

**REPORT TO PLANNING COMMISSION**

Hearing Date: February 29, 2012
File Number: 2011-7758

SUBJECT: **NetApp:** Application for expansion of the approved NetApp master campus plan to consider an additional 120,933 s.f above the entitled floor area for a total of 1,496,971 s.f. and 76.4% F.A.R at 475 – 495 W. Java, 1330-1350 Geneva Drive, and 1275-1395 Crossman Ave in the MP-TOD Zoning District (APN: (110-32-020 through 110-32-30)

Motion **Moffett Park Major Design Review** for the revised design of two previously approved buildings (Buildings 5 & 6) to allow a fifth story and a four-story parking structure utilizing LEED Gold design.

REPORT IN BRIEF:

Existing Site Conditions Undeveloped Area of the NetApp Campus

Surrounding Land Uses

North Research and Development

South Research and Development

East Research and Development

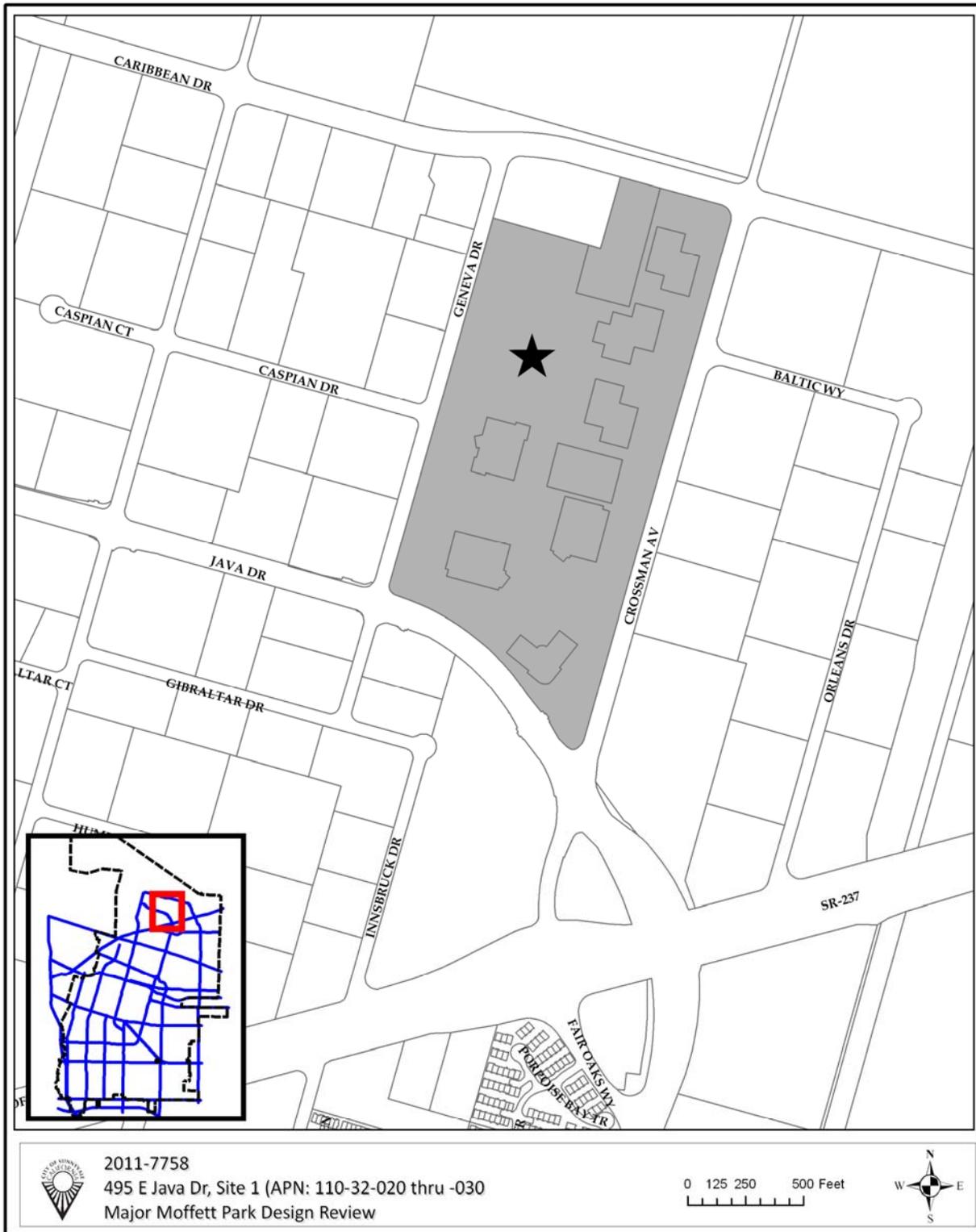
West Research and Development

Issues Architecture and Design

Environmental Status A Mitigated Negative Declaration was prepared for the proposed project.

Staff Recommendation Approval with Conditions

VICINITY MAP



2011-7758
495 E Java Dr, Site 1 (APN: 110-32-020 thru -030)
Major Moffett Park Design Review

0 125 250 500 Feet



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Moffett Park Specific Plan (MP)	Same	Moffett Park Specific Plan (MP)
Zoning District	MP-TOD & MP-I	Same	MP-TOD & MP-I
Lot Size (s.f.)	1,998,975 (45.89 Acres)	Same	22,500 sf. min.
Gross Floor Area (s.f.)	1,375,978	1,496,971 (120,993 s.f. added to Buildings 5 & 6)	No max.
Lot Coverage (%)	30%	30%	45% max.
Floor Area Ratio (FAR)	68.8%	76.4%	50% Standard 70% w/ Development Reserve 10% (up to 80% w/ LEED)
No. of Buildings On-Site	9 (7 R&D bldgs + 2 parking structures)	12 (9 R&D bldgs + 3 parking structures)	---
Distance Between Buildings	30'	40'	26' min.
Building Height (ft.)	approved at approx. 80'	94' 6" (same height as 5-story buildings on campus)	130' (Including Mechanical)
No. of Stories	4 (as approved for R&D Bldgs 5 & 6) 3 (approved Parking Structure B)	5 (R&D Bldgs. 5 & 6) 4 (Parking Structure B)	--
Setbacks (Facing Project Area)			
Front (Geneva Drive)	Approved at 199' to Bldgs 5 & 6 / 79' 4" to Parking Structure B	208' to Bldgs 5 & 6 / 15' to Parking Structure	15' min.
Left Side	N/A	30'	20' min. total
Right Side	N/A	10'	20' min. total
Rear	N/A	15'	None

Landscaping			
Total Landscaping	659,662 / 33%	439,775 / 22%	399,375 / 20% min.
Frontage Width (ft.)	N/A	15'	15' min.
Parking Lot Area Shading (%)	N/A	52%	50% min. in 15 years
Water Conserving Plants	N/A	70%	70%
Parking			
Total Spaces	3,142 (overall)	1,817 (project area) 4,959 (overall)	4,989 – 5,988
Standard Spaces	2,207 (overall)	2,480 (overall)	2,480 min.
Compact Spaces/ % of Total	2,206 / 50%	2,479 / 50%	50% max. of uncovered
Covered Spaces	2,100	2,727 (1,504 in new parking structure)	No min.
Accessible Spaces	54	60	60 Per ADA requirements
Aisle Width (ft.)	26'	Same	26 min.
Bicycle Parking	N/A	21	1 per 6,000 sf 75% Class I 25% Class II Per TIA Study
Stormwater			
Impervious Surface Area (s.f.)	284,666	352,301	No max.
Impervious Surface (%)	67.4%	83.4%	No max.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

BACKGROUND:

In 2005, a phased master plan for the NetApp campus was approved by the Planning Commission that allowed for the construction of five additional R&D buildings to be constructed at a site bounded by Java Drive, Crossman Avenue, Carribean Drive, and Geneva Drive. The campus would be comprised of nine

R&D buildings and a total of approximately 1,375,000 square feet on a 45.89 acre site. Separate amenity area and three parking garages were also planned for the site. The approved Floor Area Ratio (FAR) for the site was 68.8%. Most of the development area (43.22 acres) was located within the MP-TOD Zoning District while a portion of the development area (2.675 acres) at Crossman and Carribean, is located in the MP-I Zoning District. The MP-TOD Zoning District allows 70% FAR through access to the development reserve, while the MP-I zoning district allows up to 50% FAR. The previous entitlement enabled the allowable FAR to be blended throughout the entire development area. The development was approved with the requirement that Buildings 5, 6, 7, 8, & 9 achieve LEED-Silver equivalent design. Modifications to the site in 2007, relocated amenity area from a planned separate building to area located within Building 7 & 8.

NetApp currently occupies properties east of the main campus site and has submitted entitlement applications for further expansion on these sites (Sites 2 & 3, as shown in the Master Site Plan in Attachment D.). These development proposals are on hold and would be considered by the Planning Commission at a later date if they are reactivated. Further discussion is noted in the “Environmental Review” section of this report.

Planning Commission Study Session

The entire redevelopment and expansion project by NetApp, including Site 2 and 3, were reviewed by the Planning Commission at a study session on November 28, 2011. The Planning Commission noted the need to enhance pedestrian connections to each of the separate planned developments. Further comments related to the specifics of the design and layout of Sites 2 and 3. Staff has included Conditions of Approval to provide additional pedestrian crosswalk connection from the project site and will work with the applicant for additional improvements on Site 2 and 3.

DISCUSSION:

Requested Permit

Major Moffett Park Design Review: The NetApp Master Campus site is currently occupied by seven R&D office buildings and entitlements for an additional two buildings. The current proposal would modify the design and location of two previously approved four story buildings and three-level parking structure. The modified design includes an additional story, for a total of five, for each of the buildings (Buildings 5 & 6) and a larger four level parking structure (Parking Structure B). The project area is located at 1350-1370 Geneva Drive. As a result of the additional story for each building, a total of 120,993 s.f. is added to the site. This would result in a total of 1,496,971 square feet for the overall site and a 76.4% FAR. The affected portion of the site along Geneva Drive had been occupied by an office building that was recently

demolished. The two new buildings would mirror each other and create a central pedestrian path in between. (See the Site Plan in Attachment D.)

The proposed site layout shifts the locations of buildings from a previously approved plan, further south towards Building #4 and repositions the parking structure to the north end of the site, adjacent to the property at the corner of Carribean Drive and Geneva Drive. The new locations of each building allows for a more cohesive central landscaped area surrounded by office buildings. The buildings would be located opposite of existing Buildings #7 and #8 and along the same plane as Building #5. New Parking Structure B is moved closer to the existing Parking Structure C.

To accommodate that larger campus, the parking structure would be redesigned from a three level structure to four levels. The parking structure is positioned approximately 15 feet from the property line along Geneva Drive. A landscape buffer in the form of larger size and species will be located along the perimeter to soften the appearance of the structure. (More discussion noted in the “Landscaping” section of the report.) The existing surface lot will be reconfigured to accommodate the new parking structure and office buildings. New landscaped walkways will connect this structure and the new office building to the existing campus circulation. A total of 1,817 parking stalls are added to the site with the reconfigured parking lot and structure. A total of 4,959 spaces lie on the entire site, which results in a 1/302 (or 3.31/1,000) ratio.

The Moffett Park Specific Plan requires limited review for projects which commit to green building techniques and allows access to the established development reserve to achieve a floor area ratio of 70%. In addition, the Green Building incentives program allows for a 10% increase if the project achieves LEED-Gold with USGB certification. The proposal will result in a 76.4% floor area ratio for the entire 45.89 acre site. Building 9 (under construction) and the new buildings are designed at LEED-NC (new construction) Gold equivalent while existing Buildings 7 & 8 are to be redesigned through LEED-EB (existing building) Gold. Conditions of Approval require certification with the USGBC. The 10% Green Building Program is prorated to reflect only proposing a green the buildings that can achieve the LEED Gold levels.

ANALYSIS:

Architecture

The redesigned R&D office buildings 5 and 6 would be the same height as Buildings 7, 8 and 9. Similar materials and color will be used, including GFRC and curtain wall glazing; however, the new buildings will include stone cladding and a canopy at the main entrances. The buildings utilize various forms of spandrel and tinted glass along each elevation and incorporate pre-finished aluminum mullions to break up the façade. The angled facade at the

corner (entrance) of the building breaks up the horizontal mass of the structure. Although, not as visible, the metal panel screening above the parapet blends in with the rest of the building. Mounted light fixtures are planned along the GFRC portions of the perimeter of the building near the base. Along elevations facing the street and interior plaza, the building form is broken up and creates more interest as well as pedestrian level access.

The four-level parking structure would be 42' feet in height (46' to the top of stair tower), which is approximately half the height of the new buildings. Staff has worked with the applicant to soften the appearance due to its close proximity to the street and neighboring buildings. Architecturally, the design of the structure differs from existing parking structures on campus by introducing variation in color and horizontal scoring within the façade. The structure is broken up vertically as well to break up the mass and along the south, east and west elevations. Different scoring and an alternative color (reddish-brown) to appear more like wood paneling is utilized at these portions of the building. Staff has included Condition of Approval to carry this element to the north elevation to a similar degree as the opposite side. The remaining portions of the building utilize a gray color, similar to other parking structures and buildings on-site. Security barriers which also function as a vine screen, shield the vehicles on the first level from view while the concrete barriers screen the upper floors. The stairwell on the south side of the structure is designed with a combination of painted metal with clear glass and aluminum mullions. A canopy is positioned at the top. See Attachment D, Site and Architecture Plans, for additional details.

Development Reserve

The Development Reserve is the primary land use tool available for implementing the vision of the MPSP of redeveloping as a high technology office and R&D area with smart growth principles. The Development Reserve is set aside square footage for which individual projects within the MP-I and MP-TOD zones may request access. Approved access to the reserve permits a project to exceed the standard FAR limitation of the site and can be used to allow up to the maximum FAR level of the underlying zone. The additional square footage and corresponding level of project intensity is intended to act as an incentive for the redevelopment of underutilized sites with targeted growth. Access to the Development Reserve is based on compliance with the MPSP Green Building incentive program (subject to Planning Commission approval of site plan and architecture). The original Development Reserve total in 2003 was 5,443,565 square feet. The allocation of the Development Reserve is on a first-come first-serve basis and is currently at 2,918,138, due to previously approved projects (including the recently entitled Technology Corners/Ariba Campus, Moffett Towers expansion, and Yahoo expansion). If this project is approved, the remaining development reserve would be 2,797,145 sf. available to all other sites in the MPSP. Staff notes that the additional 6.4% FAR requested under the Green Building incentives is included in the deduction from the Development Reserve.

Development Standards

The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code for the MP-TOD Zoning District. The following items are those that have been identified as items for clarification by the Planning Commission:

- **Site Layout**

The proposed new structures are located within recently demolished area and would complete the main NetApp campus (Site 1). The two buildings are situated roughly the same distance, approximately 208 feet, from the street (Geneva Drive) as had originally been approved in 2005. The R&D buildings have been shifted closer to Building 4 and more directly north of Buildings 7 & 8. Moffett Park Specific Plan Guidelines recommend locating buildings closer to the street; however, given the campus design and developed layout surrounding the project area with parking and plaza areas is already predefined, the proposed locations are appropriate. The parking structure would be located adjacent to Building #6 and perpendicular to an existing parking structure (Garage C) to the northeast. The increased size of the parking structure results in a reduced setback, which is approximately 15 feet from the property line. Staff has worked with the applicant regarding the design and screening of the structure as discussed previously in the report.

An improvement over the previous layout of the project allows for parking spaces to be removed from directly between the office buildings and replaced with a 26-foot pedestrian walkway. This redesigned area would continue to serve as a fire lane access connecting to the central plaza of the campus. A trash and recycling enclosure is planned to be located at the east end of the new parking structure which is also behind the existing Parking Structure C. A location for an art installation is noted towards the middle of the project area near Building 6 beyond the parking lot.

- **Parking/Circulation**

The main campus site (Site 1) has several street access points along Java Drive, Geneva Drive, Crossman Avenue, and Caribbean Avenue Drive. The project shifts two driveways from the previous approval of the master campus to address the relocation of the parking structure and office buildings. The driveways maintain a central location between the two new buildings as well as a location for the parking structure entrance. Public sidewalks currently exist along the perimeter of the project area.

The Moffett Park Specific Plan requires a minimum 1 space per 300 s.f. and maximum of 1 space per 250 s.f. With 4,969 spaces, the proposed project would result in a parking rate of 1 space per 301 s.f. Planned redevelopment of Site 2 and 3 would result in an overall rate of 1 space per 287 square feet which falls within the allowable range. Due to the

requirement for a substantial overall TDM trip reduction, staff believes the parking to be more than sufficient. Additional pedestrian crosswalk connections are planned between each of the campus sites. The spaces are divided 50/50 between standard and compact spaces. Approximately 55% of the parking spaces will be within parking structures for the overall site. The bicycle parking for Site 1 is primarily located near the central promenade.

Internal pedestrian walkways are located within the parking area which connects the buildings to the street. Walkways also connect the parking structure to the buildings and central plaza. As recommended by the traffic analysis to address increased capacity, Conditions of Approval require a pedestrian crosswalk connection to be made, opposite the project area along Crossman Drive, at the intersection with Baltic Way. This crosswalk would enable improve pedestrian connectivity to the planned redevelopment on Site 3. (Reference the Master Site Plan in Attachment D.)

Furthermore, recommended traffic mitigation included traffic calming measures to be provided along the internal access road approaching the existing and proposed parking garage. This may include speed humps, rumble strips, or raised crosswalks to increase driver awareness. Such traffic calming measures are required to be installed prior to the pedestrian crosswalk. The mitigation has been included in the Conditions of Approval.

- **Landscaping and Tree Preservation**

Many of the trees within the project area of the campus have already been removed as part of the demolition of the site. Approximately 13 trees exist along Geneva Drive that are planned to remain. The proposed landscape plan calls for approximately 170 new trees of varying species within the project area. Additional attention has been given to trees adjacent to the parking structure and between the buildings. Conditions of Approval require that the proposed parking garage screening trees be 36” box size or larger to improve screening right after construction. Trees are also positioned in a similar pattern as those adjacent to the site along the pedestrian pathway which connects to the rest of the campus. As required, the project indicates compliance to the 50% shading of the parking lot. Staff has included Conditions of Approval requiring a tree protection for those existing trees planned to be preserved.

- **Stormwater Management**

A preliminary Stormwater Management Plan has been submitted as required, which shows proposed drainage patterns and conceptual treatment techniques to minimize surface runoff and pollution. A more detailed Stormwater Management Plan will be submitted during the building permit phase per Conditions of Approval.

- **Green Building Requirements**

The project is required to achieve a LEED Gold with USGB certification since the applicant is requesting an additional 6.4% FAR through the Green Building incentives program. As stated previously, the project is intending to receive LEED Gold Certification for Existing Buildings certification for the Buildings 7 & 8. Building 9, currently under construction and the proposed buildings are planned to achieve LEED Gold Certification for New Construction through the design of the landscaping, building materials, energy performance and plumbing. As required, verification of the green building measures will be completed by the Building Safety Division during the building permit process.

- **Art in Private Development**

Non-residential sites two acres and larger are required to provide art in publicly viewable areas equal to 1% of the construction valuation of the project. Separate approval of the art is required by the Arts Commission.

Environmental Review

Background 2003

In 2003, the Sunnyvale City Council certified the program-level MPSP Environmental Impact Report. As part of the EIR, it was found that there were significant unavoidable environmental impacts resulting from the proposed MPSP. 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 MPSP would make possible.

The statements of overriding consideration were made for the following unavoidable impacts, as stated in the 2003 EIR:

Air Quality - Future area source and vehicular emissions under the proposed Moffett Park Specific Plan may result in operational air quality impacts.

Traffic and Circulation –

Freeway Operations: Implementation and subsequent build-out of the proposed General Plan Amendment would not impact any additional study freeway segments beyond those impacted under General Plan 2020 Conditions. However, the implementation and subsequent build-out of the proposed General Plan Amendment would increase the severity and level of significance of impacts along several freeway segments that would be significantly impacted under General Plan 2020 conditions.

Expressway Conditions: There are no feasible mitigation measures to reduce the level of service impacts at the Central Expressway and Oakmead Parkway (City of Santa Clara) intersection, and the Central Expressway and Bowers Avenue (City of Santa Clara) intersection.

Mathilda Avenue Corridor: The Mathilda Avenue corridor will be impacted under the proposed Project in the A.M. peak hour and the P.M. peak hour.

Housing and Population - The proposed General Plan Amendment would not allow for the future construction of residential units in the MPSP area. However, the intensity of future industrial and commercial development that could be facilitated under the proposed MPSP would generate a substantial number of jobs and would indirectly induce population and housing growth throughout the region.

Cumulative Growth Impacts - Full build-out of the MPSP, along with other foreseeable development in the area will have an overall cumulative impact on the region, affecting air quality, transportation and the jobs/housing ratio.

Background 2006

In 2006 Jay Paul Company's Moffett Towers (Lot 1 and Lot 3) was approved for a rezoning of a portion of the Lockheed-Martin campus. This project required a Subsequent Environmental Impact Report (SEIR) since the Lot 3 portion of the site was proposed at a higher intensity than what is permitted under the 2004 MPSP or SMC code provisions, resulting in the need for an amendment to the MPSP and the Lot 3 rezoning. The zoning of the balance of the site (Lot 1) was unaffected. It was determined that the increased development intensity could result in major revisions to the previously certified EIR. Similar to the 2003 MPSP EIR, the Council at that time opted to make statements of overriding consideration for these unavoidable environmental impacts.

Current Application

The current application does not require a subsequent EIR since it is implementing a project that was anticipated as part of the MPSP and expected under the approved Development Reserve. The project would draw the proposed square footage from the approved Development Reserve and does not propose to create a higher intensity development than was contemplated by the MPSP or other SMC provisions. However, an environmental review is required to determine if there are any site-specific or local impacts, if mitigation measures are required, and to properly disclose those impacts. Site-specific impacts are the result of the Development Reserve square footage being applied to specific parcels, which could not have been anticipated under the MPSP.

The proposed project is tiering from the 2003 MPSP programmatic EIR and does not require a subsequent EIR under CEQA section 21166 (Subsequent Studies) and Guidelines section 15162 (Subsequent EIRs). Based on the Initial Study, the project does not trigger the events listed in CEQA section 21166 and Guidelines section 15162.

A Mitigated Negative Declaration (Attachment C) has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the project would not create

any significant environmental impacts with implementation of the recommended mitigation measures.

The Initial Study and Mitigated Negative Declaration include discussions about air quality, transportation/traffic, and population/housing. See Attachment C for more details. Mitigation measures have been incorporated in the attached conditions of approval at the appropriate states of construction (Attachment B). The following is a summary of the main issues not already discussed in the report above:

- **Air Quality**

The Bay Area Air Quality Management District (BAAQMD) 2011 CEQA Guidelines thresholds of significance provide that a development project would have a significant cumulative impact unless: 1) the project can be shown to be in compliance with a qualified Climate Action Plan, 2) project emissions of CO₂ equivalent greenhouse gases (CO₂ e) are less than 1,100 metric tons per year, or 3) project emissions of CO₂ equivalent greenhouse gases are less than 4.6 metric tons per year per service population (residents plus employees). The City of Sunnyvale does not have a Climate Action Plan at the time of the writing of this Initial Study.

The applicant provided an Air Quality and Greenhouse Gas Analysis for the entire planned expansion including projects 2011-7759 & 2011-7760 (to be considered at a later date). The study was completed by Environ on January 13, 2012. The report concludes that the combined projects will result in both one-time (construction related) and annual (operational-related) emissions. Environ's analysis indicates that the project does not exceed the thresholds of significance according to the current BAAQMD CEQA guidelines. It is noted that concentration levels from construction impacts may exceed BAAQMD levels of significance under current screening methods due to the proximity of Site 2 to residential uses south of State Route 237. Specific mitigation, such as the use of Tier 4 engines, is recommended when construction is planned for Site 2, which is not expected until the year 2020. Staff is requiring that planned construction of each site does not occur concurrently. Additional follow up analysis prior to construction on Site 2, based on the screening standards at the time, is also recommended. These recommended mitigation measures are included in the Conditions of Approval.

- **Transportation and Traffic**

A Traffic Impact Analysis (TIA) has been prepared by Fehr & Peers, dated January, 2012. The study also reviewed potential impacts from the planned expansion of the NetApp campus on two separate site areas located east of the site. These two projects (2011-7759 & 2011-7760) would include a total of approximately 787,000 s.f. on two sites that total 34.39 acres. The study is attached to the Initial Study (Attachment C).

The Fehr & Peers report presents the results of the TIA identified impacts to the Mathilda Avenue/Moffett Park Drive intersection and the Mathilda Avenue/State Route 237 westbound ramps. These intersections have been identified for improvements in the MPSP FEIR and the Citywide Deficiency Plan. Improvements for these intersections are included in the City Capital Improvement Program. Payment of Transportation Impact Fees (T.I.F.) will mitigate the project's contribution to these impacts to a less than significant level. The TIA also identified potential impacts to the freeway segments at US 101 between Lawrence Expressway and Great America Parkway (southbound) and SR 237 between Lawrence Expressway and Great America Parkway (eastbound). Several freeway improvement projects listed in the Valley Transportation Plan 2035 are planned to relieve congestion and payment of a "fair share" contribution to these projects will constitute mitigation.

- **Population and Housing**

The total square footage of the site can be accommodated through access to the MPSP Development Reserve based on allowable 70% FAR of the Zoning (Moffett Park Transit Oriented Development - MPT) and General Plan designation (Moffett Park Specific Plan) and an additional 6.4% FAR (up to 10%) with the City's Green Building incentive program. The new office square footage would create opportunities for new jobs and would cause a slight increase in the City's Jobs/Housing ratio.

The project would be required to pay a Housing Mitigation fee (\$9.08/sf.) for the new square footage approved that exceeds the base General Plan FAR of 50% and 35% that were in place before adoption of the MPSP. Based on a preliminary calculation, the current Housing Mitigation fee for the new buildings would be approximately \$1,098,616.44. The Housing Mitigation fees are intended to mitigate the impacts of potential new jobs on housing by providing dedicated funds for the expansion of workforce housing. Therefore, the project would not induce substantial population growth. The number of jobs is within the total expected for the MPSP area.

FISCAL IMPACT

Transportation Impact Fee

Projects resulting in net new peak hour automobile trips are subject to a transportation impact fee (TIF). The TIF is estimated to be \$1,488,267.99 and must be paid prior to issuance of a building permit. The amount is subject to the fee schedule in place at the time of payment.

Housing Impact Fee

The City of Sunnyvale requires a payment of Housing Mitigation fees for high intensity development greater than the standard FAR levels adopted in the 1997 General Plan. The Housing Mitigation fee is \$9.08/sf. for all new square footage. The estimated housing impact fee is \$1,098,616.44. Fees must be paid for each phase prior to issuance of building permits for the associated building.

PUBLIC CONTACT

Staff has not received any comments of concern regarding the proposed project.

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 • 18 notices mailed to the property owners and tenants within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

CONCLUSION

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

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

ALTERNATIVES

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

RECOMMENDATION

Alternative 1: Approve the Major Moffett Park Design Review attached conditions to allow the modified design of the previously entitled Buildings #5 & 6 for a total of 120,993 s.f. of additional floor area and parking structure for the NetApp Master Campus.

Prepared by:

Ryan Kuchenig
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Project Description from the Applicant

RECOMMENDED FINDINGS

Major Moffett Park Design Review

Moffett Park Specific Plan Goals and Policies:

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

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

The project attains the primary purpose of the MPSP objectives based on the following:

Guiding Principles

- *Guiding Principle 1.0:* Positively influence the Sunnyvale business climate and enhance economic vitality by providing comprehensive land use policies and permitting processes that encourage development of additional needed Class A office space to diversify the industrial base of Sunnyvale.
- *Guiding Principle 4.0:* Provide opportunity for strategic retention and attraction of business and private investment.
- *Guiding Principle 5.0:* Focus areas of higher intensity development in areas adjacent to public transportation facilities.
- *Guiding Principle 6.0:* Streamline the land use permit and environmental review approval process.
- *Guiding Principle 8.0:* Increase utilization of public transit through coordinated land use, transportation, and infrastructure planning.
- *Guiding Principle 9.0:* Incorporate the principles of “smart growth: into all planning decisions.
- *Guiding Principle 10.0:* Incorporate sustainable design and green building concepts into private and public projects.

Land Use Objectives

- *Guiding Principle 5.0:* Focus areas of higher intensity development in areas adjacent to public transportation facilities.
- *Specific Plan Objective LU-1:* Establish development regulations that provide a framework to allow for higher intensity development.
- *Specific Plan Objective LU-3:* Allow for balance development that minimizes environmental and fiscal impacts to the City.
- *Specific Plan Objective LU-4:* Establish land use districts that encourage high quality corporate headquarter and Class A office development.
- *Specific Plan Objective LU-5:* Provide for higher intensity development along transportation corridors and within close proximity to rail and transit stations.
- *Specific Plan Objective LU-6:* Provide a development reserve of additional square footage for sites adjacent to public transit facilities as an incentive to developers and to provide flexibility of use for the future needs of the City’s residents and businesses.

General Environmental Objectives

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

Circulation and Transportation Objectives

- *Specific Plan Objective CIR-2:* Provide for improved pedestrian and bicyclist mobility within the Specific Plan area.
- *Specific Plan Objective CIR-5:* Require a correlation between higher intensity land uses in the Specific Plan project area and direct access to alternative modes of transportation.

Implementation and Administration Objectives

Specific Plan Objective IMP-4: Allow for flexibility with the Specific Plan so that it is responsive to changes in the marketplace.

(B) Substantially conform with the Moffett Park Design Guidelines set forth in Chapter Six of the MPSP:

The project has attained the primary design objectives of the Specific Plan through site planning and architectural design, as well as green building

design. The project has coordinated the site layout to enhance campus connectivity and the primary landscape promenade through the site. The building architecture utilizes both building forms and materials to distinguish the design for the Network Appliance Campus while at the same time providing consistency with contemporary neighboring R&D facilities within Moffett Park. The following are specific policies the project achieved related to the Community Design in Chapter 6 of the MPSP:

Site Plan

4. When multiple buildings are proposed for a site, they should be grouped to provide functional open spaces, plazas, and courtyards. Strong pedestrian connections should link buildings and open spaces. Consider daylighting opportunities through building orientation and separation of buildings.
5. Loading areas and service yards should be located to the rear of the site and completely screened from view.
6. Service areas for trash bins, utility cabinets, transformers, etc. should be planned and designed as an integral part of the site.

Architecture

1. Large scaled elements of undifferentiated mass make buildings appear bulky and monotonous. Differentiate the three traditional parts of the building; base, mid section, and top. Vary the planes of exterior walls and provide articulation through use of color, change of materials, and arrangement of façade elements. Create buildings of varying heights and roof lines.
3. Architectural design and detailing should be consistent on all elevations of the building and between different buildings within the same complex.
4. Throughout Moffett Park a diversity of building types, colors, and materials is encouraged to create a pleasing mixture of styles and forms. Diversity is intended to prevent a monotonous pattern of development that is identifiable with uniform project development or specific time periods that may appear dated as time passes.
5. The use of varied materials and colors is generally encouraged. Materials should be of high quality and should relate to each other in logical ways.
6. Roof forms shall be consistent with the design theme of the building and should continue all the way around the building to complete the design.

Landscaping

1. Landscaping serves a variety of purposes and shall be designed to serve multiple needs.
3. Existing trees shall be incorporated to the extent feasible into the site designs of new buildings.
4. Site designs should provide a variety of amenities, including artwork, outdoor furniture, lighting, raised planters, seating areas, trellises, trash receptacles, etc. These items should be consistently designed to stay within the same overall theme.

5. Outdoor recreation and eating areas for employees are strongly encouraged.
6. Window design shall, in addition to considering such issues as energy efficiency and aesthetic appeal, strive to provide for high levels of day lighting for office type uses.
7. Exterior lighting for all types of uses shall be designed to shine downward to prevent light pollution affecting efforts to preserve a “dark sky” and to avoid light trespass and glare onto adjoining properties. Creative fixture design is encouraged as an accent to the site.

Sustainable Design and Green Building Techniques

2. Impervious surfaces, including parking areas, shall be kept to the minimum amount necessary to adequately serve the use.
3. Roof design shall consider the heat island effects of roof materials. Roofs should incorporate high albedo (reflective, light colored) or "green" roof designs into the building to address energy efficiency of building cooling and stormwater runoff requirements.
4. Impervious surface design shall incorporate methods to reduce impacts such as heat island effect and stormwater runoff. Use of light colored materials, vegetation, permeable pavement, tree shading, phasing of parking, are examples of methods to address the negative impacts of impervious surfaces.
5. Parking lot design shall allow for phased implementation as necessitated by on-site demand. Overflow parking or underutilized periphery spaces shall emphasize ecological design techniques.
6. Window design shall, in addition to considering such issues as energy efficiency and aesthetic appeal, strive to provide for high levels of day lighting for office type uses.
7. Indoor and outdoor materials should contain a high percentage of recycled content or rapidly renewable resources and produced in the region, when available to satisfy the required utility or aesthetic.
8. Interior design is encouraged to provide for high levels of indoor environmental quality that provides for long term benefits to employees' health and productivity through the use of low-emitting materials and efficient ventilation methods.

ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS FEBRUARY 29, 2012

Planning Application 2011-7758

475 – 495 W. Java Drive, 1330-1350 Geneva Drive,
and 1275-1395 Crossman Avenue (Site 1)

Moffett Park Major Design Review for the revised design of two previously approved buildings (Buildings 5 & 6) to allow a fifth story and a four-story parking structure utilizing the Green Building Incentive (LEED GOLD) for a FAR of 76.4% for the entire site.

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

- GC-2. PERMIT EXPIRATION:
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. 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. 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. [SDR] [PLANNING]
- GC-5. ENCROACHMENT PERMIT:
Obtain an encroachment permit from the Department of Public Works for all off-site improvements. [SDR] [PUBLIC WORKS]
- GC-6. PARCEL MAP:
This project is subject to, and contingent upon, the approval of a revised tentative map and recordation of a parcel map prior to any permit issuance. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City’s technical review during the parcel map process. [COA] [PUBLIC WORKS]
- GC-7 SUBDIVISION AGREEMENT – The developer shall execute a Subdivision Agreement and post surety bond(s) and/or cash deposit(s) for all proposed public and/or private improvements prior to parcel map recordation and/or Public Works encroachment permit issuance.
- GC-8 GREEN BUILDING REQUIREMENTS:
- a) **New Office Buildings:** Buildings 5, 6 & 9 shall be constructed to meet LEED Gold level and shall be submitted to USGBC for formal certification.
 - b) **Existing Buildings:** The applicant shall obtain LEED Gold certification for existing office Buildings 7 & 8 and shall be submitted to USGBC for formal certification prior to occupancy of the new building.
 - c) **Tenant Improvements:** The applicant shall require or facilitate all tenants to obtain LEED Gold certification for new tenant improvements. [COA] [PLANNING]

- d) **Existing Tenant Improvements:** The tenants existing leases signed (prior to new project submittal by applicant) shall obtain a LEED CI Gold (commercial interior) certification standard when the tenant leases expire, and/or renewed/extended under terms other than those provided for by the existing leases. [COA] [PLANNING]

GC-9 SANITARY SEWER ANALYSIS – Analyze and provide to staff an updated sanitary sewer analysis and identify the impact as a result of the increase in building square footage from the original tentative map and planning application. [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 PROJECT PLANS:

The plans shall be revised to address comments from staff, and/or the Planning Commission, including the following:

- a) The design of the north elevation of the parking structure shall be modified to include the same design element with horizontal scoring and color (reddish-brown) to a similar degree as shown on the south, east and west sides.
- b) As proposed, the security barriers of the parking structure on the first level shall include a vine screen. Details shall be illustrated on the Building Permit plans.

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

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new peak hour trips resulting from the proposed project that will be calculated prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING IMPACT MITIGATION FEE - Housing Mitigation fee is required for all new square footage over 50% and is based on the fee in place at the time of payment. (SMC 19.29).
- 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-5. PUBLIC WORKS FEES:

- a) PUBLIC WORKS PLAN CHECK FEE – Applicant shall pay an initial engineering plan check fee of \$3,675 with the first off-site improvement plans, subject to adjustment of the current fiscal year’s fee schedule.
- b) WATER CONNECTION FEE – Applicant shall pay water connection fee of \$64,597.42 paid prior to the parcel map and/or Public Works permit issuance, subject to adjustment of the current fiscal year’s fee schedule.
- c) SANITARY SEWER FEE – Applicant shall pay sewer connection fee of \$236,199.53 paid prior to the parcel map and/or Public Works permit issuance, subject to adjustment of the current fiscal year’s fee schedule. To further refine this connection fee, please provide the anticipated water consumption, in gallons per day (GPD), of the Buildings 5 and 6.
- d) PUBLIC WORKS CLEARANCE FEE – Applicant shall pay a Public Works building clearance fee of \$2,437 paid prior to building permit issuance, subject to adjustment of the current fiscal year’s fee schedule. [COA] [PUBLIC WORKS]

BP-6. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through a Miscellaneous Plan Permit at the time of Building Permit submittal. The landscape plan shall include the following elements:

- a) All areas not required for parking, driveways or structures shall be landscaped.
- b) The landscape plan shall be approved by the stormwater consultant prior to submittal. The plans shall be stamped and signed.

- c) Ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- d) All trees location adjacent to the parking structure along the western boundary (Geneva Drive) shall be a minimum 36” box size.
- c) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- d) All landscaping, except retained Redwoods, shall be irrigated with the City’s reclaimed water system. The plans shall ensure that potable water is used for the retained Redwoods out to the dripline of the canopy.
- d) Backflow devices and other appurtenances are to include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located in the front or side yard landscape areas. Covers should be black, metal mesh with rounded top covers (e.g. – “mailbox style”). [COA] [PLANNING]

BP-7. 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-8. SITE SURVEY – BURROWING OWL (APRIL – AUGUST):

The project applicant shall comply with the following requirements prior to any site disturbance which may occur during the April through August nesting season.

WHAT: A focused survey shall be conducted in accordance with the California Department of Fish and Game (DDFG) protocol during the peak nesting season (April 15 through July 15). Surveys must be conducted on four separate days from two hours before sunset to one hour after sunset, or from one hour before sunset to two hours after sunrise. The property owner/developer shall be responsible for retaining a qualified biologist to conduct the surveys in accordance with all applicable state (CDFG) protocol in effect at the time of development application review and consideration.

If the presence of burrowing owls is verified on an individual development site within the Specific Plan area, a burrowing owl mitigation plan shall be implemented prior to construction. This plan shall include a pre-construction survey to determine the location of active burrows on the project site, passive exclusion of burrows to be impacted by project construction, installation of artificial burrows in the designated open space areas of the proposed project and mitigation monitoring. Specific requirements to be included in this plan shall be determined through consultation with CDFG. This shall be subject to the review and approval of

the City of Sunnyvale Community Development Department.

In the event that removal of habitat for the western borrowing owl is required for development, the applicant/owner shall work with the Springtown Reserve, or similar preserve local to the Bay Area, to purchase habitat credits. (See contact information listed below) When burrows must be removed, owls shall be evicted outside the breeding season via passive relocation based plan developed by a qualified biologist. Lost burrows shall be replaced outside the nesting season, before construction begins. Burrows should be replaced at a 3:1 ratio either within owl preserves or other suitable habitat as determined by a biologist.

Contact: Terry Huffman, (415) 925-2000
Environmental Mitigation Exchange Company (EMAX)
21 Sunnyside Avenue
Corte Madera, CA 94925

- WHEN: These mitigation measures shall be converted into conditions of approval for the proposed project prior to its final approval. Conditions shall be applicable at time of building permit issuance.
- WHO: The property owner/developer shall be solely responsible for the required survey and any relocation measures that may be required.
- HOW: The conditions of approval shall require these mitigation measures to be addressed prior to construction.

BP-9. TREE PROTECTION PLAN:

Prior to issuance of a demolition permit, a grading permit or a building permit, whichever occurs first, obtain approval of a tree protection plan from the director of community development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in title 19 of the Sunnyvale Municipal Code and at a minimum:

- A) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "guide for plant appraisal" published by the international society of arboriculture (ISA).
- B) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained as indicated in the plan set dated October 4, 2011.
- C) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- D) The tree protection plan shall be installed prior to issuance of any building or grading permits, subject to the on-site inspection and

approval by the city arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans.

- E) The plan shall include measures for construction occurring within tree driplines. [COA] [PLANNING/CITY ARBORIST]

BP-10. 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-11. 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-12. 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-13. RECLAIMED WATER:

Building permit plans shall include separate irrigation lines for the use of reclaimed water for landscaping and potable water shall be used around the Redwood trees. [COA] [PLANNING]

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. HISTORICAL AND CULTURAL REMAINS:

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

Mitigation Measures

- 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-16. **AIR QUALITY:**

The project shall comply with all necessary requirements regarding Air Quality. [COA][PLANNING]

Mitigation Measures

WHAT: Permits must be obtained from the City of Sunnyvale (grading permit and Storm Water Pollution Prevention Plan) and BAAQMD (J-Permit) prior to demolition or new construction. The City of Sunnyvale permit shall, amongst others, specifically include the following mitigation measures:

1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences shall be kept damp at all times.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
6. Replant vegetation in disturbed areas as quickly as possible.
7. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
8. Limit traffic speeds on the construction sites to 15 mph.
9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
10. During site demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations (refer to Section 2.9, Hazards and Hazardous Materials).
11. A Disturbance Coordinator will be assigned to the project for the full duration of asbestos abatement, demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.
12. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke three minutes after start up is in violation of this measure.

13. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.
14. Properly tune and maintain equipment for low emissions.
15. To reduce cumulative impacts, construction at the three sites shall not occur concurrently.
16. For Site 2 (later phase), all construction equipment shall meet United States Environmental Protection Agency (USEPA) Tier 4 Final diesel engine standards.
17. Additional follow-up analysis of construction impacts, based on the standards and conditions at the time, shall be provided prior to the construction activity on Site 2.

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: The conditions shall be incorporated into the construction plans.

BP-17. **TRANSPORTATION AND TRAFFIC:**

The project shall comply with all necessary requirements regarding Transportation and Traffic listed in the Fehr & Peers report dated August 25, 2011. [COA][PLANNING]

Transportation Impact Fee (TIF):

WHAT: TIF fees shall be paid pursuant to the adopted fee schedule and shall be used to mitigate impacts at Mathilda Avenue/Moffett Park Drive and Moffett Park Drive/SR 237. Payment of a fair share contribution to the projects outlined the Valley Transportation Plan 2035 to relieve traffic congestion will constitute mitigation for freeway segment impacts.

WHEN: These mitigation measures shall be converted into conditions of approval for the proposed project prior to its final approval. Conditions shall be applicable at time of building permit issuance.

WHO: The property owner/developer shall be solely responsible for payment of the TIF and the City shall be responsible for the implementation/construction of these mitigation measures.

HOW: The conditions of approval shall require these mitigation measures to be paid by the applicant or project proponent.

Bicycle and Pedestrian Facilities:

WHAT: Pedestrian walkways shall be adequately signed and include other treatments to highlight the presence of pedestrians. Vehicular calming measures shall be provided along the

internal access road approaching the existing and proposed parking garage located in Site 1. This may include speed humps, rumble strips, or raised crosswalks to increase driver awareness. The traffic calming measures shall be located before the pedestrian crosswalk. To minimize conflicts between pedestrians and vehicles, enhanced pedestrian crosswalks shall be installed between Sites 1 and 3. A crosswalk between Sites 1 and 3 would be located at the uncontrolled intersection of Crossman Road / Baltic Way. Enhancements could include high-visibility pavement markings, median refuges, and rectangular rapid flashing beacons (RRFBs) to indicate to motorists the presence of a marked crosswalk. A full traffic signal is a potential alternative for providing crossing facilities. Because the project will increase bicycle traffic to the area, a financial contribution by the project towards completing this improvement shall be provided.

WHEN: These mitigation measures shall be converted into conditions of approval for the MMPDR prior to its final approval by the City Council. The conditions will become valid when the MMPDR is approved. Conditions will be applicable during the construction of the project.

WHO: The developer shall be required to provide funding for the improvements and the City shall implement the mitigation through the City's Capital Improvement Program.

HOW: The fees shall be paid to the City and the City shall implement the mitigation through City sponsored projects and programs.

Construction Impacts:

WHAT: Garages shall be constructed prior to or concurrently with new office buildings to avoid parking concerns.

WHEN: These mitigation measures shall be converted into conditions of approval for the MMPDR prior to its final approval by the City Council. The conditions will become valid when the MMPDR is approved. Conditions will be applicable during the construction of the project.

WHO: The developer shall be required to construct the improvements.

HOW: This mitigation measure shall be incorporated into the construction plans.

BP-18. BIOLOGICAL RESOURCES:

Final construction drawings shall incorporate all mitigation measures related to biological resources as set forth under "Mitigation Measures" in the approved environmental document and as noted below. Mitigation Measure

WHAT: In conformance with Federal and State regulations regarding protection of raptors, the following CDFG protocols shall be completed prior to any development on the site to ensure that development does not disturb nesting raptors:

1. Avoidance. Construction activities should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in Santa Clara County extends from April 1st through August 31st.

2. Preconstruction/Pre-disturbance Surveys. If demolition and/or construction are to occur between April and August, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than seven days prior to the initiation of demolition/construction activities. During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., shrubs, ruderal grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) to ensure that no nests of species protected by the MBTA or California Fish and Game Code will be disturbed during project implementation.

3. Inhibit Nesting. If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1st), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

WHEN: These mitigation measures shall be converted into conditions of approval for the Use Permit prior to its final approval. The conditions will become valid when the Use Permit 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 project construction plans. [COA] [PLANNING]
- BP-19: 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-20 VTA GUIDELINES
The developer shall have bicycle parking consistent with (VTA) Bicycle Technical Guidelines. This may require some bicycle parking to be located conveniently for Building 5 & 6 users, and in close proximity to building entrances. [COA] [PLANNING]
- BP-21 DRIVEWAYS:
The building permit plans shall replace all removed driveways with new curb, gutter and sidewalk per City standard details and all new

- driveways shall be designed and installed per City standard details. No curb-return style driveways allowed. Building permit plans shall clearly indicate compliance with this condition. [COA] [PUBLIC WORKS]
- BP-22 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-23 TRASH AND RECYCLING ENCLOSURE – The developer shall submit to staff, for review and approval, a site plan with detail and path of trash truck travel showing the location and number of trash and recycling bins or compactors that meet the trash and recycling needs of the proposed buildings based on the city’s sizing criteria and requirements guidelines. Specifically, the trash enclosures shall comply with the following:
- a) Provide a large enough enclosure to accommodate the required number of garbage and recycling bins at a minimum bin size of 4.25’x6.75’ for a 3 cubic yard bin. Front load compactor bins at a 3:1 compaction ratio can be used in a 4 cubic yard bins. For larger volumes, a roll-off compactor between 10 to 40 cubic yards may be used at a 5:1 compaction ratio.
 - b) Show dimensions and all details for all trash enclosures, including but not limited to the enclosure doors, wheel stops and loading area stress pad.
 - c) Provide trash enclosure design during building permit submittal for staff review. [COA] [PUBLIC WORKS]
- BP-24 MECHANICAL EQUIPMENT (EXTERIOR):
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]
- BP-25 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 artworks along Java Drive [COA] [PLANNING]

BP-26 STORM DRAIN RELOCATION – The existing storm drain under the proposed location of building 5, and any other structure, shall be relocated to its new location, within the new public utility easement (PUE) prior to any building permit issuance. [COA] [PUBLIC WORKS]

IM: THE FOLLOWING CONDITION SHALL BE ADDRESSED IN THE IMPROVEMENT PLANS

- IM-1 PUBLIC IMPROVEMENTS: All Public Improvements shall be included in the building permit plan submittal, and shall be completed prior to issuance of certificate of occupancy (either temporary or final occupancies) for any structure.
- a) 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.
 - b) Final approved public improvement plans shall be prepared on 24"x36", 4 mil mylars.
 - c) Record drawings (including street, sewer, water, storm drain, streetlight, traffic signal and interconnect, and off-site landscaping plans) shall be submitted to the City prior to occupancy release.
 - d) This project requires the removal and installation of driveways in accordance with city standard specifications and details.
 - e) Install new curb, gutter and sidewalk along the project frontage where none exists.
 - f) Install city street trees along the project frontage.
 - g) This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
 - h) The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
 - i) All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
 - j) All lots/parcels shall be served by utilities, allowing each lot/parcel to function separately from one another.
 - k) Provide the Public Works Department with a detailed estimate of water consumption in gallons per day and peak water demand in gallons per minute, and estimate of sanitary sewer generation in gallons per day.

- l) All proposed on-site drainage and sanitary sewer systems shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
- m) All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
- n) Install sanitary sewer service backflow valve as required by Building Division when the upstream manhole finished grade elevation is higher than the finished floor elevation where the fixture units exist.
- o) No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.
- p) Upgrade existing water meters to radio-read meters (1" minimum, size to be verified by the city's fire protection engineer)
- q) Metering of water utilities shall be per latest City Council policy 3.1.2.
- r) The existing fire hydrant shall be upgraded to Clow-Rich 75. Install new double check detector assembly for fire services.
- s) Remove the below ground double check detector assemblies and install new above ground double check detector assemblies in accordance with city standard specifications and details.
- t) Fire service and domestic service shall be separate.
- u) This project shall not cause any negative impact on the drainage pattern for adjacent properties. Provide adequate drainage modification on adjacent properties as needed with consent from adjacent property owners.
- v) Adequate drainage/erosion control shall be provided at all times during each phase of the development.
- w) A separate irrigation water meter with backflow prevention device shall be installed.
- x) The fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc for a minimum of 4 feet.
- y) All catch basins and storm drain inlet facilities shall be stenciled with the appropriate "No Dumping" message as supplied by the Public Works Department.

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

- DC-1. TREE PROTECTION:
All tree protection measures shall remain in place during the construction of the project. [COA] [PLANNING]
- DC-2. 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]

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. TDM PROGRAM - FINAL:
The applicant shall submit a final Transportation Demand Management program consistent with the Moffett Park Specific Plan with a total trip reduction of 25% and a peak hour reduction of 30% for the entire site for review by the Director of Community Development prior to final occupancy of the project.
- a) A penalty clause shall be included for non-compliance with the TDM measures. Penalties shall vary with the level of compliance and shall be calculated based on the estimated cost per employee of implementing a successful TDM Program.
 - b) All lease agreements with future tenants of the site shall note that the tenant is responsible for the tenant to implement and manage the TDM Program. [COA] [PLANNING]
- PF-5. 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]

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

AT-1. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-2. 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-3. 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-4. RECYCLING AND SOLID WASTE:

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

AT-5. PARKING LOT MAINTENANCE:

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

- a) Clearly mark all employee, customer, 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 the use.
- d) Require signs to direct vehicles to additional parking spaces on-site, as needed.

- e) Clearly mark all compact spaces as per approved plans. [COA]
[PLANNING]

AT-6. TRANSPORTATION DEMAND MANAGEMENT:

An annual monitoring report shall be submitted to the Director of Community Development in January of each year. The report shall demonstrate compliance with the approved TDM Program including measures implemented and data on trip reductions achieved. If the TDM goals are not met in a given year, the property owners and/or tenant shall submit to the Director of Community Development proposed program modifications intended to achieve the required goals in future years. [COA] [PLANNING]



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

**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 **Major Moffett Park Design Review and Tentative Parcel Map** filed by **NetApp**.

PROJECT DESCRIPTION AND LOCATION (APN):

2011-7758: NetApp [Applicant] Major Moffett Park Design Review and Tentative Parcel Map to allow modifications to the approved NetApp campus (Site 1), which results in approximately 120,993 additional square feet above the entitled floor area and 76.4% FAR for the site utilizing LEED gold design. The project includes a modified design (Additional fifth story) of the previously approved buildings #5, #6 and construction of a four-level parking garage located at **475-495 East Java Drive, 1330-1350 Geneva Drive and 1275-1395 Crossman Ave.** (APN: 110-32-020 through 110-32-30)RK

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 **Wednesday, February 29, 2012**. 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:

Wednesday, February 29, 2012 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 February 9, 2012

Signed: 
Gerri Caruso, Principal Planner

Project Title	2011-7758 - Major Moffett Park Design Review and Tentative Parcel Map to allow modifications to the approved NetApp campus (Site 1), which results in approximately 120,993 additional square feet above the entitled floor area and 76.4% F.AR for the site utilizing LEED Gold design. The project includes a modified design (additional fifth story) of the previously approved Buildings #5 & #6 and construction of a four-level parking garage.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Ryan Kuchenig, Associate Planner
Phone Number	408-730-7431
Project Location	475-495 East Java Drive, 1330-1350 Geneva Drive, 1275-1395 Crossman Ave
Applicant's Name	NetApp
Project Address	475-495 East Java Drive, 1330-1350 Geneva Drive, 1275-1395 Crossman Ave (110-32-020 through 110-32-30)
Zoning	Moffett Park Transit Oriented Development (MP-TOD)
General Plan	Moffett Park Specific Plan
Other Public Agencies whose approval is required	None

MOFFETT PARK SPECIFIC PLAN AND PROJECT BACKGROUND

The subject site is within the boundaries of the Moffett Park Specific Plan (MPSP). The City of Sunnyvale adopted the 1,100-acre MPSP in the spring of 2004. The MPSP contemplates build-out of high-tech corporate campus style of projects over a 20-year timeframe. The MPSP also includes a provision for a Development Reserve to allow exemplary projects the benefit of additional floor area beyond the standard FAR restrictions of the sub-districts. The Development Reserve square footage was not applied to individual parcels or general areas, but rather to the entire MPSP area.

In 2003, the Sunnyvale City Council certified the program-level MPSP Environmental Impact Report. As part of the EIR, it was found that there were significant unavoidable environmental impacts resulting from the proposed MPSP. 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 MPSP would make possible.

The statements of overriding consideration were made for the following unavoidable impacts:

Air Quality - Future area source and vehicular emissions under the proposed Moffett Park Specific Plan may result in operational air quality impacts.

Traffic and Circulation - Freeway Operations: Implementation and subsequent build-out of the proposed General Plan Amendment would not impact any additional study freeway segments beyond those impacted under General Plan 2020 Conditions. However, the implementation and subsequent build-out of the proposed General Plan Amendment would increase the severity and level of significance of impacts along several freeway segments that would be significantly impacted under General Plan 2020 conditions.

Expressway Conditions: There are no feasible mitigations measures to reduce the level of service impacts at the Central Expressway and Oakmead Parkway (City of Santa Clara) intersection, and the Central Expressway and Bowers Avenue (City of Santa Clara) intersection.

Mathilda Avenue Corridor: The Mathilda Avenue corridor will be impacted under the proposed Project in the A.M. peak hour and the P.M. peak hour.

Housing and Population - The proposed General Plan Amendment would not allow for the future construction of residential units in the MPSP area. However, the intensity of future industrial and commercial development that could be facilitated under the proposed MPSP would generate a substantial number of jobs and would indirectly induce population and housing growth throughout the region.

Cumulative Growth Impacts - Full build-out of the MPSP, along with other foreseeable development in the area will have an overall cumulative impact on the region, affecting air quality, transportation and the jobs/housing ratio.

The current applications are projects that are tiering from the 2003 MPSP programmatic EIR and do not require a subsequent EIR under CEQA section 21166 and Guidelines section 15162. Based on the Initial Study below, the projects do not trigger the events listed in CEQA section 21166 and Guidelines section 15162.

PROJECT AND INITIAL STUDY OVERVIEW

This Initial Study and Mitigated Negative Declaration include analysis for three separate projects located in close proximity, but on separate parcels on three campus areas. The projects include: 1) revisions involving additional floor area to previously approved buildings (not yet constructed) and a new parking structure on the main campus site, 2) the construction of two buildings and parking garage on separate lots on another site, and 3) two redevelopment of a third site with two buildings. The intent of combining all reports was to study the maximum potential impact rather than separating the reports that may minimize potential impacts and to simplify understanding of the impacts of the project proposals.

The first project (2011-7758) is located at 475-495 East Java Drive, 1330-1350 Geneva Drive, 1275-1395 Crossman Ave (APN: 110-32-020 through 110-32-30) and is for a Major Moffett Park Design Review (MMPDR) and Tentative Map for modifications to the approved NetApp campus, which results in approximately 120,993 additional square feet above the entitled floor area and 76.4% F.AR for the site utilizing LEED Gold design. The project includes a modified design (additional fifth story) of the previously approved Buildings #5 & #6 and construction of a four-level parking garage. The buildings were originally approved through a MMPDR and Tentative Map (Project # 2005-0340).

The second project (2011-7759) is located at 1240-1260 Crossman Ave, 1277-1299 Orleans Drive (APN's: 110-36-007, 008, & 020) and is for a Major Moffett Park Design Review and Tentative Parcel Map to allow the redevelopment of a portion of the existing site for NetApp (Site 2) resulting in approximately 305,022 square

feet additional building area (Two four-story, Buildings #12 & #14) and a four-level parking garage. The project would result in a 75.8% F.A.R. for the site utilizing LEED Gold design.

The third project (2011-7760) is located at 549 and 603 Baltic Way (APN: 110-36-014 & 110-36-015) and is for a Major Moffett Park Design Review and Tentative Parcel Map to allow redevelopment of the site for NetApp (Site 3) with two five-story buildings (Buildings #15 & #16), totaling approximately 483,326 square feet. The project would result in 60% F.A.R. for the site utilizing LEED Gold design.

DETAILED PROJECT DESCRIPTIONS:

495 E. Java (Site 1): The project area encompasses a portion of the 45.89 acre master campus area of NetApp. The base project address 495 E. Java is used as a reference only for purposes of this report and the final address number will be determined at the time of Building Permit issuance for the new building. This main site is bounded by Java Drive, Geneva Drive, Caribbean Drive, and Crossman Avenue which is located close to the intersection of US Freeway 101 and South Bay Freeway 237 and east of The Moffett Airfield. The immediate neighborhood is generally campus office use and consists of mostly low-to-mid-rise office and R&D campus/buildings.

NetApp proposes to amend the Master Plan for this main site by exercising the Green Building bonus by making the remaining new Buildings 5, 6, and 9 as LEED-NC Gold equivalent and redesigning Buildings 7 and 8 as LEED-EB Gold equivalent. The maximum allowable building area increases over the previously approved Master Plan by 120,993 square feet. This change creates a total FAR of 0.76 for Site 1 and a total maximum building area of 1,496,971 square feet. Buildings 5 and 6 would increase in size to absorb this additional area with an added fifth floor and slightly larger floor plate. The area on Site 1 where the project is to occur is currently undeveloped. A building at this location was recently demolished within the past year. Buildings 5 and 6 would be identical in height and similar mass as Buildings 7, 8, and 9. To accommodate the additional occupants of the enlarged Building 5 and 6, Garage B is to be enlarged as well. With 4 levels, Garage B will be about half the height of the buildings.

1240 Crossman (Site 2): This project site is bounded by Moffett Park Drive, Java Avenue, Crossman Avenue, and Orleans Drive. The project includes the demolition of two existing buildings with the redevelopment of the site and two 4-story LEED-NC Gold equivalent. One 4-level parking structure would also be developed to support the buildings. NetApp proposes to exercise the Green Building bonus by making the new Buildings 12 and 14 as LEED-EB Gold equivalent. The FAR would be increased from 0.7 to 0.758 by increasing the FAR by 10% for the proportional ratio of site area that these new LEED-NC Gold buildings make up. This would allow the maximum allowable building area to be 525,057 SF. With 220,035 of existing buildings to remain, this would entail 305,022 SF of new building area, or net gain of 216,228 SF for the site.

549 Baltic Way Site 3 – The project site is bounded by Caribbean Drive, Crossman Avenue, Baltic Way, and Orleans Drive. The project includes the demolition of three existing buildings and redevelopment of the site with two 5-story LEED-NC Gold equivalent buildings. NetApp proposes to exercise the Green Building bonus by making the new Buildings 15 and 16 as LEED-EB Gold equivalent. The FAR would, therefore, be increased from 0.5 to 0.6. In this case, the new buildings would total 483,326 SF.

Surrounding Uses and Setting: The sites are located within the MPSP area which is generally bounded by Lockheed-Martin Corporation to the north and east, Innovation Way and Onizuka Air Force Station to the east, as well as a variety of other office, light industrial, and research and development uses to the east. The Valley Transportation Authority (VTA) Tasman West light rail lines and West Moffett Park Drive to the south. H Street and Moffett Federal Airfield are located to the west. The Moffett Park area is currently developed with corporate headquarters, office, and research and development uses.

Since the 1960s, the MPSP area has had a large defense industry presence (the Air Force, the Navy, Lockheed-Martin Corporation, and the National Aeronautics and Space Administration [NASA]). The MPSP

area also contains numerous low-rise warehouses and industrial/business park buildings, as well as cafes, restaurants, hotels, and a private college (Cogswell College). Beginning in the late 1990s several high-tech businesses developed corporate campuses in the area, including Juniper Networks, Yahoo Inc., Interwoven, Net App, and Ariba. The Moffett Federal Airfield (located west of the Project site, across H Street) is where NASA continues to conduct federal aeronautical and aviation operations. Manufacturing, research and development, aircraft hangers, and office buildings currently occupy the site. A VTA light rail station is located in the southern portion of the site along West Moffett Park Drive. The surrounding MPSP area is developed with office, technology, research and development, and corporate headquarters space.

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 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 type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input 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: Ryan Kuchenig

Date: January 31, 2012

Title: Associate 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in 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
					w.php?topic=19-4-19_46&frames=off
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Noise Sub-Element www.sunnyvaleplanning.com
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
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), www.scv-habitatplan.org

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
U.S Wildlife Service?					
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 checked="" type="checkbox"/>	<input 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
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. Planned grading will disturb the site and may affect sub-surface resources if they exist.
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision	<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,

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?					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 Environ Report, January 13, 2012
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description Environ Report, January 13, 2012
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 type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Project Description
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 Environ Report, January 13 2012
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	<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

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
of a known fault?				<input checked="" type="checkbox"/>	
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:

4. Population and Housing (Less than Significant with Mitigation): The 120,993 sf. of additional office floor area for Site 1 is consistent with the allowable 70% FAR of the existing zoning (Moffett Park Transit Oriented Development - MPT) and General Plan designation (Moffett Park Specific Plan) of the site. The project is also consistent with the additional 10% FAR for the City's Green Building Incentive (previously discussed in the Detailed Project Description). The new office square footage would create opportunities for new jobs and would cause a slight increase in the City's Jobs/Housing balance. The project would be required to pay Housing Mitigation fees (\$9.08/sf.) for the new square footage proposed. Based on a preliminary calculation, the current fee for 495 E. Java Drive would be \$1,098,616.44. The Housing Mitigation fees are intended to mitigate potential new jobs by providing housing funds for the creation of new housing units. Therefore, the project would not induce substantial population growth and will mitigate potential job growth, therefore will not be inconsistent with the Sunnyvale General Plan.

The following mitigation measure shall apply to the projects:

- WHAT: The project would be required to pay Housing Mitigation fees (\$9.08/sf.) for the new square footage proposed.
- WHEN: These mitigation measures shall be converted into conditions of approval for the MMPDR prior to its final approval by the City Council. The conditions will become valid when the MMPDR is approved. Conditions will be applicable during the construction of the project.
- WHO: The developer shall be required to pay the mitigation fees and the City shall implement the mitigation through City sponsored housing creation programs.
- HOW: The fees shall be paid to the City and the City shall implement the mitigation through City sponsored housing creation programs.

#17. Biological Resources (Less than Significant with Mitigation): The overall projects include the removal of several large trees and site grading. The site is currently developed and in active use, therefore the site is unlikely to have been occupied by burrowing owls (*Athene cunicularia*) which are present in some areas of Sunnyvale. Nesting raptors have not been specifically observed on the site, but there is a potential for raptors to establish nests in tall mature trees such as those on the project site. Although the discovery of nesting raptors on the site is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level.

WHAT: In conformance with Federal and State regulations regarding protection of raptors, the following CDFG protocols shall be completed prior to any development on the site to ensure that development does not disturb nesting raptors:

1. *Avoidance.* Construction activities should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in Santa Clara County extends from April 1st through August 31st.

2. *Preconstruction/Pre-disturbance Surveys.* If demolition and/or construction are to occur between April and August, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than seven days prior to the initiation of demolition/construction activities. During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., shrubs, ruderal grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) to ensure that no nests of species protected by the MBTA or California Fish and Game Code will be disturbed during project implementation.

3. *Inhibit Nesting.* If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1st), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

WHEN: These mitigation measures shall be converted into conditions of approval for the Use Permit prior to its final approval. The conditions will become valid when the Use Permit 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 project construction plans

23. Historic and Cultural Remains (Less than Significant with Mitigation): The proposed project includes grading and land disturbance for the new buildings and parking structures. Although there are no known archeological sites on the subject site, there still remains the possibility of discovery of Native American remains during grading since there are archeological sites in the greater vicinity. In the event of a discovery, project grading could result in potential disturbance of subsurface cultural resources which would result in a significant impact unless mitigated. There are no surface historic resources currently known to be on the project sites. Although the discovery of cultural resources on these sites is not anticipated and the following mitigation measure has been included in the project to reduce the potential 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) 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 shall 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 mitigation measures shall be converted into conditions of approval for the MMPDR prior to its final approval by the City Council. The conditions will become valid when the MMPDR 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 require these mitigation measures to be incorporated into the construction plans.

25. and 26. Air Quality (Less than Significant with Mitigation): The Bay Area Air Quality Management District (BAAQMD) 2011 CEQA Guidelines thresholds of significance provide that a development project would have a significant cumulative impact unless: 1) the project can be shown to be in compliance with a qualified Climate Action Plan, 2) project emissions of CO₂ equivalent greenhouse gases (CO₂ e) are less than 1,100 metric tons per year, or 3) project emissions of CO₂ equivalent greenhouse gases are less than 4.6 metric tons

per year per service population (residents plus employees). The City of Sunnyvale does not have a Climate Action Plan at the time of the writing of this Initial Study.

The applicant provided an Air Quality and Greenhouse Gas Analysis for the entire expansion proposal (all three sites). The study was completed by Environ on January 13, 2012 and is available for review at the City of Sunnyvale's One-Stop Counter. The report concludes that the project will result in both one-time (construction related) and annual (operational-related) emissions. Environ's analysis indicates that the project does not exceed the thresholds of significance according to the current BAAQMD CEQA guidelines.

However, a cumulative analysis for the Project construction offsite MEISR has found that the estimated PM_{2.5} concentration is above the BAAQMD cumulative threshold (i.e., above 0.8 ug/m³). This exceedance is largely driven by the screening level values produced by BAAQMD's highway and stationary source screening tools. A refined modeling analysis of these sources could yield PM_{2.5} results below BAAQMD's significance threshold.

With respect to the one-time construction-related air quality impacts, the project requires grading of the sites, demolition, and significant hauling of construction materials into the sites. Project grading and construction may introduce temporary and short-term dust into the air and pollution from construction equipment, therefore temporarily affect air quality. While this impact does not exceed the BAAQMD levels of significance, standard City mitigation measures are required to minimize any potential impacts to the surrounding population (non-residential). For Site 2 with the implementation of the specific construction mitigation, consisting of Tier 4 Final engines for all construction equipment, the estimated cancer risk, chronic HI and annual average PM_{2.5} concentration associated with construction of the Project do not exceed the significance thresholds. As construction at Site 2 is not schedule until year 2020, the Tier 4 Final engine standard requirement is not unreasonable since all new diesel engines at that time will be required to meet the standard.

The following mitigation measures shall apply to the projects:

WHAT: Permits must be obtained from the City of Sunnyvale (grading permit and Storm Water Pollution Prevention Plan) and BAAQMD (J-Permit) prior to demolition or new construction. The City of Sunnyvale permit shall, amongst others, specifically include the following mitigation measures:

1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences shall be kept damp at all times.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all-paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
6. Replant vegetation in disturbed areas as quickly as possible.
7. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
8. Limit traffic speeds on the construction sites to 15 mph.
9. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
10. During site demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations (refer to Section 2.9, Hazards and Hazardous Materials).
11. A Disturbance Coordinator will be assigned to the project for the full duration of asbestos abatement, demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality

issues in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.

12. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke three minutes after start up is in violation of this measure.
13. Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.
14. Properly tune and maintain equipment for low emissions.
15. To reduce cumulative impacts, construction at the three sites shall not occur concurrently.
16. For Site 2, all construction equipment shall meet United States Environmental Protection Agency (USEPA) Tier 4 Final diesel engine standards.
17. Additional follow-up analysis of construction impacts, based on the standards and conditions at the time, shall be provided prior to the construction activity on Site 2.

WHEN: These mitigation measures shall be converted into conditions of approval for the Major Moffett Park Design Review (MMPDR) prior to its final approval by the City Council. The conditions will become valid when the MMPDR 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.

Responsible Division: Planning Completed by: Ryan Kuchenig Date: January 31, 2012

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan, Traffic Study by Fehr & Peers, dated January, 2012.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City and CA Standard Plans & Standard Specifications. Traffic Study by Fehr & Peers, dated January 2012.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan. Traffic Study by Fehr & Peers, dated January 2012.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects. Traffic Study by Fehr & Peers, dated January 2012.
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 type="checkbox"/>	<input checked="" 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., 38. and 39. Transportation (Less than Significant with Mitigation) – A Traffic Impact Analysis (TIA) has been prepared by Fehr & Peers, dated November, 2011. This study is attached to this Initial Study and is available for review at the City of Sunnyvale's One-Stop Counter.

The Fehr & Peers report presents the results of the TIA and concludes there are no new significant impacts resulting from the projects, which cannot be mitigated to be less than significant. Although the project would not result in any significant traffic impacts, the project would be required to construct a number of improvements and to pay an impact mitigation fee. The anticipated Traffic Impact Fee (TIF) is approximately \$1,488,267.99 for Site 1, \$978,542.90 for Site 2 and \$901,625.59 for Site 3. These TIFs will be used by the City as part of the ongoing study and upgrade of the City's transportation systems to offset the contribution of project-generated traffic on local roadways. The project would result in a less than significant traffic impact.

The following is the executive summary from the TIA:

The amount of traffic anticipated to be added to the surrounding roadway system by the proposed project was estimated using rates published in Institute of Transportation Engineers' (ITE) *Trip Generation* 8th Edition (2008). The purpose of the vehicular trip generation survey is to determine the number of vehicle trips entering and exiting the campus for various purposes (employee trips and visitor trips) during a selected time period.

The proposed project will expand the NetApp campus from 1,769,495 s.f. of building area to 2,505,354 s.f., an increase of 735,859 s.f. The trip generation estimates for this expansion were developed by applying trip generation equations to the size of the increase. The method of applying trip generation equations is consistent with recently approved TIAs in the MPSP area.

The proposed project is estimated to generate 4,690 net new daily vehicle trips, 670 net new AM peak-hour trips (556 inbound trips and 114 outbound trips), and 604 net new PM peak-hour trips (91 inbound trips and 513 outbound trips). It will also generate new walking, bicycling, and transit trips. A reduction to account for the Transportation Demand Management (TDM) program was applied.

According to MPSP guidelines, automobile trip reductions of 15 to 30 percent are required as part of the Transportation Demand Management (TDM) program for the campus; however, VTA guidelines only allow for a maximum 9.5 percent reduction on vehicle trips for projects near a light rail station that have an effective TDM program. To be conservative, a 9.5 percent reduction was applied to the project trip estimates to determine the number of net new trips generated by the project.

INTERSECTION IMPACTS AND MITIGATION MEASURES

Existing Plus Project Conditions

Measured against the City of Sunnyvale's and VTA's level of service standards, the project is not expected to have significant impacts at any of the study intersections under Existing plus Project conditions; therefore, no mitigation is required.

Background Plus Project Conditions

Based on the City of Sunnyvale's and VTA's impact criteria the project is expected to have a significant impact at the following three (3) intersections:

- Int. 12. Mathilda Avenue/Moffett Park Drive: the addition of project traffic exacerbates unacceptable LOS F operations during the AM peak hour
- Int. 14. Mathilda Avenue/SR 237 Westbound Ramps: the addition of project traffic exacerbates unacceptable LOS F operations during the PM peak hour

The following mitigation measures are required to mitigate project impacts:

Int. 12. Mathilda Avenue/Moffett Park Drive

The intersection of Mathilda Avenue/Moffett Park Drive is projected to operate deficiently under Background No Project Conditions. Under Background plus Project conditions, unacceptable AM peak hour operations would be exacerbated with the addition of project traffic. Since the critical delay increases by more than four seconds and the critical V/C ratio increases by more than 0.01 between the Background No Project and Background plus Project Scenarios, the project is considered to have a significant impact at the Mathilda Avenue/Moffett Park Drive intersection based on the City's impact criteria.

As estimated in the Mary Avenue Overcrossing Final Traffic Operations Report, the Mary Avenue overcrossing would shift nearly 13 percent of the northbound Mathilda Avenue traffic to Mary Avenue in the AM peak hour and 23 percent in the PM peak hour. Construction of the Mary Avenue overcrossing, along with reconfiguration of the SR 237/Mathilda Avenue ramp intersections, would reduce the impact to a less-than significant level. Payment of the City's TIF would constitute the project's fair share contribution. These improvements consist of:

- Re-aligning Moffett Park, east of Mathilda Avenue, to connect to 5th Avenue via Bordeaux Avenue;
- Shifting the SR 237 Westbound Off-ramp 150 feet to the north to align with Moffett Park/Mathilda Avenue;
- Removal of SR 237 Westbound On-ramp; and,
- Construction of a direct southbound right-turn on-ramp from Mathilda Avenue to US 101 north

These improvements are programmed in both the City's TIF and the VTA's VTP 2035 list of constrained Projects.

Int. 14. Mathilda Avenue/SR 237 Westbound Ramps

The addition of project traffic will exacerbate unacceptable LOS F operations at the intersection of Mathilda Avenue/SR 237 Westbound Ramps in the PM peak hour under Background plus Project Conditions. The critical delay is projected to increase by more than four seconds and the critical V/C ratio is projected to increase by more than 0.01 between the Background No Project and Background plus Project Scenarios; therefore the project is considered to have a significant impact based on the City's impact criteria.

The identified improvements for the Mathilda Avenue/Moffett Park Drive intersection would also mitigate the impacts identified for the Mathilda Avenue/SR 237 Westbound Ramp intersection, since they include the elimination of this intersection. Payment of the City's TIF would constitute the project's fair share contribution.

Cumulative Plus Project Conditions

Based on the City of Sunnyvale's and VTA's impact criteria the project is expected to have a significant impact at the following two (2) intersections:

Int. 12. Mathilda Avenue/Moffett Park Drive: the addition of project traffic exacerbates unacceptable LOS F operations during the AM peak hour

Int.14. Mathilda Avenue/SR 237 Westbound Ramps: the addition of project traffic exacerbates unacceptable LOS F operations during the PM peak hour

The same mitigation measures identified under Background Conditions would be applied.

FREEWAY SEGMENT IMPACTS AND MITIGATION MEASURES

Existing Plus Project Conditions

Measured against VTA's level of service standards and impact criteria, the project traffic would add more than one percent of the freeway's capacity to two of the study freeway segments in the PM peak period currently operating at LOS F. Therefore, the project would create a significant impact to the following freeway segments:

- US 101 between Lawrence Expressway and Great America Parkway (Southbound, Mixed-Flow, PM Peak Hour)
- SR 237 between Lawrence Expressway and Great America Parkway (Eastbound, Mixed-Flow, PM Peak Hour)

The mitigation for freeway impacts is typically the provision of additional capacity in the form of additional mainline or auxiliary lanes. Several freeway improvements are identified in the Valley Transportation Plan 2035 below to improve freeway operations on the affected segments:

- Adding an auxiliary lane on US 101 from Great America Parkway to Lawrence Expressway (VTP ID H27)
- Converting existing HOV lanes to expressway lanes on US 101 from SR 85 in Mountain View to SR 85 in San Jose (VTP ID H5)
- Converting HOV lanes to express lanes on SR 237 from I-880 to Mathilda Avenue (VTP ID H9)
- Building new HOV/express lanes on SR 237 between Mathilda Avenue and SR 85 (VTP H11).

Implementation of TDM measures to achieve the full 30 percent reduction in peak-hour vehicle trips would incrementally reduce traffic volumes on all freeway segments; however, it would not be sufficient to reduce the identified impacts to a less-than-significant level. The mitigation of freeway impacts is considered beyond the scope of an individual development project, due to the inability of any individual project or City to acquire right of way for freeway widening or to implement express lane conversions. Freeway improvements also would require approval by Caltrans, which neither the project applicant nor the City can guarantee. Therefore, the addition of project traffic results in a significant and unavoidable impact to the identified freeway segments. The freeway improvement projects listed in the Valley Transportation Plan 2035 are financially constrained. These improvements are anticipated to relieve traffic congestion contributed to by the project and a fair share contribution to these projects will constitute mitigation.

Background Plus Project Conditions

Similar to Existing Plus Project Conditions, the project is expected to have significant impacts at two (2) of the study freeway segments that result in a significant and unavoidable impact to the identified freeway segments.

Cumulative Plus Project Conditions

Similar to Background Plus Project Conditions, the project is expected to have significant impacts at two (2) of the study freeway segments that result in a significant and unavoidable impact to the identified freeway segments.

TRANSIT SERVICE

The proposed project will generate additional demand on existing transit services in the area, which can be accommodated by the existing supply. Transit impacts are considered significant if the proposed project conflicts with existing or planned transit facilities or generates potential transit trips and does not provide adequate facilities for pedestrians and bicyclists to access transit routes and stops. Based on these criteria, the project would not have a significant impact on transit service.

BICYCLE AND PEDESTRIAN FACILITIES

The proposed Project would generate bicycle demand on-site and on the adjacent roadways, which generally have adequate bicycle facilities.

Pedestrian access between the garages and the office buildings will be provided via pedestrian walkways. To minimize conflicts between pedestrians and vehicles, the pedestrian walkways should be adequately signed and include other treatments to highlight the presence of pedestrians. It is recommended that vehicular traffic calming measures be provided along the internal access road approaching the existing and proposed parking garage located in Site 1. This may include speed humps, rumble strips, or raised crosswalks to increase driver awareness. The traffic calming measures should be located before the pedestrian crosswalk.

Pedestrian access between sites needs to be addressed. Pedestrians walking between Sites 1 and 3 will need to cross Crossman Avenue, a five-lane roadway. To minimize conflicts between pedestrians and vehicles, it is recommended that enhanced pedestrian crosswalks be considered between Sites 1 and 3. A crosswalk between Sites 1 and 3 would be located at the uncontrolled intersection of Crossman Road / Baltic Way. Enhancements could include high-visibility pavement markings, median refuges, and rectangular rapid flashing beacons (RRFBs) to indicate to motorists the presence of a marked crosswalk. With such improvements, pedestrian access within the Master Plan site is considered adequate. The City will continue to monitor traffic conditions at the uncontrolled intersection of Crossman Road / Baltic Way. A full traffic signal is a potential alternative for providing crossing facilities that may be warranted in the future due to additional ambient growth, including high pedestrian volumes once the Master Plan is developed and operating at full capacity.

The City has a designed but unfunded project to complete bike lanes on Fair Oaks Avenue from Tasman Drive to the project site at Java Drive and Crossman Drive. This will complete a critical bikeway link between bikeway networks north and south of SR 237, linking the project site and bikeways serving the site to the bikeway network of the rest of the City. Because the project will increase bicycle traffic to the area, a financial contribution by the project towards completing this improvement should be provided.

VEHICLE AND BICYCLE PARKING

The proposed parking supply will provide sufficient parking to accommodate the new office developments, as well as, replace any parking that is lost due to construction. The NetApp Master Plan proposes to provide 8,727 total (existing and planned) vehicle parking spaces and thus exceeds the parking requirement of 8,268 spaces as outlined in the MPSP. The total new parking proposed based on the current site plans for NetApp is sufficient in meeting the City's parking requirements.

The project will need to ensure the supply of 418 bicycle spaces (total existing and planned) on the NetApp campus upon build-out. Of these, 75 percent will be Class I bicycle lockers and remaining 25 percent will be Class II bicycle facilities (314 and 104, respectively). With the provision of these bicycle parking facilities the project will meet City and MPSP guidelines. A site plan detailing the locations of the existing and proposed facilities should be provided for the City for review.

SITE ACCESS AND ON-SITE CIRCULATION

The following site-access and on-site circulation improvements are recommended to improve access to the NetApp Campus Site:

Due to a raised median, access to the campus is only permitted through the signalized intersection at Crossman Drive when traveling westbound along Caribbean Drive. Motorists are unable to access Geneva Drive from Caribbean Drive where an entrance / exit point will be located for the proposed 1500 stall parking garage on site 1. The City does not require left turn pockets allowing access to the site driveway points along Caribbean Drive due to the adequate level of service at Caribbean Drive and Crossman Drive. A full or partial median opening may be pursued by NetApp with the purpose of improving site access and circulation at the unsignalized intersection of Geneva Drive and Caribbean Drive.

CONSTRUCTION IMPACTS

The project will have minimal construction impacts due to traffic and use of parking lots for construction related activity. The site will need to ensure garages are constructed prior to or concurrently with new office buildings to avoid parking concerns.

Mitigation Measures:

Based on the Fehr & Peers TIA, the following mitigation measures shall apply to the projects in addition to the required TIF payments intended for the construction of the Mary Avenue overcrossing:

Transportation Impact Fee (TIF):

WHAT: TIF fees shall be paid pursuant to the adopted fee schedule and shall be used to mitigate impacts at Mathilda Avenue/Moffett Park Drive and Moffett Park Drive/SR 237. Payment of a fair share contribution to the projects outlined the Valley Transportation Plan 2035 to relieve traffic congestion will constitute mitigation for freeway segment impacts.

WHEN: These mitigation measures shall be converted into conditions of approval for the proposed project prior to its final approval. Conditions shall be applicable at time of building permit issuance.

WHO: The property owner/developer shall be solely responsible for payment of the TIF and the City shall be responsible for the implementation/construction of these mitigation measures.

HOW: The conditions of approval shall require these mitigation measures to be paid by the applicant or project proponent.

Bicycle and Pedestrian Facilities:

WHAT: Pedestrian walkways shall be adequately signed and include other treatments to highlight the presence of pedestrians. Vehicular calming measures shall be provided along the internal access road approaching the existing and proposed parking garage located in Site 1. This may include speed humps, rumble strips, or raised crosswalks to increase driver awareness. The traffic calming measures shall be located before the pedestrian crosswalk. To minimize conflicts between pedestrians and vehicles, enhanced pedestrian crosswalks shall be installed between Sites 1 and 3. A crosswalk between Sites 1 and 3 would be located at the uncontrolled intersection of Crossman Road / Baltic Way. Enhancements could include high-visibility pavement markings, median refuges, and rectangular rapid flashing beacons (RRFBs) to indicate to motorists the presence of a marked crosswalk. A full traffic signal is a potential alternative for providing crossing facilities. Because the project will increase bicycle traffic to the area, a financial contribution by the project towards completing this improvement shall be provided.

WHEN: These mitigation measures shall be converted into conditions of approval for the MMPDR prior to its final approval by the City Council. The conditions will become valid when the MMPDR is approved. Conditions will be applicable during the construction of the project.

WHO: The developer shall be required to provide funding for the improvements and the City shall implement the mitigation through the City's Capital Improvement Program.

HOW: The fees shall be paid to the City and the City shall implement the mitigation through City sponsored projects and programs.

Construction Impacts:

- WHAT: Garages shall be constructed prior to or concurrently with new office buildings to avoid parking concerns.
- WHEN: These mitigation measures shall be converted into conditions of approval for the MMPDR prior to its final approval by the City Council. The conditions will become valid when the MMPDR is approved. Conditions will be applicable during the construction of the project.
- WHO: The developer shall be required to construct the improvements.
- HOW: This mitigation measure shall be incorporated into the construction plans.

41. Transportation (Less than Significant) - The proposed project will include sidewalks to provide pedestrian circulation around the entire site. Bicycle parking is required by the SMC and conditioned as part of the project approval consistent with VTA standards.

Responsible Division: Planning Completed by: Ryan Kuchenig Date: January 31, 2012

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 checked="" type="checkbox"/>	<input 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 checked="" 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:

46. Geology and Soils (Less than Significant): The proposed project will have a significant amount of grading intended to clear the existing site prior to construction. During the time the existing topsoil is exposed and there is a potential for erosion and loss of soil. There is no surface run-off anticipated during construction and no long-term run-off expected after construction. This aspect of the project will be less than significant with the implementation of Sunnyvale's Municipal Code 12.60, Storm Water Quality Best Management Practices, Regional Water Quality Boards C.3 permit requirements, and the Blueprint for a Clean Bay.

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 less than significant.

Responsible Division: Planning Completed by: Ryan Kuchenig Date: January 31, 2012

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 checked="" type="checkbox"/>	<input 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
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org

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

56. Hydrology and Water Quality (Less than Significant): Based on the project description (no hazardous material usage, no septic tanks, no significant water usage or discharge) and implementation of Sunnyvale's Municipal Code 12.60, Storm Water Quality Best Management Practices, Regional Water Quality Boards C.3 permit requirements, and the Blueprint for a Clean Bay, the project will have a less than significant impact on water quality.

51. and 58. Utilities and Service Systems (Less than Significant): The project will require the construction of new stormwater management devices on private property. The stormwater treatment devices consist of vegetated swales on private property to treat the impervious surfaces on the new from the buildings and new pavement areas. The stormwater management measures will be privately constructed and maintained by the project developer. The project will not require an expansion of the City's existing treatment or stormwater system since the stormwater is being treated on-site prior to its release or filtered into the ground via bioswales. The project but it will not cause a degradation or significant impact to the City.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 31, 2012

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: Ryan Kuchenig

Date: January 31, 2012

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:

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 31, 2012

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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:

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 31, 2012

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

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

ENVIRONMENTAL CHECKLIST REFERENCE LIST

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

ATTACHMENT C
Page 34 of 34**Miscellaneous Agency Plans:**

- A. ABAG Projections 2010
- B. Bay Area Clean Air Plan
- C. BAAQMD CEQA Guidelines
- D. Criteria of the National Register of Historic Places

Building Safety:

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

Guidelines and Best Management Practices

- 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

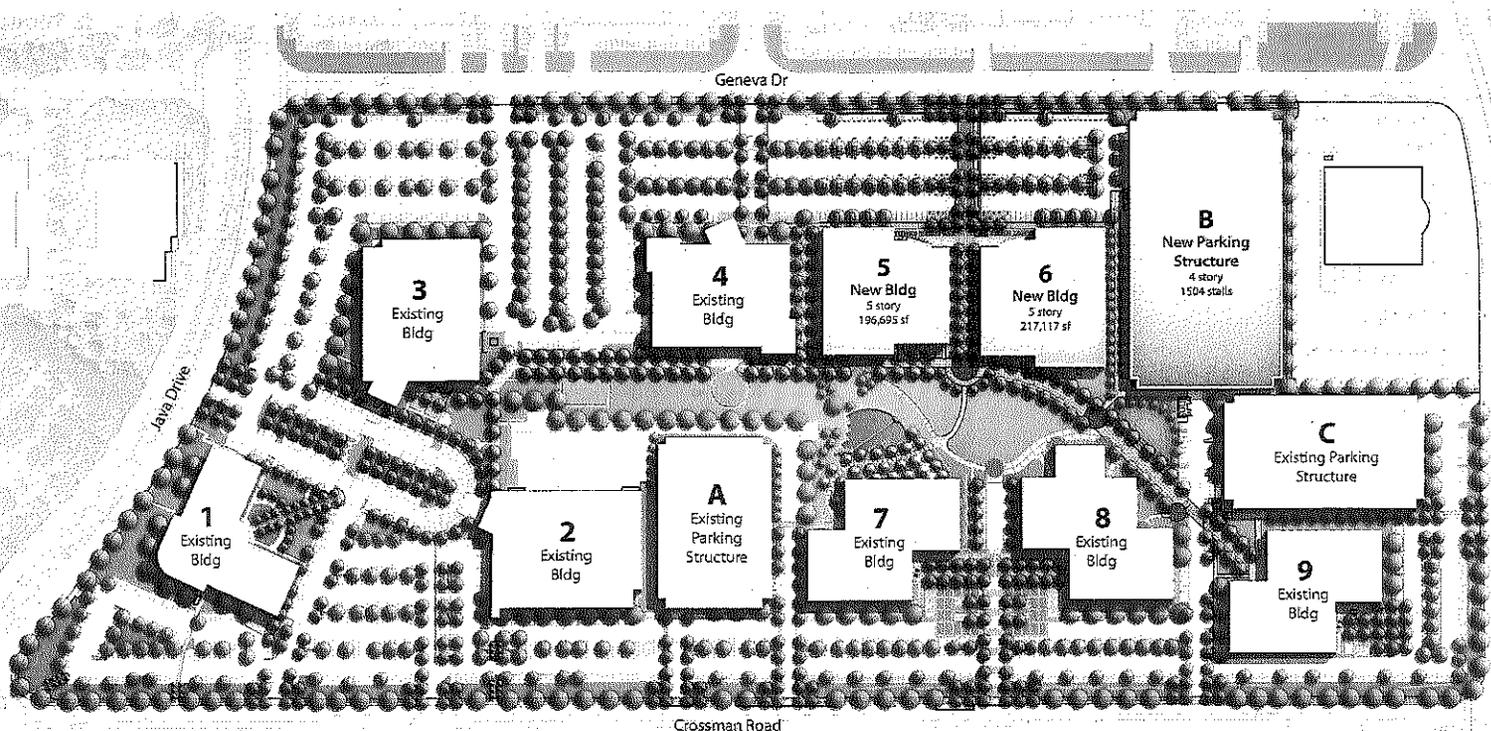
Additional Project References:

- A. Project Description
- B. Sunnyvale Project Environmental Information Form
- C. Project Development Plans dated 1/31/11
- D. Project Traffic Impact Analysis Hexagon Transportation Consultants on 10/18/11
- E. Project Noise Study by Charles M. Salter Associates on 1/28/11
- F. Project Air Quality Analysis by Environ International Corporation on 2/4/11 and Illingworth & Rodkin Inc. on 5/2/11
- G. Field Inspection
- H. Project Site Plan dated 1/31/11
- I. Project construction schedule

- J. Project Draft Storm Water Management Plan
- K. Project Tree Inventory by Hortscience, September 2010
- L. Project Tree Preservation Plan
- M. Project Green Building Checklist
- N. Project LEED Checklist

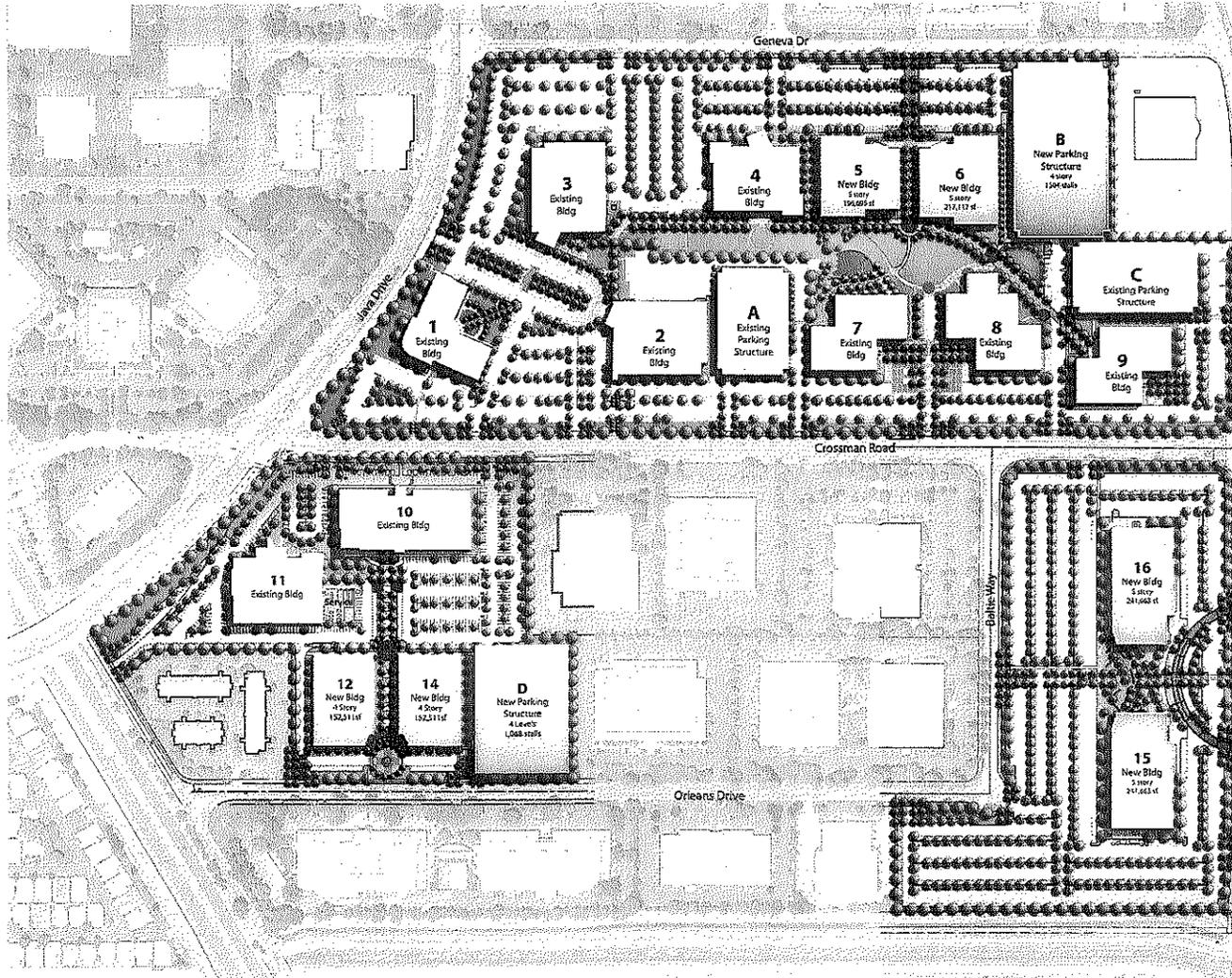
Other: None

- A. Traffic Study by Fehr & Peers, dated January, 2011.
- B. Air Quality and Green House Gas report by Environ, dated January 13, 2012.



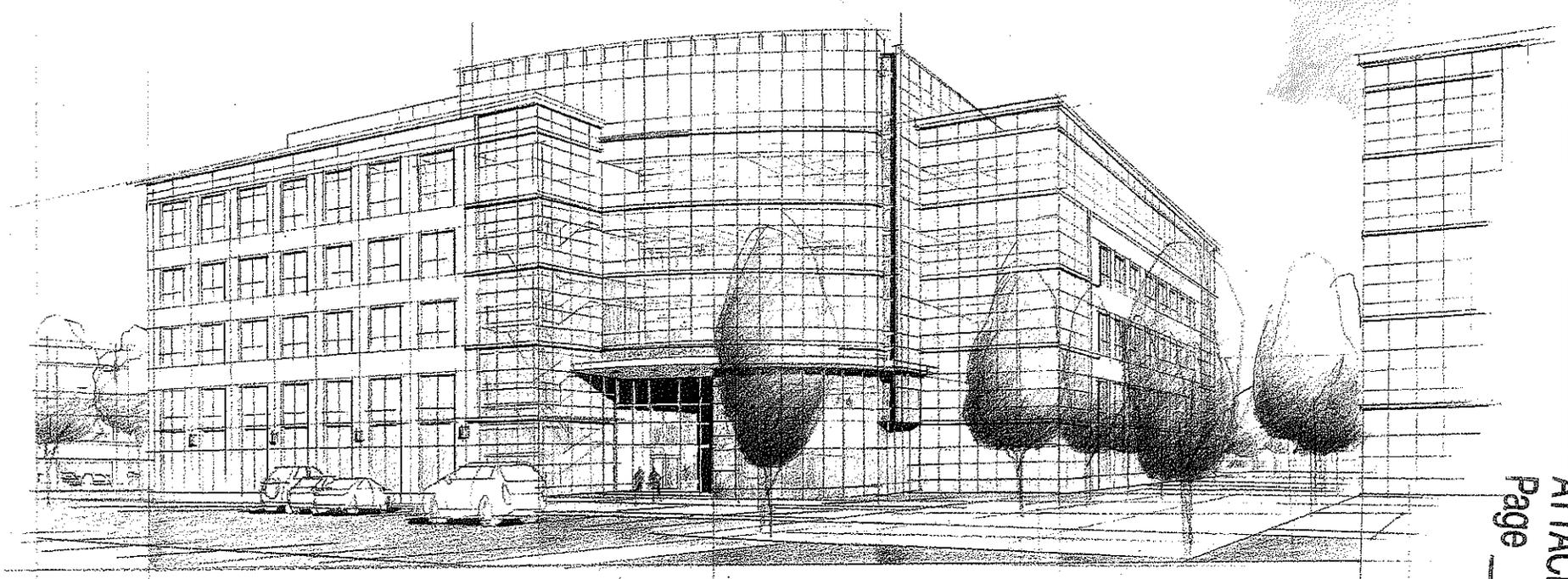
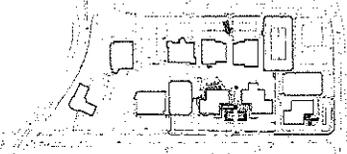
ATTACHMENT D
 Page 1 of 23

scale 1:200 11x17
 1:100 22x34



scale 1:300 11x17
1:150 22x34

ATTACHMENT D
Page 2 of 23



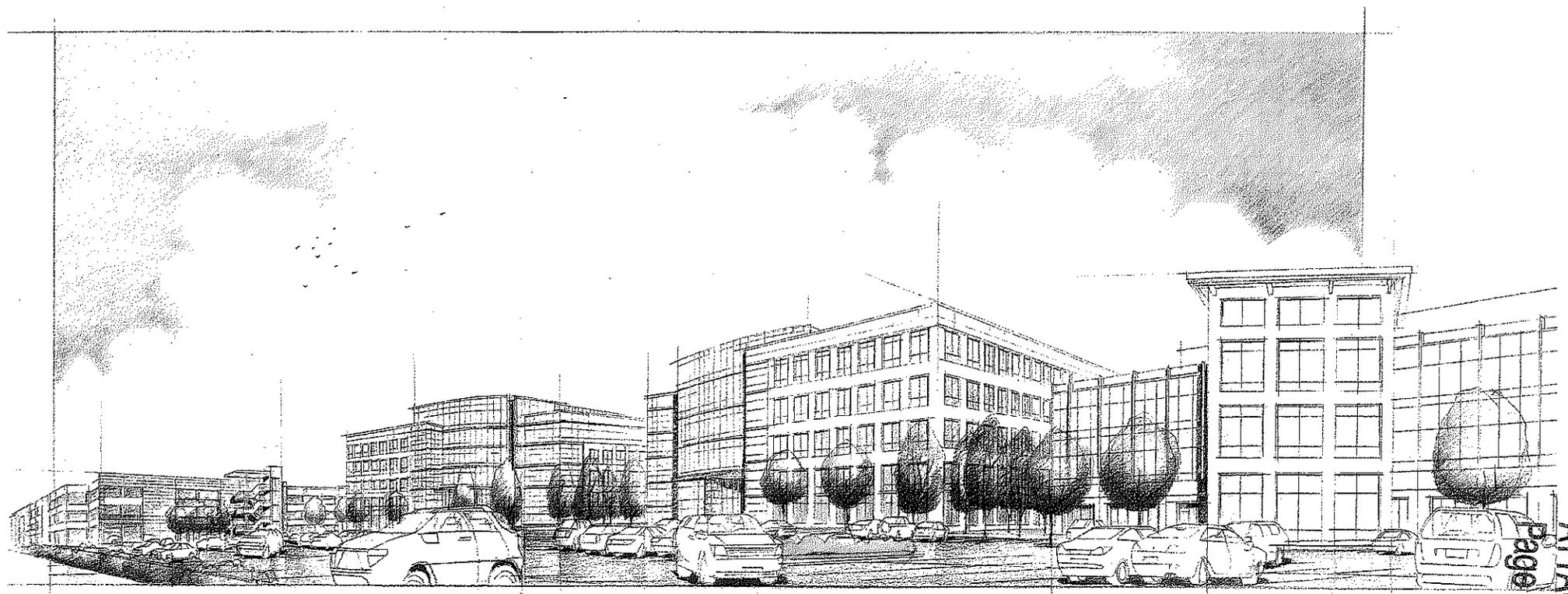
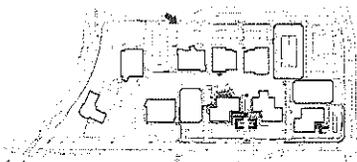
 **NetApp™** Network Appliance Corporate Site 1 sunnyvale, ca

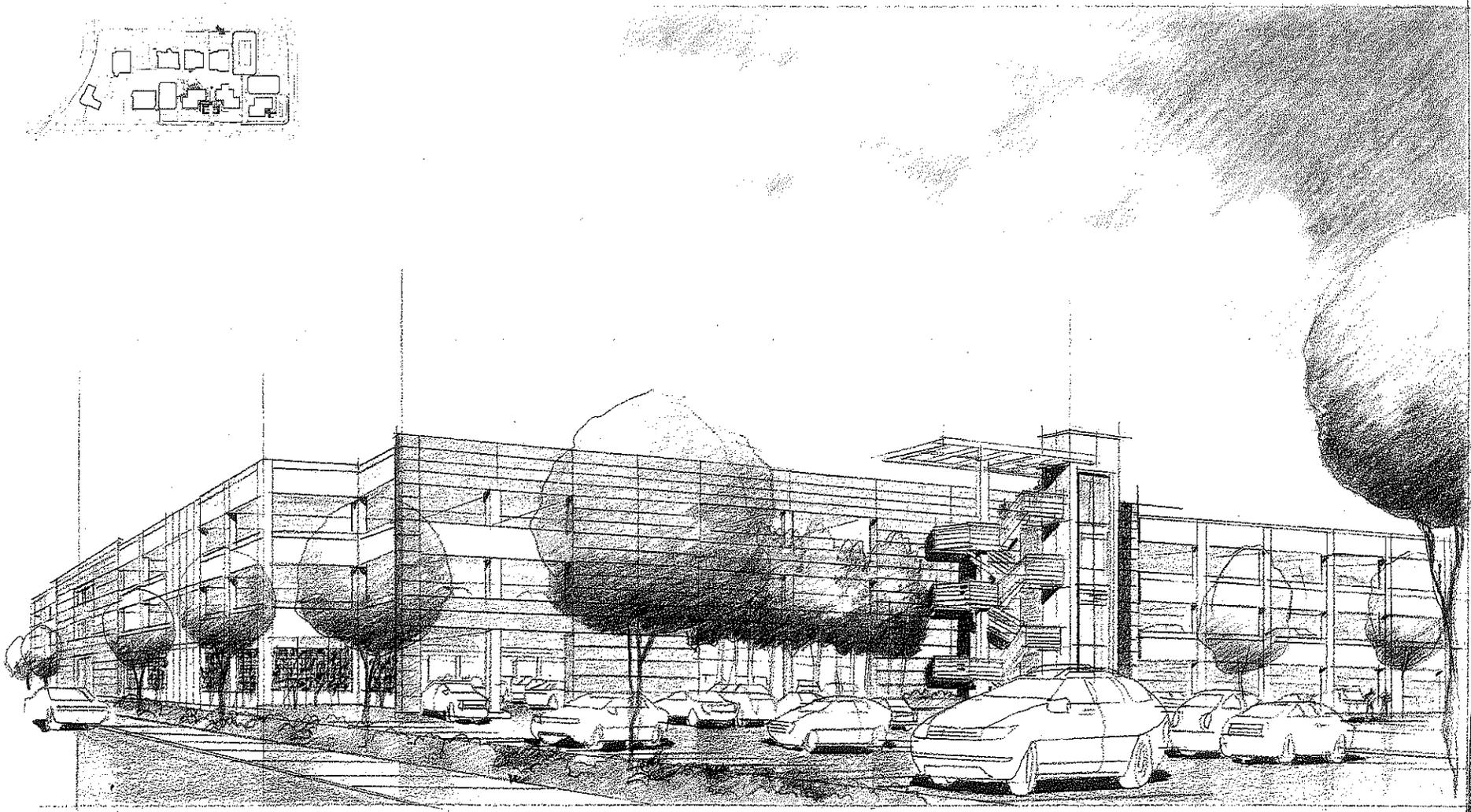
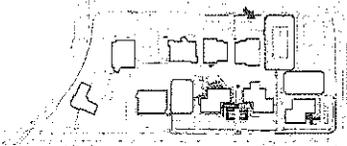
3. View of building 6 (building 5 similar)

11.11.2011
9606.22

DES
DESIGN
ARCHITECTURE

ATTACHMENT
Page 3 of 23
D





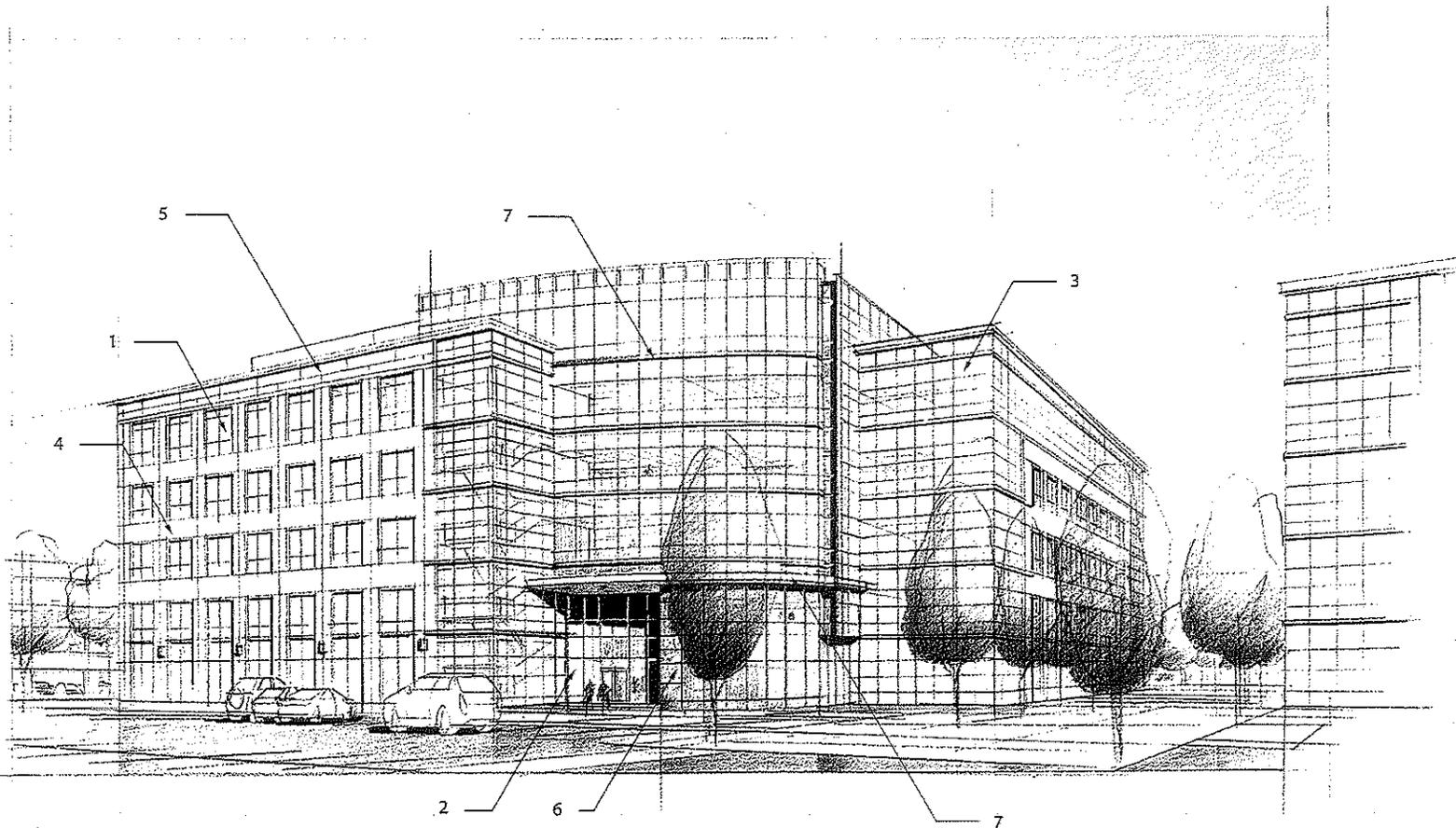
ATTACHMENT
Page 5
of 23
D

 **NetApp™** Network Appliance Corporate Site 1 sunnyvale, ca

5. View of parking structure b

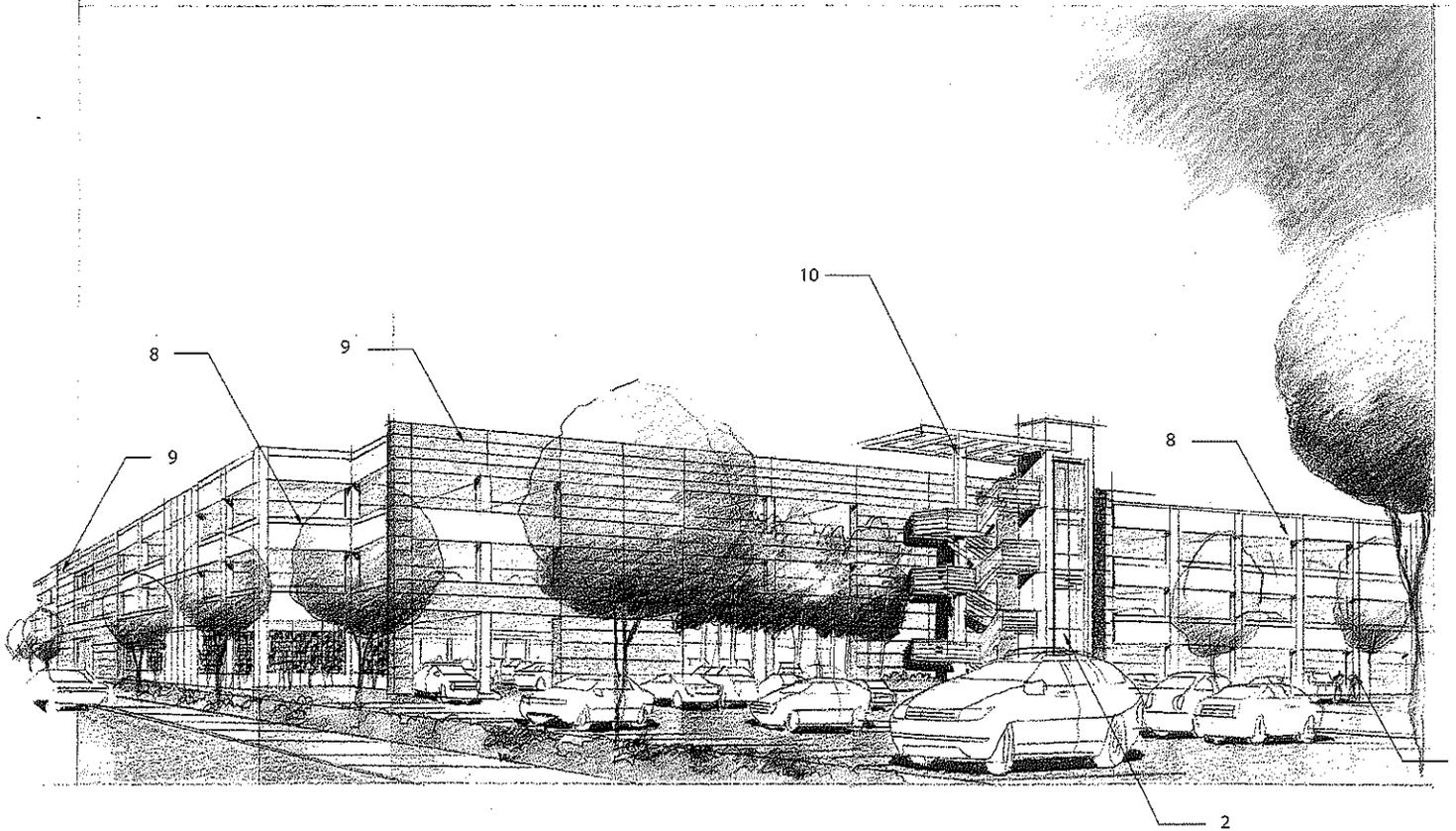
11.11.2011
9509.22

DES
ARCHITECTURE
INTERIORS



- 1 Insulated tinted glass in pre-finished aluminum mullions
- 2 Insulated clear low-e-glass occurs at lobby area only
- 3 Insulated spandrel glass in pre-finished aluminum mullions
- 4 GFRC 1 with reveals heavier sandblasted at floors 1-4
- 5 GFRC 2 with reveals lesser sandblasted at floor 5
- 6 Stone cladding
- 7 Metal panel
 - Mullions
 - Break metal
 - Canopy
 - Parapet
- 8 Painted concrete 1
- 9 Painted concrete 2
- 10 Painted steel canopy and structure

ATTACHMENT
 Page 6 of 23
 P



- 1 Insulated tinted glass in pre-finished aluminum mullions
- 2 Insulated clear low-e-glass occurs at lobby area only
- 3 Insulated spandrel glass in pre-finished aluminum mullions
- 4 GFRC 1 with reveals heavier sandblasted at floors 1-4
- 5 GFRC 2 with reveals lesser sandblasted at floor 5
- 6 Stone cladding
- 7 Metal panel
 - Mullions
 - Break metal
 - Canopy
 - Parapet
- 8 Painted concrete 1
- 9 Painted concrete 2
- 10 Painted steel canopy and structure

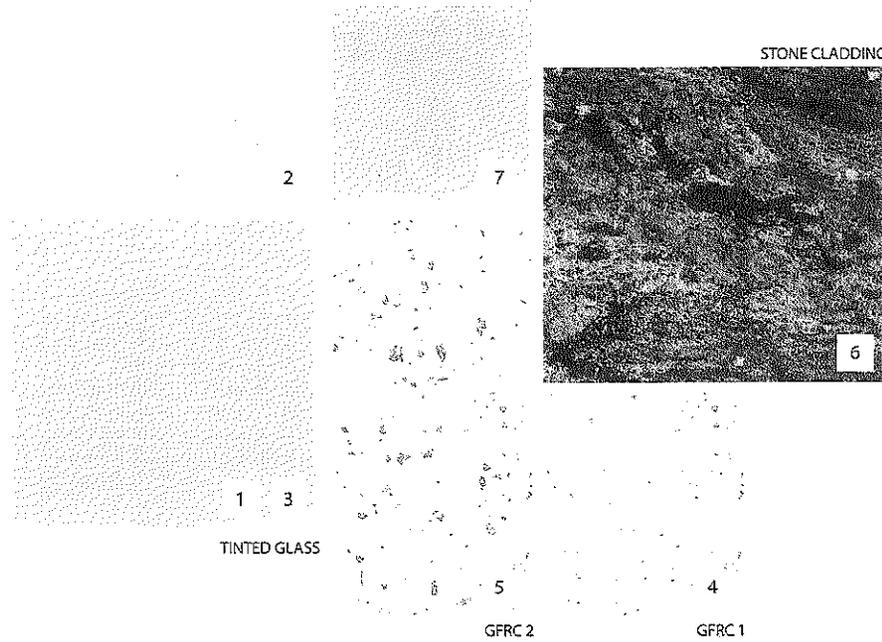
ATTACHMENT
 Page 7 of 23
 D

BUILDING MATERIAL FINISHES

CLEAR GLASS

METAL PANEL

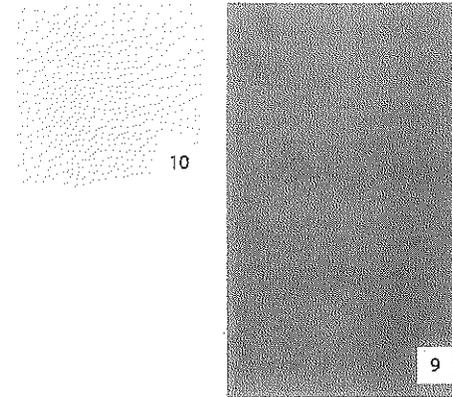
STONE CLADDING



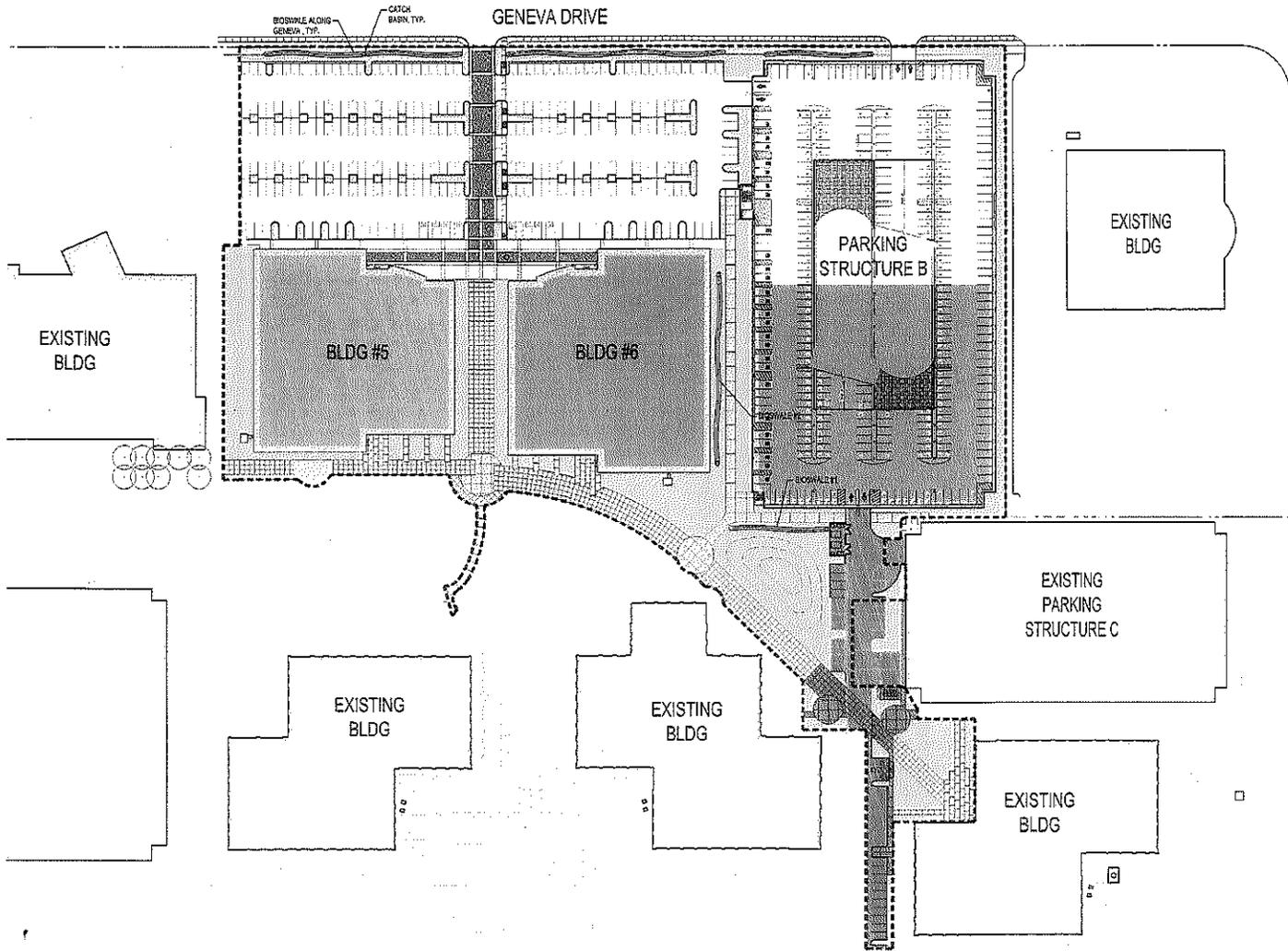
GARAGE MATERIAL FINISHES

PAINTED CONCRETE 1

PAINTED STEEL COLOR

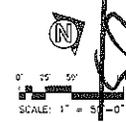


- 1 Insulated tinted glass in pre-finished aluminum mullions
- 2 Insulated clear low-e-glass occurs at lobby area only
- 3 Insulated spandrel glass in pre-finished aluminum mullions
- 4 GFRC 1 with reveals heavier sandblasted at floors 1-4
- 5 GFRC 2 with reveals lesser sandblasted at floor 5
- 6 Stone cladding
- 7 Metal Panel
-- Mullions
-- Break Metal
-- Canopy
-- Parapet
- 8 Painted concrete 1
- 9 Painted concrete 2
- 10 Painted steel canopy and structure



- LEGEND:**
- LIMIT OF WORK FOR NEW PROJECT
 - PROPOSED LOWER PODIUM FOOTPRINT
 - ▨ BLDG #5 ROOF TRIBUTARY AREA TREATED BY BIOSWALE ALONG GENEVA DRIVE
 - ▨ BLDG #6 ROOF TRIBUTARY AREA TREATED BY BIOSWALE ALONG GENEVA DRIVE
 - ▨ PARKING STRUCTURE ROOF TRIBUTARY AREA TREATED BY BIOSWALE ALONG GENEVA DRIVE
 - ▨ PARKING STRUCTURE ROOF TRIBUTARY AREA TREATED BY BIOSWALE BY BIOSWALE #1 & #2
 - ▨ LANDSCAPE AREA - SELF TREATING
 - ▨ PAVEMENT TRIBUTARY AREA TREATED BY BIOSWALE ALONG GENEVA DRIVE
 - ▨ PAVEMENT AREA TREATED BY PROPOSED LANDSCAPE AREA ADJACENT TO THE PAVEMENT
 - ▨ PAVEMENT AREA TREATED BY EXISTING BIOSWALE FROM BLDG 5 DEVELOPMENT
 - ▬ BIOSWALE

NOTE:
AREAS SHOWN ARE APPROXIMATE AND
SUBJECT TO REFINEMENT DURING THE DESIGN
OF THE IMPROVEMENTS



ATTACHMENT
 Page 9 of 25
 D



Network Appliance Corporate Site 1
Sunnyvale, CA

CONCEPTUAL STORMWATER TREATMENT PLAN

C4



10.17.2011
11.11.2011

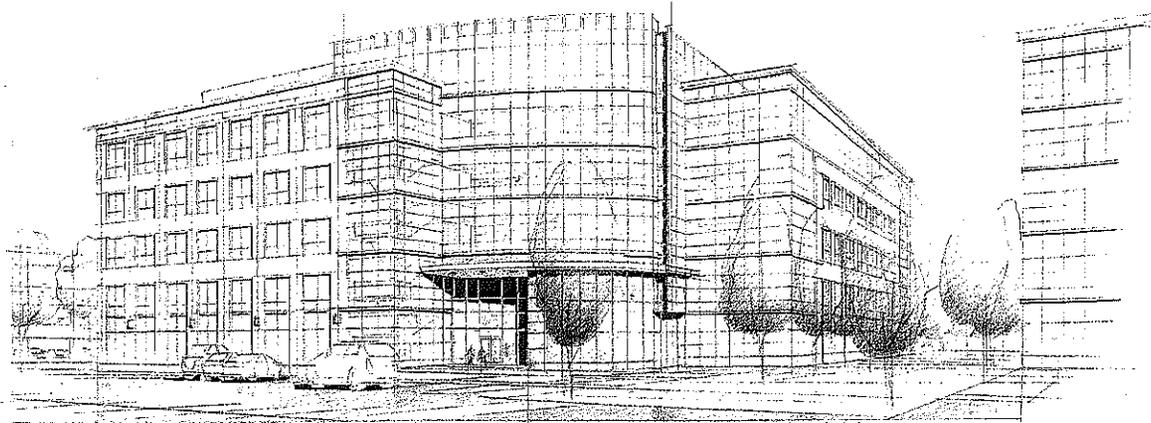
NETWORK APPLIANCE - SITE 1

Sunnyvale , California

MASTER PLAN SUBMITTAL

OCTOBER 17, 2011

UPDATED NOVEMBER 11, 2011



© 2011

ATTACHMENT D
Page 10 of 223

CONTACT

CLIENT/OWNER
 NETWORK APPLIANCE
 495 JAVA DRIVE
 SUNNYVALE, CALIFORNIA
 CONTACT: RALPH RENNE
 PHONE: (408) 822-7924
 EMAIL: Ralph.Renne@netapp.com

ARCHITECTS
 DES ARCHITECTS + ENGINEERS
 599 BRADFORD STREET
 REDWOOD CITY, CALIFORNIA 94063
 PHONE: (650) 364-6453
 FAX: (650) 364-2619
 WEBSITE: WWW.DES-AE.COM
 CONTACT: BRENT TAKAHASHI
 EMAIL: btakahashi@des-ae.com

PROJECT NOTE

A. ZONING DESIGNATION: MOFFETT PARK SPECIFIC PLAN
 B. OCCUPANCY TYPE: B
 C. TYPE OF CONSTRUCTION: TYPE II-4 (BLDGS 5 & 6)
 TYPE I-B (PARKING STRUCTURE B)
 D. HEIGHT OF NEW BUILDINGS: 5 STORIES (79.5 FT TO TOP OF PARAPET)
 (94.5 FT TO TOP OF ROOF SCREEN)
 HEIGHT OF NEW PARKING STRUCTURE: 4 STORY (42 FT TO TOP OF PARAPET)
 (46 FT TO TOP OF STAIR TOWER)
 E. SITE AREA:
 GROSS SITE AREA 1,998,975 SF (45.89 AC)
 - DEVELOPMENT SITE
 - ROADWAY AND SIDEWALK
 - OPEN SPACE AND LANDSCAPE AREA
 F. PROPOSED BUILDING USE: OFFICE
 G. DEVELOPMENT AREA:

NEW BUILDINGS	NO. OF STORIES	GROSS BUILDING AREA
BUILDING 5	5	196,695 SF
BUILDING 6	5	217,477 SF
TOTAL		414,172 SF
EXISTING BUILDINGS TO REMAIN	NO. OF STORIES	GROSS BUILDING AREA
BUILDING 1	4	26,760 SF
BUILDING 2	3	133,021 SF
BUILDING 3	3	133,021 SF
BUILDING 4	3	121,185 SF
BUILDING 7	5	189,697 SF
BUILDING 8	5	189,697 SF
BUILDING 9	5	189,697 SF
TOTAL		1,083,159 SF
TOTAL BUILDING AREA		1,497,331 SF

PARKING STRUCTURE B 4

H. PROPOSED FAR 0.764 FAR
 I. PARKING:
REQUIRED PARKING:
 OFFICE: 4,958 STALLS
 (3.34/1000)
EXISTING PARKING:
 SURFACE PARKING 1,919 STALLS (HC- 54 STALLS)
 PARKING STRUCTURE A 656 STALLS (HC- 14 STALLS)
 PARKING STRUCTURE C 568 STALLS (HC- 17 STALLS)
PROPOSED PARKING:
 SURFACE PARKING 313 STALLS (HC- 7, VHC- 1)
 PARKING STRUCTURE B 1,504 STALLS (HC- 22, VHC- 4)
 TOTAL 4,959 STALLS
 PARKING STALL DIMENSIONS
 STANDARD PARKING 8.5' X 18' 2,480 STALLS
 COMPACT PARKING 7.5' X 15' 2,479 STALLS (50% MAX)
 J. BICYCLE PARKING: 164 TOTAL
 68 CLASS I & 96 CLASS II
 K. LANDSCAPE AREA: 399,795 SF (20% MIN.)

VICINITY MAPS



SHEET INDEX

- 00 COVER SHEET
 - 01 PROJECT DATA, VICINITY MAPS AND SHEET INDEX
 - 02 MASTER SITE PLAN
 - 03 SITE I EXISTING PLAN
 - 04 SITE I PROPOSED PLAN
 - 05 SITE I PEDESTRIAN CIRCULATION PLAN
 - 06 BUILDING 6 FLOOR PLANS
 - 07 BUILDING 6 ELEVATIONS
 - 08 PARKING STRUCTURE B FLOOR PLANS
 - 09 PARKING STRUCTURE B ELEVATIONS
 - 10 SITE I LANDSCAPE PLAN
 - C1 CONCEPTUAL GRADING AND DRAINAGE PLAN
 - C2 CONCEPTUAL SANITARY SEWER PLAN
 - C3 CONCEPTUAL VEHICULAR CIRCULATION PLAN
- COLOR EXHIBITS**
- 1 SITE I PROPOSED PLAN
 - 2 MASTER SITE PLAN
 - 3 VIEW OF BUILDING 6 (BUILDING 5 SIMILAR)
 - 4 VIEW OF BUILDING 4, 5, 6 AND PARKING STRUCTURE E
 - 5 VIEW OF PARKING STRUCTURE B
 - 6 MATERIAL CALLOUT FOR BUILDING 6
 - 7 MATERIAL CALLOUT FOR PARKING STRUCTURE B
 - 8 MATERIAL BOARD
 - C4 CONCEPTUAL STORMWATER TREATMENT PLAN



Network Appliance Corporate Site 1
 Sunnyvale, CA.

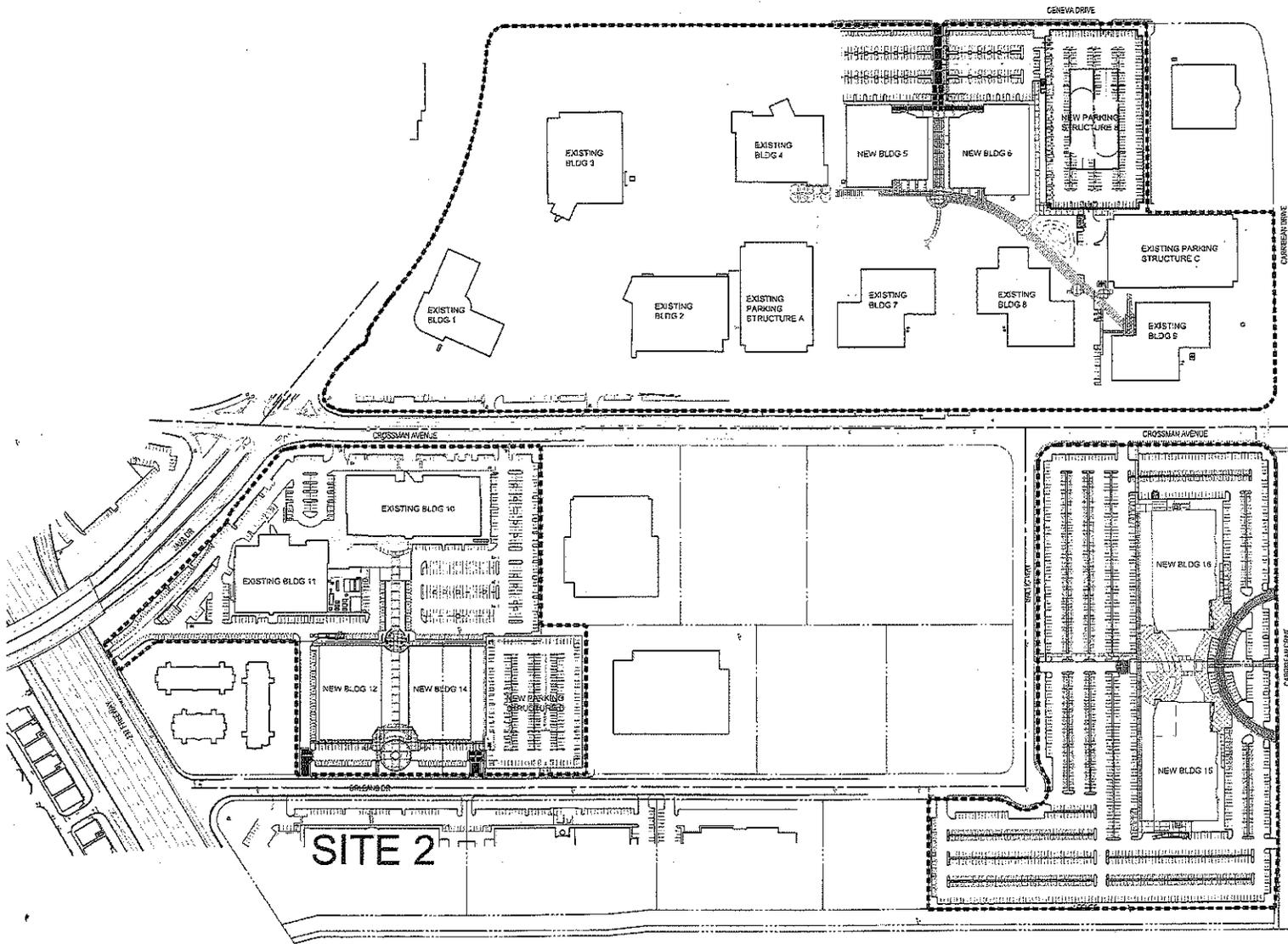
PROJECT DATA, VICINITY MAPS AND SHEET INDEX

01



© 2011
 Project Number: 5000

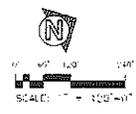
ATTACHMENT
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SITE 1

SITE 3

SITE 2



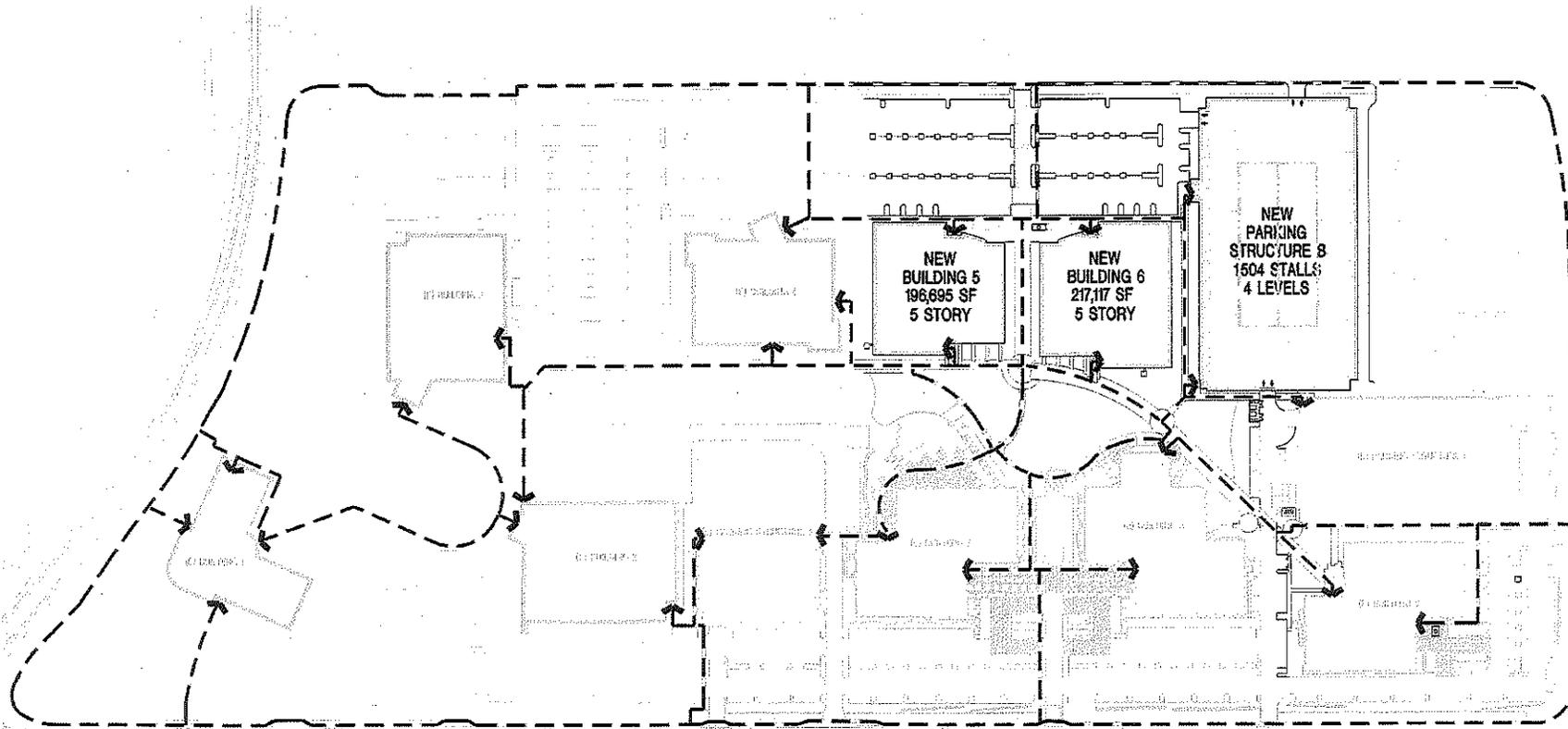
Network Appliance Corporate Site 1
Sunnyvale, CA.

MASTER SITE PLAN
10.12.2011
11.11.2011

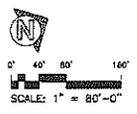
02



ATTACHMENT
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--- PEDESTRIAN CIRCULATION PATH



Network Appliance Corporate Site 1
Sunnyvale, CA.

SITE 1 PEDESTRIAN CIRCULATION PLAN

10.17.2011
11.11.2011

05

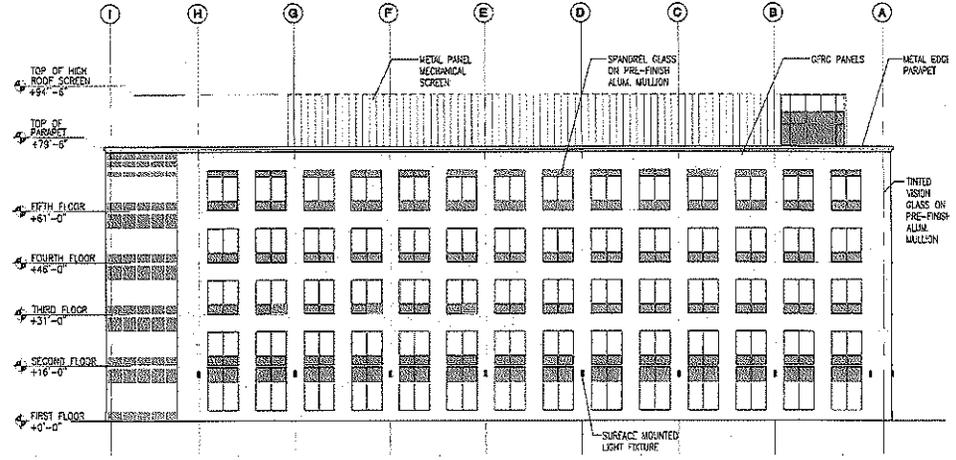


© 2011
Project Number: 80822

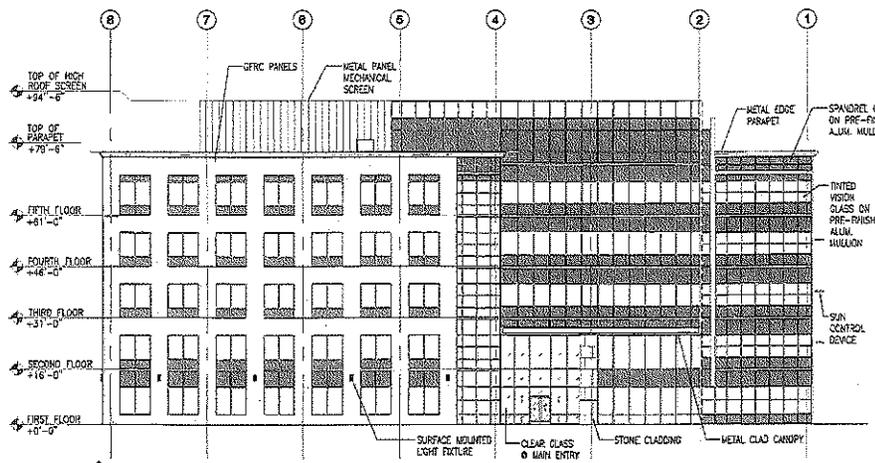
ATTACHMENT
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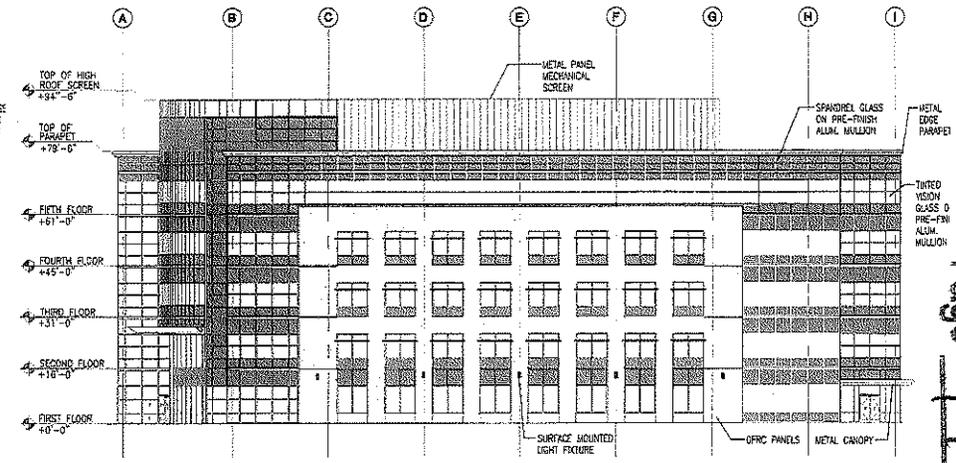
1 EAST ELEVATION
1/16" = 1'-0"



2 NORTH ELEVATION
1/16" = 1'-0"



3 WEST ELEVATION
1/16" = 1'-0"



4 SOUTH ELEVATION
1/16" = 1'-0"



Network Appliance Corporate Site 1
Sunnyvale, CA.

BUILDING 6 ELEVATIONS

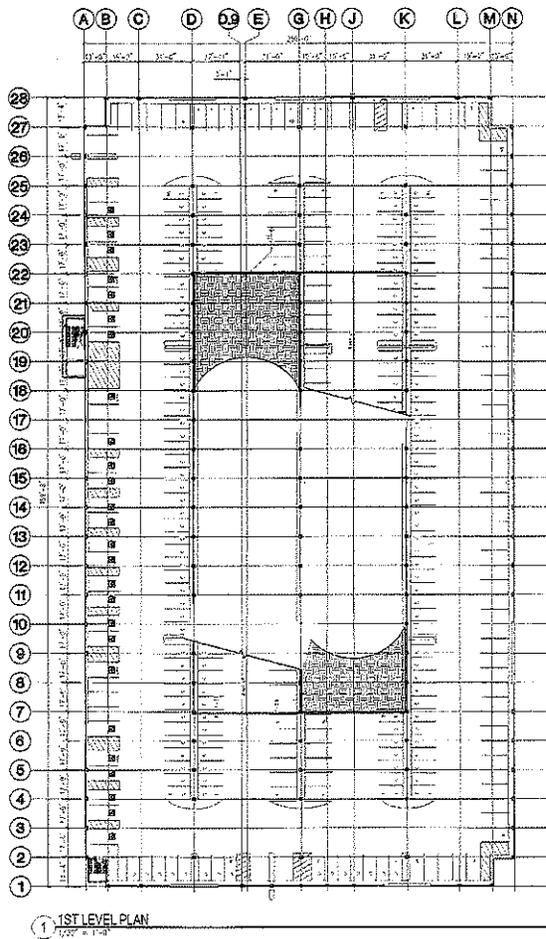
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11.15.2011

07

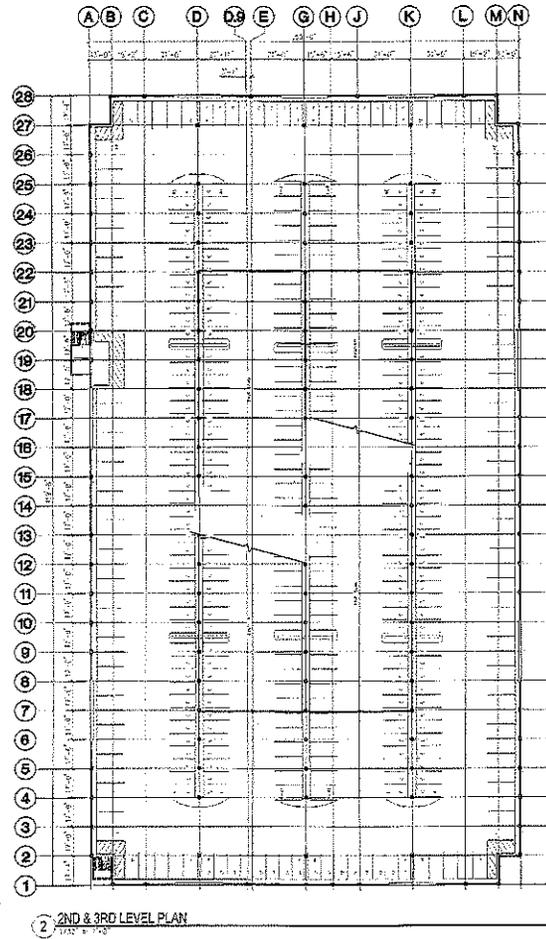


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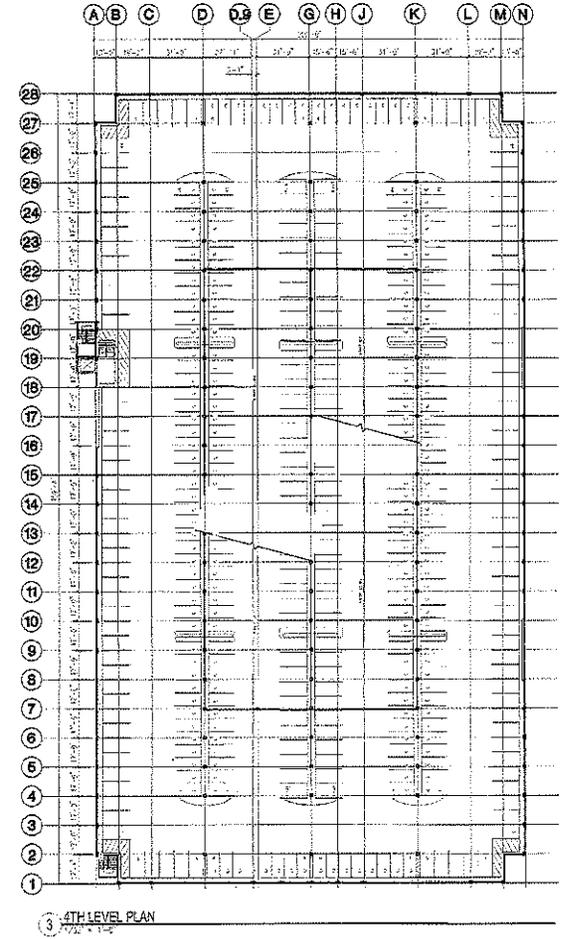
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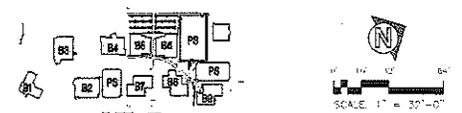
1 1ST LEVEL PLAN
10.17.2011



2 2ND & 3RD LEVEL PLAN
10.17.2011



3 4TH LEVEL PLAN
10.17.2011



Network Appliance Corporate Site 1
Sunnyvale, CA.

CONSTRUCTION
INCORPORATED
602 Quince Drive
Menlo Park, CA 94025
(650) 324-6200 Lic. #298183

PARKING STRUCTURE B FLOOR PLANS

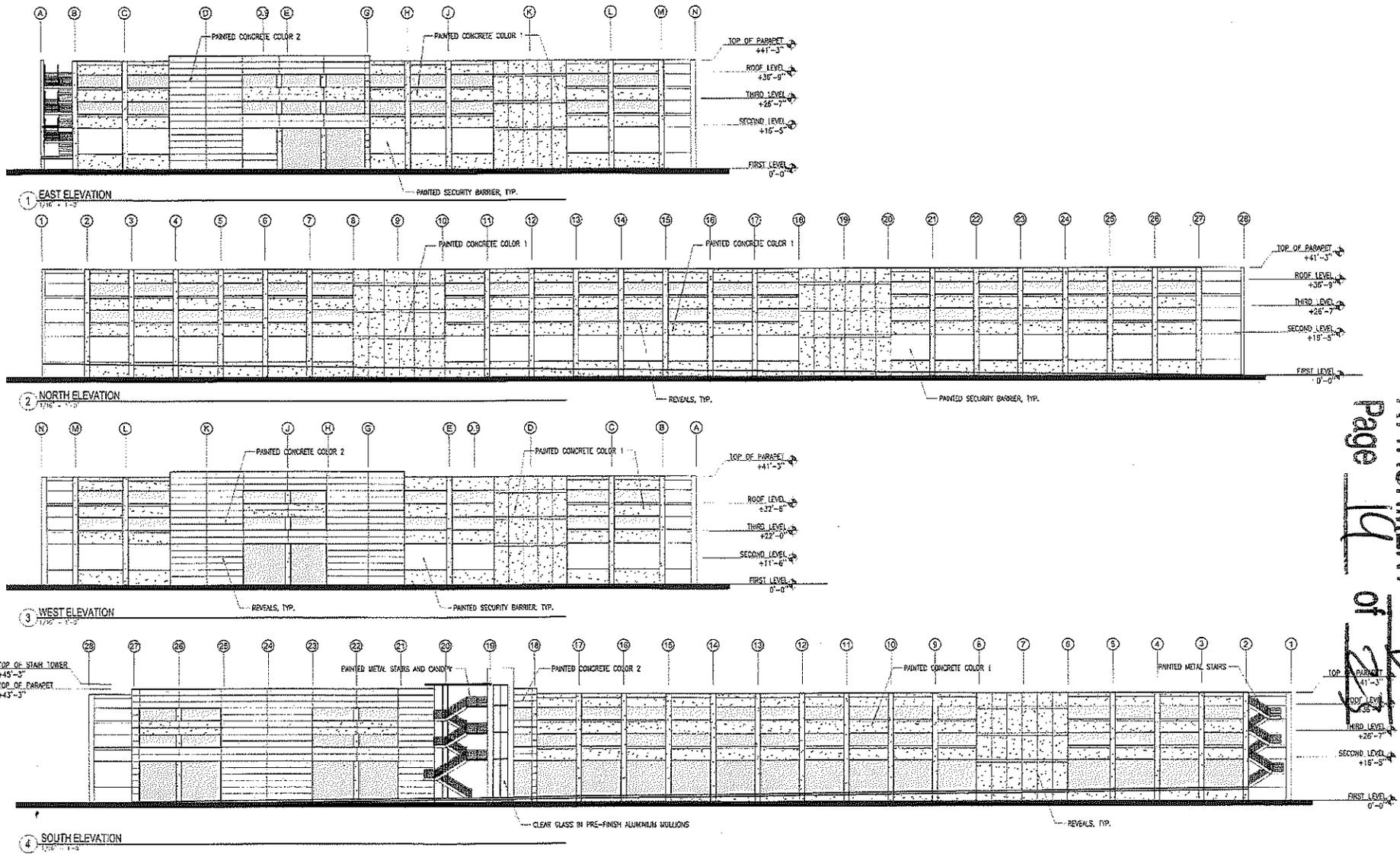
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11.11.2011

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Project Number: P0522

ATTACHMENT
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Network Appliance Corporate Site 1
Sunnyvale, CA.

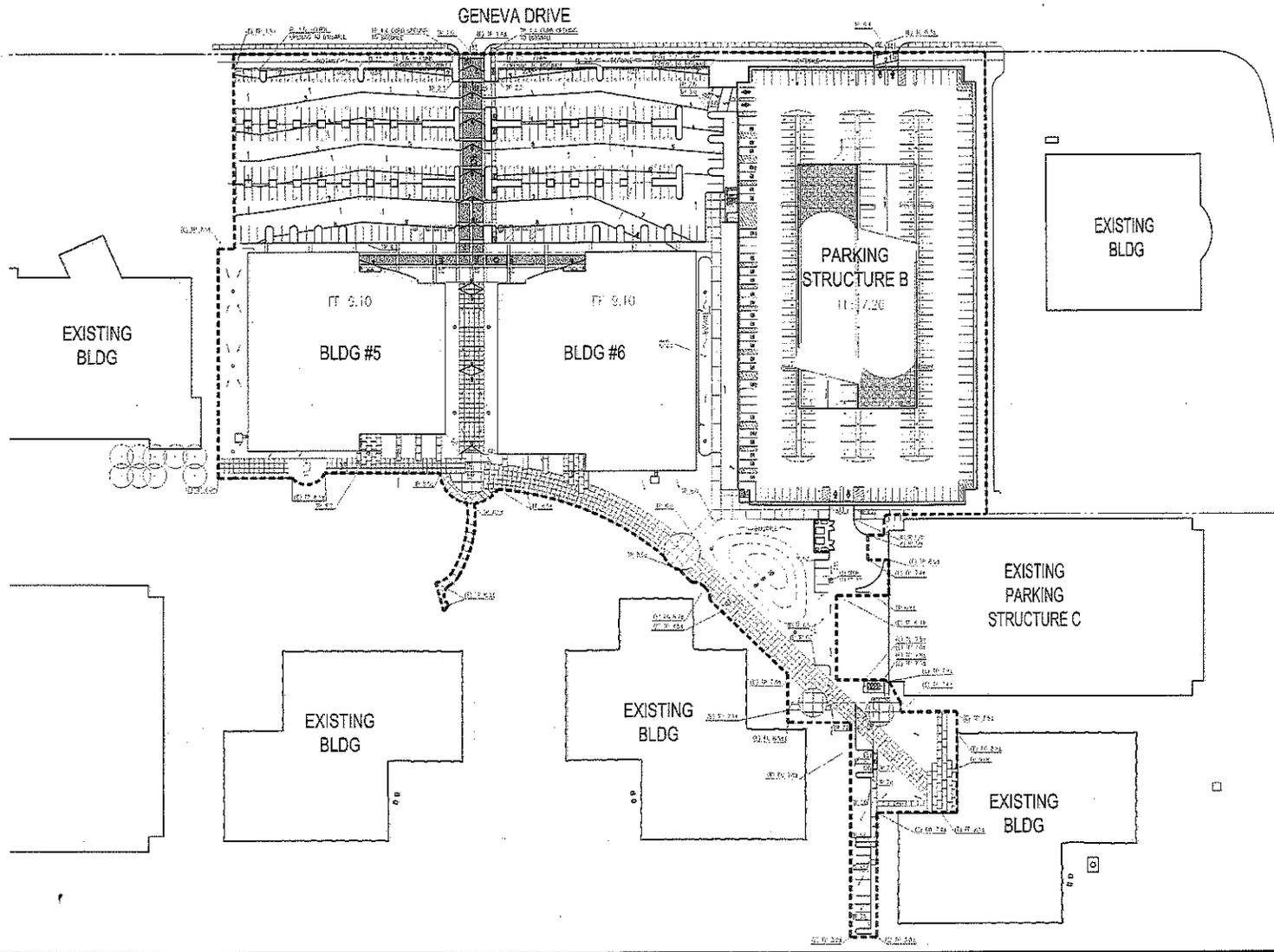
PARKING STRUCTURE B ELEVATIONS

10.12.2011
11.11.2011

09



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Project Number: 6568.02



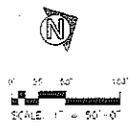
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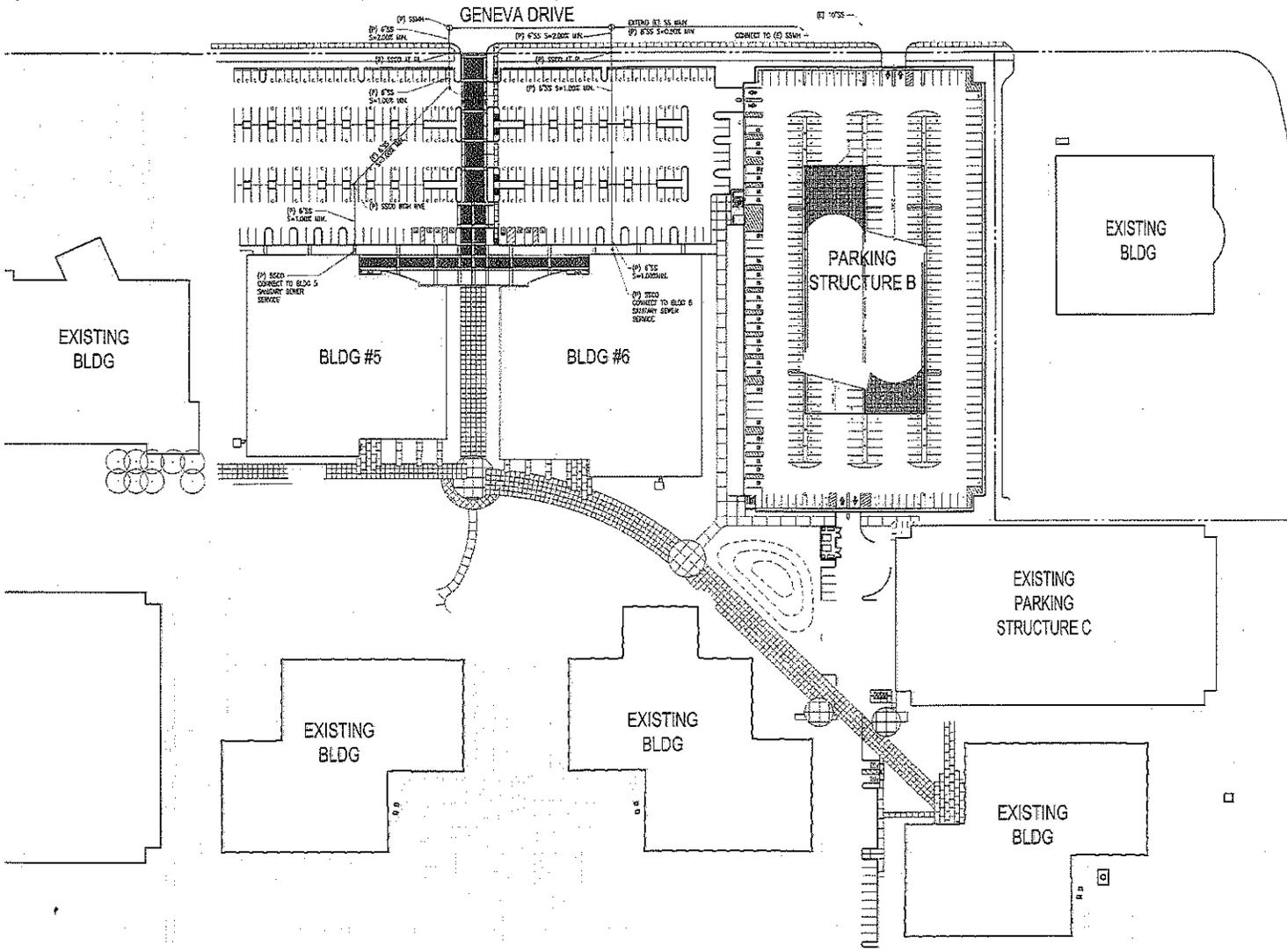
- LIMIT OF WORK FOR NEW PROJECT
- - - PROPOSED CONTOUR AT 1' INTERVAL
- - - PROPOSED CONTOUR AT 0.5' INTERVAL
- FF PROPOSED FINISHED FLOOR ELEVATION
- TP PROPOSED TOP OF PAVEMENT ELEVATION
- FL PROPOSED GUTTER FLOW LINE
- GB PROPOSED GRADE BREAK
- PROPOSED LOCATION FOR AREA DRAIN

NOTE:

1. SEE SHEET C4 - CONCEPTUAL STORMWATER TREATMENT PLAN FOR BIOSWALE LOCATION AND FLOW DIRECTION.

ATTACHMENT
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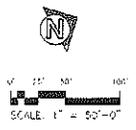




LEGEND

(E)	EXISTING
(P)	PROPOSED
PL	PROPERTY LINE
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SSCO	SANITARY SEWER CLEANOUT
⊙	PROPOSED SANITARY SEWER MANHOLE

ATTACHMENT D
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PROJECT DESCRIPTION ■

NetApp, Inc. with DES Architects+Engineers is excited to submit this proposed Master Plan for three adjacent NetApp sites that will address the future growth of NetApp and help redevelop the site as intended by the Moffett Park Specific Plan with newer, modern, energy-efficient buildings and landscaping while removing an older, energy-inefficient building.



NetApp, Inc. proposes to modify the existing Master Plan for their main site (Site 1) bounded by Java Drive, Geneva Drive, Caribbean Drive, and Crossman Avenue. The previous City-approved Master Plan for this site included development at 0.7 FAR for the original Parcel 1 portion and 0.5 FAR for the original Parcel 2 portion with the requirement that Buildings 5, 6, 7, 8, and 9 achieve a LEED-Silver equivalent. This equated to a total allowable building area of 1,375,978 square feet for Site 1. NetApp proposes to amend the Master Plan for this site by exercising the Green Building bonus by making the remaining new Buildings 5, 6, and 9 as LEED-NC Gold equivalent and Buildings 7 and 8 as LEED-EB Gold equivalent and, thus, increasing the FAR by 10% for the proportional ratio of site area that these buildings make up. This would entail a total FAR of 0.76 for the original Parcel 1 and a total maximum building area for the entire Site 1 at 1,496,971 square feet. This would increase the maximum allowable building area over the previously approved Master Plan by 120,993 square feet. Therefore, Building 5 and 6 would increase in size to absorb this additional area with an added fifth floor and slightly larger floor plate.

The Building 5 and 6 would be identical in height and similar mass as Buildings 7, 8, and 9. Building materials would also be the same type and color, including GFRC and curtain wall glazing. The exception would be a unique stone cladding and canopy at the main entry.

To accommodate the additional occupants of the enlarged Building 5 and 6, Garage B is to enlarge as well. With 4 levels, Garage B will be about half the high of the buildings and would be further buffered from view with trees along the west side along Geneva and along the south side adjacent to the parking lot.