicant shall provide additional studies indicating noise reduction measures for the common areas of Blocks C and D. Staff shall evaluate the studies to determine if they meet the intent of the Downtown Specific Plan. In the case that they do not, the common area noise levels shall be considered “conditionally acceptable”.

5) The retail frontages shall be designed to have a sound insulation rating of STC 50.

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

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

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

BP-34. FIRE SAFETY AND INGRESS/EGRESS EASEMENT(S):

The applicant work with the City to obtain a fire safety and no build easement on Plaza del Sol prior to issuance of the building permit. The City may also require an ingress/egress easement for the commercial businesses and residents to use Plaza del Sol. The City

may determine that separate easement document may be necessary. The applicant shall be responsible for providing the legal description of the easement, subject to review and approval from the City of Sunnyvale. The applicant shall be responsible for any costs associated with recordation. [COA] [PLANNING/BUILDING/CITY ATTORNEY/PUBLIC WORKS]

BP-35. BUS SHELTER RELOCATION:

The applicant shall submit construction drawings (included with building permit or separate documents) indicating the new location of the bus shelter and stress pads consistent with the City and VTA standards. The construction plans shall be subject to review and approval by the Public Works Department and Community Development Department prior to issuance of building permit. The applicant shall be responsible for all associated costs for design and construction. [COA] [PLANNING/PUBLIC WORKS]

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

EP-1 PUBLIC IMPROVEMENT UPGRADES:

Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. Obtain an encroachment permit with insurance requirements for all public improvements. [COA] [PUBLIC WORKS]

EP-2 ENCROACHMENT PERMIT:

The applicant shall be responsible for obtaining all required encroachment permits for the proposed development and bus shelter relocation. [COA] [PUBLIC WORKS]

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. GRADING ACTIVITY MONITORING:

Prior to the initiation of any construction that has the potential for ground disturbing activities within the project area, the project applicant shall inform all construction personnel of the potential for exposing subsurface cultural resources at the project components and to recognize possible buried cultural resources. Personnel shall be

informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.

If any unanticipated prehistoric or significant historic era cultural materials including Native American burials are exposed during construction grading and/or excavation, operations shall stop within a minimum of 10 feet of the find to avoid altering the cultural materials and their context and a qualified Professional Archaeologist retained for identification, evaluation and further recommendations. The Community Development Director of the City of Sunnyvale shall be notified of the discovery. Construction work shall not begin again within the find area until the archaeologist has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed. If the discovery is determined to be a unique archaeological or historical resource under the criteria of the California Register of Historical Resources after review and evaluation by a Professional Archaeologist, and if avoidance of the resource is not possible, the Professional Archaeologist shall develop plans for treatment of the find(s) and mitigation of impacts acceptable to the City of Sunnyvale. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The project proponent shall make every effort to insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed. If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the Santa Clara County Medical Examiner. [COA] [PLANNING] **MITIGATION MEASURE**

- DC-3. TEMPORARY BUS SHELTER LOCATION:
The project shall maintain a temporary bush shelter during the length of construction. The temporary shelter and location shall be maintained as approved by the City. [COA] [PLANNING/PUBLIC WORKS]
- DC-4. GENERATORS AND WELDERS:
All on-site construction related generators and welders shall be electrified. [COA] [PUBLIC WORKS]

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

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. COMPLETION OF PUBLIC IMPROVEMENTS:
All public improvements, including perimeter sidewalks shall be completed prior to first building occupancy. [COA] [PUBLIC WORKS]
- PF-3. PARKING LOT STRIPING:
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-4. IRRIGATION METERS:
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-5. NOISE REDUCTION VERIFICATION:
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
MITIGATION MEASURE
- PF-6. BUS SHELTER RELOCATION:
The relocation of the bus shelter shall be completed prior to occupancy of either building on Block C or D. [COA] [PLANNING]
- PF-7. MASTER SIGN PROGRAM:
A Master Sign Program shall be submitted and shall be subject to review and approval by the Director of Community Development. The Master Sign Program shall address individual tenant wall signs, awnings signage, fin signs, temporary signage allowances, shopping center ground signs, information or directional kiosk signage or any other form of commercial advertisement intended to be located within the project area. [COA] [PLANNING]

PF-8. TENTATIVE MAP IMPROVEMENTS:

All improvements required as part of the approved Tentative Map (2011-7493 and 2011-7242) shall be completed prior to final inspection or release of utilities for either building on Block C or D, if final occupancy occurs prior to the occupancy of either building on Block A or B. Alternatives may be considered and approved by the Director of Public Works and Director of Community Development. [COA] (PLANNING/PUBLIC WORKS)

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

AT-1. HOURS OF OPERATION:

The commercial and retail uses permitted as part of this application shall comply with the following hours of operation at all times:

a) The hours of operation are limited to 6:00 a.m. to 10:00 p.m. for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond 10:00 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. DELIVERY HOURS:

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

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

AT-3. STORE FRONT GLAZING:

All tenant spaces shall maintain clear glass with a low reflectivity, unless an exception is granted by the Director of Community Development. All storefronts shall maintain a minimum of 75% of the storefront shall maintain visibility into the tenant space. No exterior retail elevations shall have the storefronts obscured by opaque materials, product displays (i.e. back side of display cases or shelving), or signage (temporary or permanent), unless the tenant space is vacant. This shall not prohibit showcase window displays. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained with appropriate plant materials 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-5. STORMWATER BMP MAINTENANCE:

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

AT-6. STORMWATER BMP RIGHT OF ENTRY:

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

AT-7. RECYCLING AND SOLID WASTE:

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

AT-8. SERVICE ENTRANCES:

All service entrances shall remain closed when not in use for the purposes of loading and unloading of vehicles and deliveries. Uses which generate noise shall keep doors closed. [COA] [PLANNING]

AT-9. LOUDSPEAKERS PROHIBITED:

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

AT-10. EXTERIOR LIGHTING:

All exterior light shall comply with the approved exterior lighting plan. [COA] [PLANNING]

AT-11. PARKING LOT MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all employee, resident assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for use. [COA] [PLANNING]

- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665



Santa Clara County Clerk-Recorder's Office
State of California



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CRO Order Number:
Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk-Recorder
by Laura Luna, Deputy Clerk-Recorder, [Signature]

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

- 1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Special Development Permit filed by CP 3 Town and Country.
3. APPLICANT NAME: Town and Country PHONE: 408-730-7429
4. APPLICANT ADDRESS: 704 Town and Country, Sunnyvale, CA 94086
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) \$ 2,839.25 \$ 0.00
2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) \$ 2,044.00 \$ 0.00
3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) \$ 965.50 \$ 0.00
4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS \$ 949.50 \$ 0.00
5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) \$ 50.00 \$ 0.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) \$ 50.00 \$ 0.00
2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)
DOCUMENT TYPE: ENVIRONMENTAL IMPACT REPORT NEGATIVE DECLARATION \$ 50.00 \$ 0.00

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- NOTICE OF PREPARATION [X] NOTICE OF INTENT NO FEE \$ NO FEE

8. OTHER: FEE (IF APPLICABLE): \$
9. TOTAL RECEIVED: \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



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

File Number: 2011-7661
No. 11-17

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** filed by **CP 3 Town and Country**.

PROJECT DESCRIPTION AND LOCATION (APN):

2011-7661: CP 3 Town and Country [Applicant] **Capella Holdings A LLC** [Owner] Application for a Special Development Permit for a new mixed use – multi-family development for 133 apartments and approximately 8,131 sq. ft. of retail and below grade parking located at **704 Town and Country**. (APN: 209-07-003) SME

WHERE TO VIEW THIS DOCUMENT:

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, November 14, 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, November 14, 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 October 14, 2011

Signed: 

Gerri Caruso, Principal Planner

Project Title	Special Development Permit to allow the construction of a new mixed use (multi-family/retail) development with 133 apartments and 8,131 square feet of retail and below grade parking.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Shaunn Mendrin, Senior Planner
Phone Number	408-730-7429
Project Location	Former Town and Country site, Downtown Sunnyvale near the intersection of Washington and Taaffe.
Applicant's Name	CP III T&C Sunnyvale, LLC.
Project Address	704 Town and Country
Zoning	Downtown Specific Plan (DSP), Block 1a
General Plan	Downtown Specific Plan
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT: Special Development Permit application to allow the construction one new mixed use building on blocks C and one residential building on block D in downtown Sunnyvale. The building on block C will include 85 apartment units with approximately 8,000 square feet of commercial/retail space at the ground floor and one parking level located at grade and one parking level below grade. The building on block D will be comprised of 48 apartment units. The residential units are proposed to achieve in 100 Built it Green points to access the green building incentive density bonus. The nonresidential areas will be required to achieve LEED Silver certification.

In 2003, the Sunnyvale City Council certified the program-level Downtown Improvement Program Update Environmental Impact Report. As part of the EIR, it was found that there were significant unavoidable environmental impacts for Air Quality and Traffic resulting from the proposed Downtown Improvement Program Update and Downtown Specific Plan. The Council, at that time opted to make statements of overriding consideration for these unavoidable impacts, and deemed them to be acceptable in view of the significant economic and social benefits which the approval of the plan would make possible.

DETAILED PROJECT DESCRIPTION:

On-site Development: Vacant. The prior structures were demolished in early summer 2010. The proposed project would result in the demolition of the existing sidewalks, curb and gutters and the

construction of one new six story building on blocks C and a new four story building on block D for a total of 133 rental units and approximately 8,000 square feet of commercial space.

Construction Activities and Schedule: Construction is anticipated to begin in fall of 2012 and will take approximately twenty months.

Surrounding Uses and Setting: The subject site is located within the developed Sunnyvale Downtown area and is adjacent to the Caltrain station at Evelyn Avenue and Plaza del Sol to its north. To the east of the project site are the three five story office buildings with the Frances Street City-owned parking lot located along the west side. The Town Center project is currently under construction to the south of the subject property across Washington Avenue.

Off-site Improvements: No off-site improvements are proposed as part of the project.

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

8. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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: Shaunn Mendrin, AICP

Date: 10/12/11

Title: Senior Planner

City of Sunnyvale

Signature: 

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description Downtown Improvement Program Update FEIR
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Land Use and Transportation Element of the General Plan, General Plan Map www.sunnyvaleplanning.com Project Description
5. Population and Housing -Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element, Land Use and Transportation Element and General Plan Map www.sunnyvaleplanning.com Project Description
6. Population and Housing -Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element www.sunnyvaleplanning.com Project Description
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map www.sunnyvaleplanning.com Project Description
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Land Use and Transportation Element, Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&frames=off FEIR Sunnyvale Downtown Improvement Program Update
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field AICUZ, Sunnyvale Zoning Map, Sunnyvale General Plan Map www.sunnyvaleplanning.com
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-element, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-Element www.sunnyvaleplanning.com Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Noise Sub-element www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description
18. Biological Resources -Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map Project Description
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Heritage Preservation Sub-Element, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description FEIR Sunnyvale Downtown Improvement Program Update
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. Project Description
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description Air Quality/GHG Study, dated September 14, 2011
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description Air Quality/GHG Study, dated September 14, 2011
28. Air Quality -Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element Project Description
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Project Description
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Project Description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

2. Aesthetics (Less than Significant) - The Downtown Specific Plan contains specific Design Guidelines in both textual and diagrammatic form. The level of detail is precise for many guidelines (e.g. colors, exterior glazing, forms, landscape, materials and art features) and is most appropriately utilized for review of final building details. The City's implementation of the Downtown Specific Plan's Design Guidelines and staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not degrade the visual character or quality of the site and its surroundings because the design will be consistent with the adopted Downtown Specific Plan. As a result, the impacts will be less than significant.

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

The following mitigation measures are proposed:

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

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

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

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

WHAT: Exterior lighting illuminating any portion of the exterior of the structure at 50 feet or greater above grade shall be turned off after 10:00 p.m.

WHEN: Operational and ongoing.

WHO: The property owner will be solely responsible for compliance.

HOW: These mitigation measures will be included in the operational conditions of approval for the project.

9. Transportation and Traffic (Less than Significant) – Parking is provided for the residential component of the project in structured parking garages (one level at grade and one level below grade for block C and one partial-below grade level for block D). As proposed, the project provides the required 235 residential parking spaces for both structures. The proposed development includes approximately 8,000 square feet of commercial space and it is located within Zone 4 of the Downtown Parking Maintenance District, which permits property owners to pay additional assessments for parking spaces in the district. The retail component of the project is significantly less than the previous use and it will have access to the public parking spaces available throughout the downtown area and the adjacent parking garage below Plaza del Sol. No on-site commercial parking is proposed as part of the project.

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

The new residential units will be located within close proximity to the existing Caltrain station and rail line, resulting in higher levels of existing noise. The applicant submitted a noise study prepared by Charles M Salter Associates analyzing the existing exterior noise levels at the site, both short term and long term, over a period of 48-hours, between 9th and 15th of August 2011. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

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

As discussed in the noise study, the average DBA of noise measured at different locations around Blocks A and B of the project ranged between 61-66 dbA, including both short-term and long-term measurements. From the compiled data of single-event noise, the Lmax30 was measured at 82dbA and resulted from train horns, aircraft and vehicle. These noise levels were used to determine the mitigation to meet the City's maximum noise goals. Based on acoustical measurements, the future noise levels at the proposed setback of the homes would range from DNL 63 dbA to 68 dbA. Residences facing S Frances Avenue and those on the north façade will be exposed to the highest noise levels. The study noted that the exterior noise levels for the common

outdoor space located at the podium levels may reach up to 65 dBA. The estimated future noise levels and outdoor noise levels would be considered "conditionally acceptable" per the City's Noise Element. Therefore noise-reducing measures would be required to comply with City's noise standards and to reduce the impact to a less than significant level for the interior noise levels.

This could be accomplished through the following mitigation measures:

- WHAT: 1) Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB inside the residential units in blocks C and D. Based on the project plans dated August 15, 2011, it is estimated that sound insulation ratings of STC 28-35 (depending on façade) will be needed to achieve the interior 45 dBA.
- 2) Additional sound insulation should be added to those units on the north side of both buildings to achieve the 50 dBA maximum instantaneous noise level.
- 3) Since all windows and doors are required to be shut to achieve a dbA of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space.
- 4) The applicant shall provide additional studies indicating noise reduction measures for the common areas of blocks C and D. Staff shall evaluate the studies to determine if they meet the intent of the Downtown Specific Plan. In the case that they do not, the common area noise levels shall be considered "conditionally acceptable".
- 5) The retail frontages shall be designed to have a sound insulation rating of STC 50.

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

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

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

15. Noise (Less than Significant) - The project may introduce short-term and temporary additional sources of noise to the project area during construction. Through the City's implementation of the DSP Design Guidelines and Municipal Code noise regulations, this impact will be lessened to a less than significant level during construction. The project will not require pile driving.

16. Noise (Less than Significant) - The project will introduce additional sources of noise to the project area both during construction and as an operational aspect of the 133 additional housing units and 8,000 sq. ft. of retail/commercial establishments. The subject project proposes an overall increase in the total number of residential units and commercial uses on site. Through the City's implementation of the Downtown Specific Plan and Municipal Code noise regulations, this is anticipated to be less than significant.

23. Historic and Cultural Remains (Less than Significant with Mitigation) - The proposed project includes grading and land disturbance for public improvements associated with the tentative map and basements for

parking. Although the DSP FEIR indicated that there were no recorded archeological sites for the subject properties, there still remains the possibility of discovery of Native American remains and that disturbance would result in a significant impact unless mitigated. In addition, a later excavation, in the area around the Sunnyvale Downtown Specific Plan area, found archeological resources in the form of Native American remains and in the form of evidence from early Sunnyvale town history. Therefore, the following mitigation measure has been included to reduce the impact to a less than significant level:

WHAT: 1) For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future development projects that the CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project sponsor contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

2) To make an adequate determination in these particular instances, the archaeologist shall conduct a preliminary field inspection to: (1) assess the amount and location of visible ground-surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit), or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

3) If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

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

4) When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

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

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.

25. Air Quality (Less than Significant with Mitigation) – The project requires significant grading of the site, including site preparation and construction of an underground parking structures. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. There are existing residential units to north of the subject property along Aries Avenue. This population could be negatively affected by the change in air quality, if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction.

The following mitigation measures are proposed:

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

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

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

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

26. and 27. Air Quality (Less than Significant) – The project would generate greenhouse gas emissions (GHGs) during construction (one-time related) and annual (operational related). An Air Quality and GHG analysis was completed on September 14, 2011, which evaluated the proposed project against recent CEQA Guidelines adopted by the Bay Area Air Quality Management District (BAAQMD). The analysis concluded the following:

Greenhouse Gases – Construction of the project is anticipated to take 400 days from inception to completion. The analysis concluded that the GHGs generated from construction would be approximately 673 metric tons (MT). BAAQMD only requires the analysis to quantify and disclose the project construction related emissions. The operational analysis evaluated stationary sources (i.e. back-up generator and gas-fired boiler for heating) and mobile sources using the CalEEMod Model with the application of reductions (credits) based on things as location and mixed uses with those adopted by the State. The model estimated that the proposed project would generate 4.1 MT of GHG, which is below the BAAQMD threshold of 4.1 MT.

Criteria Air Pollutants (CAP) and Precursors – CAP emissions such as reactive organic compounds (ROG), nitrogen oxides (No_x) and particulate matter (PM₁₀ and PM_{2.5}) resulting from operations of the project and area sources were also evaluated. The analysis indicated that CAP emissions would not exceed the adopted significance thresholds. BAAQMD also requires screening analysis of operational carbon monoxide (CO) resulting from traffic at buildout. The proposed project and project-related traffic would not exceed the adopted screening levels. Emissions from on-site construction were also estimated using the OFFROAD2007 emission database and information provided by the applicant, including the use of electrified generator sets and welders. The analysis concluded that on-site construction would exceed adopted significance thresholds.

Local Community Risk and Hazard Impacts – Post-construction related health risks to sensitive receptors around the project site were also evaluated in the analysis. The analysis used a conservative analysis consistent with the Air Resource Board and BAAQMD. The analysis determined that the construction related health impacts were below the BAAQMD thresholds. BAAQMD also recommend evaluation of the potential off-site sources on the sensitive receptors on-site (proposed dwellings). The analysis acknowledges that the site is located within 450 feet of the Caltrain line, which is a source of CAPs. The analysis accounts for distribution and weather conditions. In this case the analysis found that the significance thresholds would not be exceeded.

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 10/12/11

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan, and AASHTO: A Policy on Geometric Design of Highways and Streets. FEIR Sunnyvale Downtown Improvement Program Update
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds).
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan including the Land Use and Transportation Element.
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan.
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual, and Sunnyvale Neighborhood Traffic Calming Program.

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects.
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VTA Transit Operations Performance Report, VTA Short Range Transit Plan, and Valley Transportation Plan for 2035.

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

35. Transportation (Less than Significant) - Since the project is located within the DSP area, increases in traffic resulting from the project have been factored into the FEIR for the Downtown Specific Plan for the area. The number of residential units and square footage of the proposed retail do not exceed the density planned for Block 1a of downtown. In addition, the project will pay the required Traffic Impact Fees (TIF) as required by the Sunnyvale Municipal Code. The anticipated TIF fees are approximately \$77,000.00.

42. Transportation (Less than Significant) – The site current has a VTA bus shelter located on northeast corner of block C, adjacent to Frances near Plaza Del Sol. The project proposes commercial space on the plaza frontage to assist with activation of the plaza. In order to achieve visibility and improved access, the project will require the relocation of the current bus shelter approximately 80 feet north of its current location. The relocation of the shelter will also require the addition of concrete bus pads in front of the new shelter location. VTA has reviewed and concurred with the proposed location. Final plans for the location and construction will be coordinated by the applicant with the Engineering Division of the Public Works Department.

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 10/12/11

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 www.sunnyvaleplanning.com , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map www.abag.ca.gov , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
46. Geology and Soils -Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual Project Description
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Seismic Safety Sub-Element, www.sunnyvaleplanning.com California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code
48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

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.

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Water Resources Sub-Element www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com
54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Solid Waste Management Sub-Element www.sunnyvaleplanning.com
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description Water Resources Sub-Element www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com
60. Utilities and Service Systems: Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description

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

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 10/12/11

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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: Shaunn Mendrin

Date: 10/12/11

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 10/12/11

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description

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, but this impact is less than significant because the project will comply with the City's Park Dedication Fee requirement, which includes a fee of \$16,230.45 per unit. The project will generate \$2,158,650 (for the 133 housing units in blocks C and D) in Park dedication fees for the Citywide acquisition and improvement of park facilities to offset this potential increased use.

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 10/12/11

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)
- G. Community Vision (2007)
- H. Fiscal Sub-Element (2006)
- I. Heritage Preservation Sub-Element (1995)
- 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) *Updated with Parks of the Future Study 4/28/2009. Revised 4/24/09.*
- 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

ENVIRONMENTAL CHECKLIST REFERENCE LIST

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/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- G. USFWS / CA Dept. F&G Endangered, Threatened and Rare Plants of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEPlants.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

ENVIRONMENTAL CHECKLIST REFERENCE LIST

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

File#:

487

10/14/2011

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

- A. Storm Water Quality Best Management Practices Guidelines Manual 2007
- 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

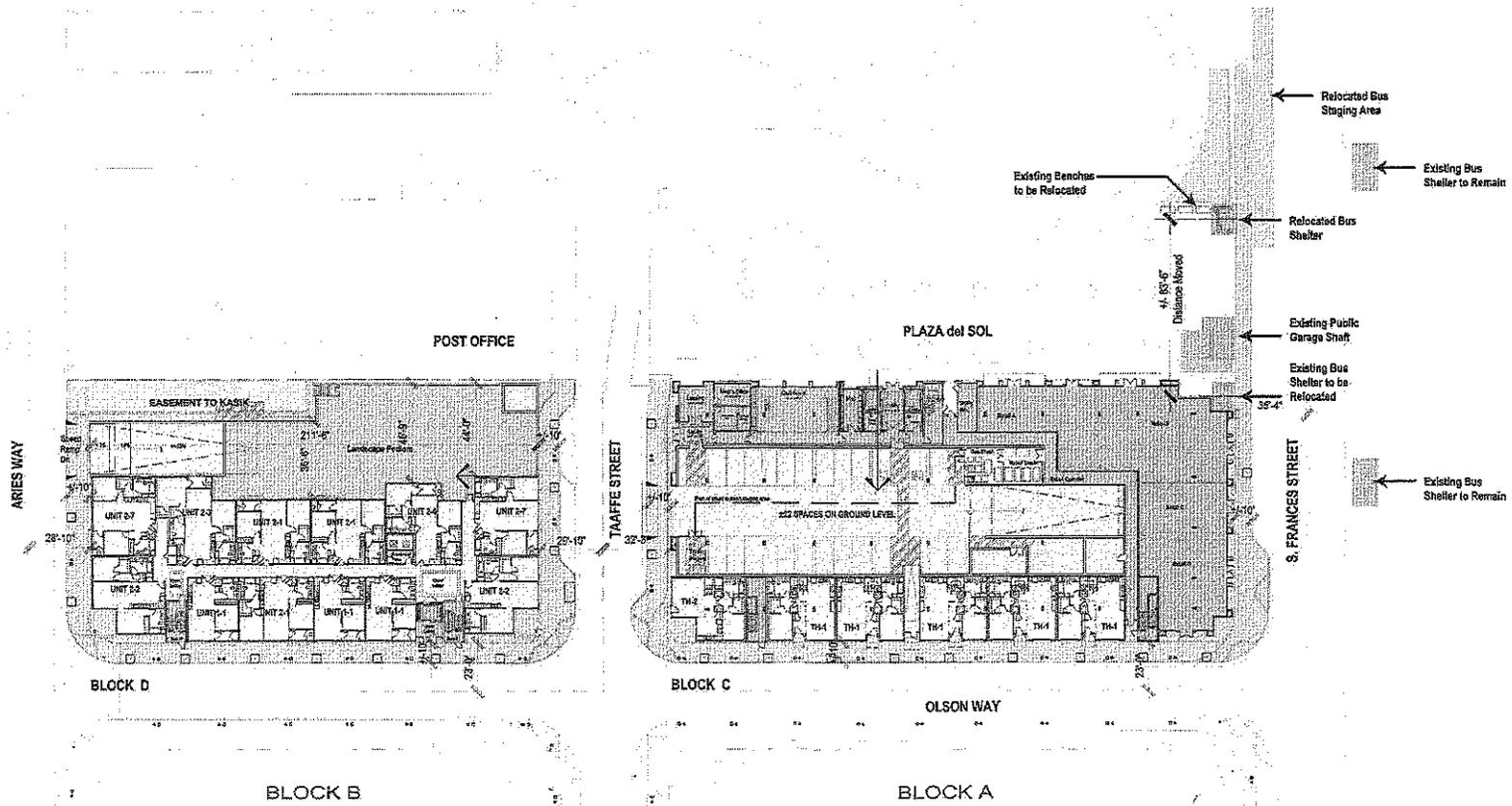
Additional Project References:

- A. Project Description
- B. Sunnyvale Project Environmental Information Form
- C. Project Development Plans dated 10/10/2011
- D. Project Noise Study
- E. Project Air Quality & GHG Analysis
- F. Field Inspection
- G. Project construction schedule
- H. Project Draft Storm Water Management Plan
- I. Project Green Building Checklist
- J. Downtown Specific Plan
- K. FEIR Sunnyvale Downtown Improvement Program Update
- L. Phase I & II Study, dated September 14, 2011

Other: None

Attachment D is provided as a separate document on the website due to the large file size.

To view Attachment D see
“2011-7661 Att D”
on the Planning Commission web page,
meeting date 11/14/11.



ATTACHMENT E
 Page 1 of 1

CARMEL MIXED-USE

Carmel Partners
 1000 Sansome, Suite 180
 San Francisco, CA 94111
 415.273.2800

CONCEPTUAL SITE PLAN

SUNNYVALE, CA
 15.12.2011

Architecture+Planning
 17522 Flinn
 Irvine, CA 92614
 949.851.2133
 itgy.com



A5.0

DEVELOPMENT SUMMARY

Project Description

Carmel Lofts will be a new mixed-use, loft-style community with 133 rental units and approximately 8,131 square feet of retail space.

The development will be built on Blocks C and D of the Town & Country Redevelopment site in Downtown Sunnyvale. The project will consist of 4 floors of Type V wood-frame residential construction over a Type I concrete podium with 1-2 floors of subterranean parking. Block C will be oriented along the Plaza del Sol, which will provide unobstructed view opportunities as well as advance the City's goal of activating nearly all the frontage along the plaza with retail, leasing and amenity uses. The interior orientation of the buildings will create an intimate amenity courtyard with a pool/spa area and direct access to the community amenities, including the leasing/lobby area, fitness center, and club room. Block C will contain 85 units and 174 parking stalls.

Block D will consist of one linear, double loaded corridor building. The building will be oriented along Olson Way and will be set back from the adjacent properties by approximately 50' feet. The footprint and orientation of the building will allow for a generously landscaped outdoor space with both private patios and a shared amenity courtyard. Taller landscaping and/or green walls will be utilized along the back side of the property as a buffer against the adjacent properties. Block D will contain 48 units and 63 parking stalls.

Carmel Lofts will differentiate itself within the marketplace by featuring loft-style apartment homes with 9'+ ceilings, oversized windows, open floor plans, and modern high end finishes. The community amenity package will be shared by both buildings and will feature a resort style pool and spa area, generously landscaped courtyards, BBO grill areas and lounge seating, 24-hour fitness center with state-of-the-art equipment, clubroom with gourmet kitchen and gaming center, controlled access parking, Wi-Fi access throughout the common areas, and a convenient web-based resident services portal.

This project will feature luxurious, boutique style furnishings and finishes designed to appeal to a higher income, tech savvy demographic who enjoy the convenience of living close to work, but are also seeking a more urban and sophisticated lifestyle.

Transit-Oriented Location

Carmel Lofts will be ideally situated in the heart of downtown Sunnyvale and will embody all of the convenience of urban, transit oriented living by providing an opportunity for residents to truly live, work and play, all without leaving the comfort of their own vibrant and thriving neighborhood. The property will be located within short walking distance of Historic Murphy Street, Sunnyvale Town Center, and the Sunnyvale Caltrain Station and Transit Center.

Carmel Lofts will be located on Olson Way between S Francis Street and Aries Way on Blocks C and D of the Town & Country Redevelopment site. To the immediate south of Carmel Lofts are Blocks A and B of the Town & Country site. These parcels are currently under development by BRE, which plans to begin construction in October 2011 on a new mixed-use community with 280 units and 40,000 square feet of retail. BRE estimates the first units will be delivered in July 2013 approximately four months before Carmel Lofts delivers its first units in November 2013. Further to the south, just on the other side of the BRE development, is the Sunnyvale Town Center redevelopment. Sunnyvale Town Center is a landmark project which will include 1.7 million square feet of retail, office, and residential product, of which approximately 1.2 million is currently either completed or partially completed, including Target and Macy's. Sunnyvale Town Center will be a truly unique destination retail center in Silicon Valley and will be comparable to the best landmark retail properties in the Bay Area.

To the north of Block C is Plaza Del Sol, a 1.6 acre hardscape public plaza which sits on top of a four level, 800 stall subterranean parking garage. To the north of Block D is a 3-story, 24-unit apartment building and a single story post office. To the east is S Francis Street, which serves as the hub for the Sunnyvale Transit Center. To the west is Aries Way, home to three new 6-story office buildings including high profile tenants Broadcom and Nextel.

Carmel Lofts' transit-oriented location is anchored by its proximity to the Sunnyvale Caltrain Station. This station serves as an intermodal hub for both Caltrain and Santa Clara's VT A public transportation system, providing service from as far north as San Francisco and as far south as Morgan Hill and Gilroy. In addition, easy access to Highways 101, 280, and 237 is provided via Mathilda Ave., just one block from the subject property. Less than a half mile from the property is the Central Expressway, which travels parallel to Highway 101 and connects Palo Alto to San Jose International Airport. Highway 85 is also readily accessible via El Camino Real, Central Expressway, or Evelyn Ave.

Sustainability

Carmel Lofts is striving to achieve a 100+ GreenPoint rating and become the first multi-family development to qualify for the City of Sunnyvale's 5% green building density incentive. To achieve this goal the project will incorporate numerous energy and resource conservation measures, including water efficient landscaping and plumbing fixtures, energy efficient lighting, appliances, and mechanical equipment, and thermally insulated windows and exterior walls which will enable the project to exceed Title 24 energy standards by at least 15%.

Bus stop relocation:

Per the email dated August 30, 2011, the BAAQMD, VTA, and City have all approved the proposed bus stop relocation plan, and the VTA has agreed to vacate the current easement prior to the start of

construction. The cost of the bus stop relocation and preparation of easement documentation will be paid for by Owner.

SPECIAL DEVELOPMENT PERMIT DEVIATIONS

ATTACHMENT F
Page 3 of 4

Parking:

The applicant is requesting the following two parking deviations.

- 1) Allow seven parking stalls to be counted toward the total required parking for the project.
- 2) Increase the percentage of compact stalls from 35% to 42% of unassigned spaces.

Storage:

The applicant is requesting a deviation for a reduction in the minimum size of the code required 300 cubic feet of storage per unit. The deviation proposes to provide a total of approximately 150 cubic feet of storage per unit through the use of (1) individual storage units located in the common areas of the building, including the corridors and garage, and (2) private storage closets readily accessible within or on the deck or patio of each unit.

The deviation is justified due to the unusually narrow site dimensions and the City's desire to activate Plaza del Sol with retail and amenity uses, both of which make it extremely challenging to effectively meet the minimum storage requirements without negatively impacting the amount of on-site resident and visitor parking and/or the size and functionality of the interior amenity courtyards.

Current and previous versions of the plans presented as part of the PRC submittal, which show storage units located in front of compact parking stalls and adjacent to retail uses, demonstrate how challenging it is to effectively meet the code required storage on this site in a practical and functional manner.

The proposed deviation better serves the needs and interest of the residents and community by providing more functional and readily accessible storage space, which will decrease the likelihood that residents will store belongings in publicly visible areas of the building. The deviation also allows the project to advance the City's goal of activating Plaza del Sol, as well as the Sunnyvale Downtown Association's goal of maximizing on-site resident and visitor parking.

The proposed deviation better serves the residents and community and is directly related to the uniquely challenging site dimensions, and therefore does not grant a special privilege to the applicant not enjoyed by other property owners.

OTHER PROJECT RELATED ITEMS

Architectural Concept, Massing, Color and Materials:

The Planning Commission expressed strong support for the proposed design at the study session held on September 26, 2011, including the modern loft-style aesthetic and bold use of colors and materials to define the horizontal and vertical massing of the buildings.

Public Art:

The proposed art armature on the roof of Block C is designed to serve as an artistic beacon attracting residents and visitors to the Plaza del Sol and downtown commercial core. The Planning Commission expressed support for the artwork during a study session held on September 26, 2011. The applicant has presented the proposed artwork to the Arts Commission staff and intends to seek approval from the Arts Commission as part of the City's 1% for public art requirement.

Bus stop relocation:

Per the email dated August 30, 2011, the BAAQMD, VTA, and City have all approved the proposed bus stop relocation plan, and the VTA has agreed to vacate the current easement prior to the start of construction. The cost of the bus stop relocation and preparation of easement documentation will be paid for by Owner.

Plaza Improvements:

The proposed plaza improvements included in the SDP application are for planning purposes only. In order to stimulate activity along the Plaza del Sol, the City of Sunnyvale has agreed to allocate a portion of the project's park fee toward future plaza improvements to be coordinated between the applicant and the City.

Street Parking:

In order to promote greater retail activity along S. Frances Street and the Plaza, the applicant intends to seek approval for short term street parking on S. Frances and Taaffe Streets from the Public Works – Division of Transportation and Traffic.

Planting on Olson Way:

The proposed landscape design requires a deviation to allow 8'6" instead of 10' wide sidewalks in order to accommodate 18" planting beds along Olson Way, which will help to soften the street edge and provide for a more pleasant residential and pedestrian experience.