



REPORT TO PLANNING COMMISSION

Hearing Date: May 14, 2012
File Number: 2012-7170

SUBJECT: SummerHill Homes / Dorothy Miller Family, LP: Application(s) on an 8.29 acre project located at 660-666 W. El Camino Real in a C-2/ECR Zoning District (APN: 201-22-011 & 201-23-029):

Motion 2012-7170 - Special Development Permit (SDP) to allow a mixed-use consisting of a 145-room hotel and 103 townhouse units;

Motion 2012-7170 - Vesting Tentative Map (VTM) to create 103 townhouse lots and three common lots for common area and private streets.

REPORT IN BRIEF:

Existing Site Conditions Vacant - Former Auto Dealership (Chevrolet); seasonal uses

Surrounding Land Uses

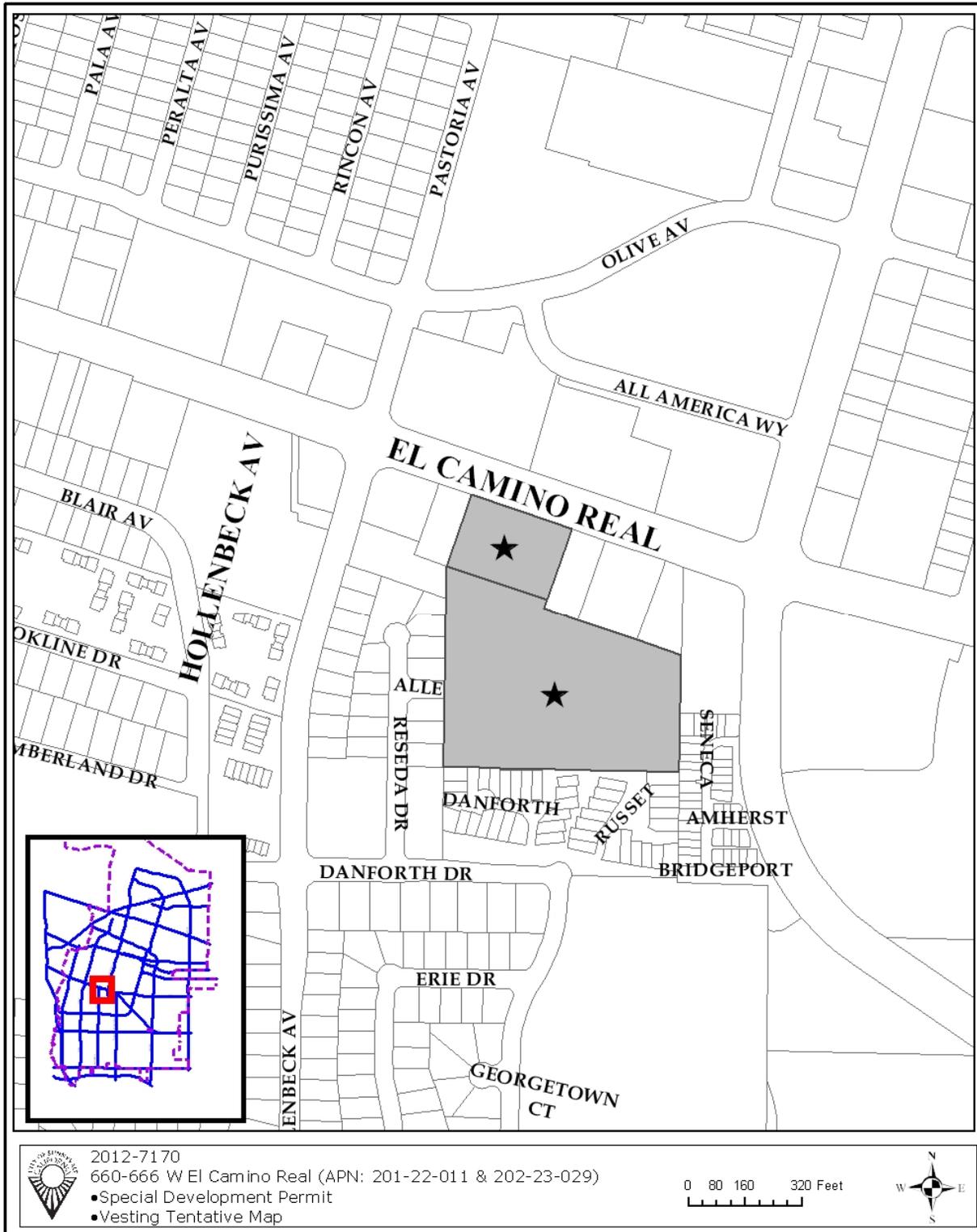
- North Civic Center / County Courthouse
South Multi-Family Residential - Townhouses
East Commercial & Multi-Family Residential - Townhouses
West Commercial & Multi-Family Residential - Triplexes

Issues Site Layout, Parking, Architecture

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

Staff Recommendation Adopt the Mitigation Negative Declaration and Approve the SDP and VTM with Conditions

VICINITY MAP



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|----------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------|----------------------------------------------------------------|
| General Plan | Commercial General Business | Same | Commercial General Business |
| Zoning District | C-2/ECR | Same | C-2/ECR |
| Lot Size (s.f.) | 361,112 | 361,112 (8.29 acres) | 87,120 (2 acres) |
| Commercial | N/A | 84,506 (1.94 acres) | 87,120 (2 acres) |
| Residential | N/A | 276,606 (6.35 acres) | No min. |
| Gross Floor Area (s.f.) | 42,948 | 72,812 (Commercial) 220,774 (Residential) | 72,257 min. (Commercial), no min or max (Residential) |
| Lot Coverage (%) | 12% | 19.8% (Commercial) 35% (Residential) | 40% max. |
| Floor Area Ratio (FAR) | 12% | 20% | 20% (commercial) |
| No. of Units | 0 | 103 | No max. |
| Density (units/acre) | N/A | 16.2 per net acre of the residential development area | No max. |
| Bedrooms/Unit | N/A | 2 - 4 | --- |
| Unit Sizes (s.f.) | N/A | 1,267 – 1,893 | N/A |
| No. of Buildings On- Site | 1 | 1 (Commercial) 26 (Residential site) | --- |
| Building Height (ft.) | Approx. 25' | 51' 6" (Commercial) 34'4" (Residential) | 75' max. |
| No. of Stories | 1 | 4 (Commercial) 2 & 3 (Residential) | 8 max. |
| Commercial Development Setbacks | | | |
| Front | Approx. 230' | 7' | 0' min. (per ECR Node standards) |
| Left Side | Unknown | 10' | No min. |
| Right Side | Unknown | 56' | No min. |
| Rear | Unknown | 91' | No min. |
| Residential Development Setbacks (First/Second) [Based on R-3 zoning standards] | | | |
| Front | N/A | 26' | 15' min. |
| Left Side | N/A | 20' | 6 min. (15' combined) |
| Right Side | N/A | 10'-20' | 6 min. (15' combined) |
| Rear | N/A | 20' | 20' min. |
| Landscaping (sq. ft.) | | | |
| Total Landscaping on Commercial Site | Approx. 4,791 | 18,844 | 15,768 min. |
| Total Landscaping on Residential Site | Approx. 5,227 | 94,960 | 56,454 min. |

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|-----------------------------------------------------------|----------|----------|------------------------------|
| Landscaping/Unit | N/A | 922 | 425 min. (per R-3 standards) |
| Usable Open Space/Unit | N/A | 541 | 400 min. (per R-3 standards) |
| Landscaping Buffer (ft.) | N/A | 10' | 10 ft. min. |
| Buffer (ft.) Adj. Residential | N/A | 10' | 10 ft. min. |
| % Based on Parking Lot | N/A | 24% | 20% |
| Commercial Parking Lot Area Shading (%) | N/A | 53% | 50% min. in 15 years |
| Residential Parking Lot Area Shading (%) | N/A | 56% | 50% min. in 15 years |
| Parking (Commercial Development) | | | |
| Total Spaces | N/A | 125 | 96 min. |
| Standard Spaces | N/A | 92 | 87 min. |
| Compact Spaces/ % of Total | N/A | 32 | 37 /30% max. |
| Accessible Spaces | N/A | 4 | 4 min. |
| Aisle Width (ft.) | N/A | 26' | 26' min. |
| Parking (Residential Development) | | | |
| Total Spaces | N/A | 257 | 257 min. |
| Standard Spaces | N/A | 252 | 253 min. |
| Compact Spaces/ % of Total Uncovered Space | N/A | 0 | 7/ 10% max |
| Accessible Spaces | N/A | 5 | 4 min. |
| Covered Spaces | N/A | 194 | |
| Aisle Width (ft.) | N/A | 24' | 24' min. |
| Stormwater | | | |
| Impervious Surface Area (s.f.) | 356,062 | 258,679 | --- |
| Impervious Surface (%) | 98.6% | 71.6% | --- |



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

BACKGROUND:

Previous Actions on the Site

The following table summarizes previous planning application related to the project site.

| File Number | Brief Description | Hearing/Decision | Date |
|-------------|------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------|
| 2011-7170 | Special Development Permit and Vesting Tentative Map for 17,302 s.f. of commercial development and 113 townhomes | City Council / Denial | 12/13/11 |
| 2004-0568 | Façade Change for Chevrolet Dealership | Miscellaneous Plan Permit / Approved | 7/9/2004 |
| 1977-0264 | Addition of a service Shelter Between two Existing Buildings | Planning Commission / Approved | 7/26/1977 |
| 1973-0158 | Redevelopment & Expansion of an Existing Auto Dealership | Planning Commission / Approved | 6/12/1973 |

An auto dealership development was originally constructed at the site in 1953 and expanded at later dates, as noted in the above table.

On November 28, 2011, a project for 17,302 s.f. of commercial space and 113 residential townhomes for the site was considered by the Planning Commission. The project was denied and later appealed by the applicant. Ultimately, the appeal was denied by the City Council on December 13, 2011.

DISCUSSION:

Requested Permits:

The proposed project includes the redevelopment of a former auto dealership site with a “mixed use” development consisting of 72,812 square feet of commercial floor area (hotel) and 103 townhouse units. The two uses are separated and do not function as a typical “mixed use” development; however, access from El Camino Real is provided to the residential development through the commercial area (secondary access is also provided from Allegheny). The project site currently consists of two parcels totaling 8.29 acres (one 1.46 acre parcel with frontage on El Camino Real, and a larger 6.83 parcel adjacently located to the south). Both parcels are located in the C-2/ECR (Highway Business/El Camino Real Precise Plan) zoning district. Modifications to the property lines would be made through the Parcel Map process that would allow

for the commercial development to be built on a 1.94 acre parcel and the remaining site area developed with a multi-family residential subdivision.

- **Special Development Permit**

A Special Development Permit (SDP) is required for use, site and architectural review of the proposed commercial and residential townhome development. An SDP may allow deviations from development requirements. The proposed project includes a parking deviation for the commercial development (see “Parking” discussion):

- Parking Spaces (125 spaces for the commercial development where 170 are required)

- **Vesting Tentative Map**

The proposed project requires a Tentative Map to subdivide the area to allow for future development of ownership residential units. The purpose of the Vesting Tentative Map is to entitle the project shown on the site plans, by displaying the location of lot lines for buildings, streets (public or private), etc., and displaying areas of future ownership lots. As indicated on the plans, a total of 103 residential units are proposed for site. The Vesting Tentative Map vests the developer’s right to build the project for the life of the map. It also secures the approved project against future Sunnyvale Municipal Code (SMC) changes by the City that might otherwise affect the project.

The Vesting Tentative Map is valid only in conjunction with the approved site map and approved Conditions of Approval. The standard Tentative Map Conditions of Approval are listed in Attachment B and the Tentative Map plans can be found in Attachment C.

ANALYSIS:

The project site is one of the primary opportunity sites along the El Camino Real corridor and is located in the “Downtown Node” as defined in the Precise Plan for El Camino Real. The staff analysis discusses issues such as mixed use, architectural design and conformance with specific site development standards.

Conformance with Adopted Policies

Use:

Precise Plan for El Camino Real: The Precise Plan supports residential development along the corridor consistent with the Grand Boulevard Initiative Guiding Principles, which promote transit-oriented mixed use development (see Attachment A). The Precise Plan conditions residential development on including a minimum amount of commercial development to maintain and enhance the commercial character and economic vibrancy of the corridor. This

is the first major proposal along El Camino Real since adoption of the Zoning Code amendments for El Camino Real Precise Plan properties. In contrast to the previous proposal that included about 5% FAR for commercial uses, the current proposal meets the required 20% FAR, as stated in the City’s adopted goals, policies and standards for commercial development along El Camino Real.

The site zoning is Highway Commercial/El Camino Real (C-2/ECR). Hotels uses are ideal for a highway commercial district and are consistent with the goals of the Precise Plan which states:

3.4.1 Land Use

Encourage a mixture of regional and community serving retail uses in accordance with the vision.

- a. *The following uses are permitted and encouraged:*
 - 3. *Hotels/motels*

The applicable FAR standard for this Precise Plan “Downtown Node” site is stated in Section 19.26.170. (b) of the Zoning Code:

S.M.C. 19.26.170. (b) Uses. *Mixed use development in a commercial zoning district within a Node area must have a minimum of twenty percent of the lot area (floor area ratio) as commercial use.*

Housing Policies: The project furthers the City’s Housing Element goals through the addition of 103 townhouse units of which 12.5% or 13 units would be below market rate (BMR) units.

Grand Boulevard Initiative: The City Council has adopted the Grand Boulevard Initiative Guiding Principles which provide further direction and policies for new development along El Camino Real as a result of collaboration with neighboring cities. The specific policies aim to improve links between adjoining communities while preserving the local need to ensure El Camino Real remains primarily as a retail corridor with high quality design (see Attachment A).

Architecture:

Commercial: The commercial architecture utilizes a modern architectural style that could be considered similar to the style of recently approved buildings located downtown. The building’s façade is primarily composed of painted and scored stucco with aluminum detailing. The building utilizes mostly rectangular forms with a curvilinear feature along the front façade. Projecting portions of the building break up the façade on each elevation. Contrasting paint colors of grey, beige, white and orange are utilized for the building. The peak of the hotel structure including roof screening reaches a height of 51’6”.

Residential: The overall residential architectural theme is described as early California style with modern style elements. Staff finds that the project incorporates good detailing with the use of various sized divided light windows, arched entries and windows with the use of shutters and planter boxes. The project also incorporates well-designed sectional garage doors and corbels at the balconies. Carriage style lighting is utilized at the residence entrances as well. Tile roofing is indicated for each multi-unit building. Overall, staff finds that the appropriate amount of detailing has been designed into the architecture. To provide a buffer and address possible privacy concerns to neighboring residential development, the design of the homes transition to two stories within the rear (south) portions of the buildings. The applicant has revised the plans to include a wider color palette per previous recommendations. Staff finds that the revised palette addresses the concerns of the Planning Commission and recommends C.O.A. PS-1b, staff will continue to work with the applicant to determine a final color palette that provides variation throughout the 103-unit site.

The architecture of the residential and commercial developments for the project differs in style but complement each other; both styles are generally compatible with the surrounding neighborhood.

Conformance with Development Standards

Details regarding the project proposal and conformance with other applicable codes and design guidelines are discussed below.

Site Layout: The subject property contains two existing parcels; a 1.46 acre lot along El Camino Real, and a 6.83 acre lot positioned adjacently to the south (these are proposed 1.94 and 6.35 acres respectively). The site layout for the project contains an L-shaped hotel building on the front (north) parcel adjacent to El Camino Real and a townhouse development consisting of 24 buildings towards the south.

A majority of the commercial building is positioned approximately 15 feet from the property line along El Camino Real; however, a curved portion of the building projects as close as 7 feet. Other portions of the building are set back 18 feet. Improvements to the landscaping and sidewalk of the frontage along El Camino Real are planned in accordance with VTA guidelines and those adopted in the El Camino Real Precise Plan. One access point is provided to the proposed hotel development along a drive aisle at the east end of the site adjacent to El Camino Real. The main driveway also runs directly through to the residential development behind the hotel.

The residential development would be located behind the hotel development on the larger lot. A modification to the exact location of the lot line that separates the developments is planned through the approval of a Parcel Map. The applicant has described the unit types as “townhouse” and “single-family

attached” units. Sunnyvale Municipal Code would define the entire development as townhouse style units due to the building design containing “three or more dwelling units that are separated by a common or party wall and each of which has ground floor access to the outside.” These two types of homes differ in layout. Those described as “townhouse” units contain private deck/balconies, whereas the described “single-family attached” units contain private yards. Geographically, the “townhouse” units are located within the northern half of the residential development and the “single family attached” units are located at the southern end, adjacent to established residential neighborhoods. The three-story townhouse units are located within 23 buildings, composed of three to seven units. The townhomes in the northeast quadrant of the site are positioned approximately 10 feet back from the commercial properties to the north separated by landscaping and walkways. A private road and landscaping strip separates the townhomes at the northwest portion of the site from the proposed hotel site. At such time as the adjacent commercial site redevelops it will need to observe landscape buffer and setback requirements appropriate for proximity to residential uses.

The 49 “single family attached” homes are designed with two and three-story elements and are composed of three or four bedrooms. The homes range from approximately 1,610 to 1,829 square feet (not including garage area). The 54 “townhouse” units are composed of three stories and range between two or three bedrooms (approximately 1,267 to 1,893 square feet, not including garage area). All units contain either a two-car garage or a tandem garage (More discussion noted in the “Parking section of the report). These units are designed with a minimum of a 20-foot setback to adjacent residential properties, as prescribed in the El Camino Real Precise Plan. The remaining units are composed of three stories. (Site and Floor plans are included in Attachment D.)

Circulation: The proposal provides access to the commercial and residential development from El Camino Real. The residential site layout has been redesigned to include a gated vehicular and pedestrian access off Allegheny Drive to the west. The sliding electronic gate would provide for access only to residents of the new residential development to prevent cut through traffic.

Pedestrian access is enabled from the residential development to the commercial site and El Camino Real along the west side of the main drive aisle into the site. This walkway has been widened from four feet to five feet per recommendations of the Planning Commission at a recent study session. The nearest bus stops along El Camino Real are west of the site across Hollenbeck Avenue and to the east across S. Mathilda Avenue.

To help achieve objectives of the Precise Plan for El Camino Real Downtown Node staff is recommending a connection between the commercial properties to the west and east. The Precise Plan states that it is desirable for the smaller properties in this portion of the Node to merge with this larger property for a

significant redevelopment opportunity. As the owners of the other sites do not desire change at this time, the cross access easements for parking and circulation will assist in allowing the independent properties to function more as a unified site (Condition of Approval GC-15).

Parking:

Commercial

The proposal notes a total 125 spaces on-site. A total of 170 spaces are needed for the hotel based on the required rate of one space per room, plus one per employee not living on-site, plus additional parking for separate uses on-site. The applicant has submitted a parking analysis, conducted by Hexagon Transportation Consultants, Inc., of similar business hotels in Sunnyvale. The analysis included a survey of parking counts at specific times of the day on separate days of the week. The counts were performed during weekday evening hours when parking demand peaks. The results indicate an overall rate of 0.67 occupied spaces per occupied room with no noticeable difference between the hotels. Based on this survey, an average of 98 spaces would be occupied for the proposed hotel use on this site if all 145 rooms were occupied. With 125 spaces, the project is parked at a rate of 0.86 spaces per room. Staff notes that the café will be primarily occupied by patrons of the site with a relatively small amount from outside visitors. The proposed parking for the project is halfway between the code standard and the survey results of similar hotels in the area (See Attachment G for more information regarding the survey).

Buses

Per comments received at the Planning Commission study session, the applicant has provided a shuttle bus turning radius plan (page 22 of Attachment D). Adequate clearance will be provided in the porte-cochere for temporary parking.

Residential

The project provides a combination of tandem and side-by-side two-car garages for each of the units. Per Municipal Code, the tandem style garages can only be considered one-car garages. A total of 12 units have tandem garages while 91 units contain two-car garages. Including guest spaces, a total of 257 parking spaces are provided where 257 are required for the residential development. Staff acknowledges that although considered one-car garages per Code, the tandem spaces provide additional parking area for the residential development. Although, staff finds that the provided survey justifies a reduced amount of hotel parking and is not recommending and conditions of approval, the surplus spaces nearby on the residential site that is to be utilized for guests could provide for additional overflow parking.

Per VTA guidelines, bicycle parking is required to be provided for the commercial and residential development. For commercial uses, a designated bike rack is shown along El Camino Real and lockers are shown on the opposite side of the building adjacent to the parking lot. Bicycle parking

guidelines for residential uses will be met within the garages of the individual units as well as racks provided near the clubhouse and common amenity area.

Landscaping and Tree Preservation: A preliminary landscape plan has been submitted which indicates compliance with Municipal Code standards for landscaping for the residential and commercial development. There are no specific usable open space standards for residential uses in the C-2/ECR Zoning District. When considering the appropriate amount of needed usable open space, staff recommends that the amount should correlate with the proposed density of the development. The project is proposed at an R-3 density; therefore, a total of 400 square feet per unit should be provided. The applicant has demonstrated that the site meets this requirement with an average of approximately 541 square feet per unit provided. Per Code requirements for developments greater than 100 units, a centralized clubhouse is required. The proposed community building/clubhouse is located towards the middle of the residential development. Additional common outdoor amenity area and play structures are located nearby.

The site currently has four protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four and a half feet from the ground. Although these trees are considered to be in relatively good health, each of them will be removed due to their location which is either within the footprint of the proposed structures, driveway or parking area for the new development. A significant improvement to the landscaping and an increase in the number of trees is proposed for the site over current conditions. Conditions of Approval further require four 36” box trees to be planted in replacement of the removal of the protected trees.

A rolled landscape median within the primary drive aisle at the El Camino Real entrance has been designed to enhance the development entrance. The median will be primarily composed of turf block and flowers to ensure adequate emergency vehicle access. Staff has included Condition of Approval BP-17k to ensure further consultation with staff and adequate design measures are implemented so that no conflict occurs with the necessary fire truck access to the site. No trees will be planted within this median.

Walls, Fences and Gates: Existing masonry walls will remain for the entire southern boundary of the site (Danforth Park) as well as a portion of the shared property line with residential uses to the east (Cherry Glen). A concern was brought forth by neighboring residents from the previous proposal regarding the location of an existing wall south of the subject site (Danforth Park). The developer is not planning to modify this wall with this proposal.

Several new property line walls are also proposed for the development (locations are noted in the Landscaping Plans of Attachment D). New eight foot concrete masonry walls are proposed along the entire development boundaries along the western boundary of the development as well along shared

boundaries with neighboring commercial uses along El Camino Real and Mathilda Avenue. An eight foot boundary wall is also proposed to be located between the commercial and residential uses of this project.

A seven-foot masonry wall is proposed for approximately half the distance along the eastern property line of the hotel site. For the remaining distance towards El Camino Real (beyond the driveway into the parking lot) a four-foot wood fence is proposed. Staff has included Condition of Approval BP-171 to ensure that the fence is designed at four feet or less (or landscaping in the form of low hedges may be proposed along this boundary) but a taller feature separating the two properties is not desirable due to the City's goal of enabling cross access through adjacent properties along El Camino Real. As stated previously in the "Circulation" section of the report, staff is recommending establishment of a vehicular and pedestrian easement between the commercial properties. To enhance the access between commercial properties there should be visual access across the sites.

Six-foot tall wood fences are to be located within the private yards of the residential development.

Trash and Recycling Access: Based on feedback at the Planning Commission study session, the proposal has been redesigned to provide a trash enclosure for the commercial development at the western end of the site behind the building (adjacent to the parking lot). Further design details for this enclosure are required to be worked out in consultation with the Public Works Department per Conditions of Approval. Staff has included Conditions of Approval that require the design of the structure to match the architectural style of the main building as well as review with the Department of Public Works for functionality.

A majority of the development is proposed to utilize individual pick-up for trash and recycling services. Townhouse buildings #4 through #8 would be served through three centralized trash enclosures noted on the site plan. Planning and Public Works Department staff have worked with the applicant regarding the appropriate number and locations for the structures as well as the needed circulation for trucks on-site. At their study session, Planning Commissioners noted concerns with the two types of pick-up service, including concerns with multiple collection times and the HOA administration of the two systems. Staff and the applicant explored whether one type of pick-up service (centralized enclosures or individual bin pick-up) can be utilized for the entire residential development. Due to needed circulation and the lack of staging area for individual bins or space for centralized enclosures, the applicant notes that the overall site-layout would need to be significantly redesigned and multiple units would likely be removed from the project. Although not considered ideal, the current combination of services has been determined to be acceptable. Design details and a waste management plan will be required to be worked out prior to building permits per Conditions of Approval BP-5 & 8.

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.

Art in Private Development: Although the hotel site does not quite meet the two acre minimum for commercial sites to require public art, the entire development area would have met this standard; therefore, staff recommends that the project provide public art per Sunnyvale Municipal Code Section 19.52. Conditions of Approval BP-11c & BP-15 require artwork in publicly viewable areas equal to 1% of the construction valuation of the commercial portion of the project.

Green Building Requirements: At this time, the project is required to achieve a minimum of 70 green building points to fulfill green building requirements for multi-family residential uses. In October, the minimum requirement will be raised to 80 points, per the latest adopted standards. The project is subject to the minimum standard at the time of Building permit application. The applicant has provided a GreenPoint Rated Checklist that demonstrates that the project is expected to achieve 80 points. Most of the green building points are incorporated into the design of the landscaping, building materials, heating, ventilation and plumbing. For the commercial development, the project is also required to meet LEED Silver (design intent). As required, verification of the green building measures will be completed by the Building Safety Division during the building permit process (Attachment B, Recommended Conditions of Approval).

Easements and Utilities: All utilities are required to be placed underground for the redevelopment. An existing 15-foot storm, sanitary, and water easement will be abandoned as part of the proposal. New easements to allow vehicular access to the residential development from El Camino Real will be created as well as an emergency access easement at the Allegheny Drive frontage.

Environmental Review

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

The Initial Study includes discussion about noise impacts from El Camino Real, and hazardous materials that are present as a result of previous activities on-site. Mitigation measures require that soil be tested by professionals, and if found to be contaminated, the soil shall be taken off-site during demolition and excavation activities. Ongoing clean-up measures are currently taking place.

Mitigation measures for the project include clean-up of the contaminated soil as well as certain noise rated construction for the residential units. These mitigation measures have been incorporated in the attached conditions of approval at the appropriate states of construction (Attachment B).

A traffic impact analysis was conducted by Hexagon Transportation Consultants for the original proposal which also included a scenario for a 120 residential unit and 148-room hotel project, which is larger than the current proposal. The analysis indicated that the project would not exceed 100 net new peak hour trips for the site. Although the previous proposal did not include vehicular access off Allegheny Drive, the study also evaluated possible impacts if this connection was provided. The analysis determined only minor increases in trip generation would occur. No further traffic mitigation measures were recommended.

FISCAL IMPACT

The applicant has provided a “Fiscal Impact Analysis” by Economic & Planning Systems in Attachment H which notes that a fiscal surplus is estimated at \$529,000 a year after completion of the project. This impact is based on the net new revenues of \$701,000 and expenditures of \$172,000 a year related to the project. The residential project covers its costs and generates a small fiscal surplus. More information regarding the Transit Occupancy Tax and Property Tax revenues can be found in the attachment.

Transportation Impact Fee

Projects resulting in net new peak hour automobile trips are subject to a transportation impact fee. The transportation impact fee is estimated to be \$146,073.63, and must be paid prior to issuance of a building permit. The amount is subject to the fee in place at the time of payment.

Park Dedication In-Lieu Fee

The project is subject to a park dedication or in-lieu fee for each new residential unit. The park dedication in-lieu fee is estimated to be \$1,460,741.04, based on the 3 acres/1,000 population standard, and must be paid prior to recordation of a Final Map. The amount is subject to the fee, based on a formula in the Municipal Code, in place at the time of payment.

PUBLIC CONTACT

A neighborhood meeting was held by the applicant on September 16, 2010, for the previous proposal which consisted of a similar residential site layout and on April 19, 2012 for the current design. Approximately 20-25 residents and property owners attended each of the two meetings. Comments and concerns from neighboring residents at the meeting included possible privacy impacts to properties adjacent of the site as well as landscaping along the shared

boundary walls. The location of the existing and proposed property walls was discussed along with the need for further coordination on the selected tree species. Staff has included Condition of Approval BP-17a to require further consultation with property neighbors regarding the placement of trees and landscaping within close proximity to shared property lines. Concerns by nearby residents from the original proposal were noted regarding the possibility of traffic being allowed through Allegheny Drive if a connection is enabled. The connection has been created as part of the revised proposal; however, access is limited to private residents and emergency vehicles. Staff has not received any written comments regarding the revised proposal. Letters of support for the previous project have been included in Attachment F.

Planning Commission Study Session: A Planning Commission Study Session was held for the subject proposal on April 23, 2012. The Commission noted their preference for the current proposal with increased commercial floor area over the previous project for the site. The Commissioners provided further comments regarding the site layout and architecture. Specifically, a concern was noted regarding the trash enclosure location on the commercial site which has since been relocated from a location adjacent to the primary driveway to an area within the parking lot at the west side of the property. The Commissioners also noted concerns with the amount of commercial parking. More information can be found in the parking survey to justify the reduced number of spaces. Added architectural detail has been incorporated into design of the hotel within the elevations facing the driveway and parking lot in response to comments from the study session. The applicant has provided additional details regarding the color palette for the townhomes. More detail has also been provided within the plans regarding the interface of the development's pedestrian connection to the neighboring site to the east.

Additional exhibits have been provided to show the amount of open space and parking distribution for the residential development. As stated in the report, the pedestrian connection between the two sites has been widened. The applicant has explored utilizing one style of trash pick-up (centralized or individual pick-up) in response to comments from the Commission; however, the proposal has not been modified due to limited area for enclosure locations or staging areas for individual bins. The applicant notes that in order to provide the needed staging area for individual bins; approximately two units would need to be removed from the proposal. Staff has explored this issue with Public Works staff and notes that the current combination of pick-up services is acceptable.

| 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 • 390 notices mailed to the property owners and residents within 300 ft. of the project site | <ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website |

CONCLUSION

Discussion: The proposal to develop 103 residential units and approximately 72,812 square foot (145-unit) of hotel is recommended for approval as it conforms with the Guidelines of the El Camino Real Precise Plan and meets most applicable Code standards. Most notably, the project meets the standard of providing 20% FAR for commercial uses within a mixed use development. Staff finds adequate justification for the requested parking deviation on the commercial site based on the analysis of similar business type hotels in Sunnyvale.

Findings and General Plan Goals: Staff is recommending approval for this project because the Findings (Attachment A) could be made.

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

ALTERNATIVES

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

RECOMMENDATION

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Project Description from the Applicant
- F. Letters from Other Interested Parties (related to previous proposal)
- G. Parking Survey conducted by Hexagon Transportation Consultants, Inc.
- H. Fiscal Impact Analysis by Economic & Planning Systems dated March, 2012

RECOMMENDED FINDINGS

Special Development Permit

Goals and Policies that relate to this project are:

Grand Boulevard Initiative's Guiding Principles for El Camino Real

1. Target housing and job growth in strategic areas along the corridor.

The project provides additional housing and job opportunities along the corridor by meeting the required amount of commercial development and medium density housing that blends in with the nearby residential development.

2. Encourage compact mixed-use development and high quality urban design and construction.

The project proposes medium density housing compatible with neighboring residential development and utilizes high quality design in both residential and commercial architecture. Conditions of Approval require minor design enhancements to the commercial and residential architecture.

3. Create a pedestrian-oriented environment and improve streetscapes, ensuring full access to and between public areas and private developments

The project incorporates a site layout that positions the building close to the street along with landscaping and sidewalk improvements that allow for a more pedestrian friendly environment. The proposal has been redesigned to enhance the pedestrian connections through widened walkways through the development.

4. Develop a balanced multimodal corridor to maintain and improve mobility of people and vehicles along the corridor.

The proposed project introduces residential uses to the site while achieving Code standards for mixed use projects within Node locations of the Precise Plan for El Camino Real. The project provides the desired amount of commercial development with 20% of the site area devoted to this use. Furthermore, upgrades to the project frontage in accordance with VTA Guidelines encourage further pedestrian mobility along this major commercial corridor.

5. Manage parking assets.

Although the project does not meet parking requirements per current City Code standards, Staff finds adequate justification based on parking analysis of similar uses within the local community. Additional transit

alternatives through nearby bus stops are provided along the busy corridor.

6. Provide vibrant public spaces and gathering places.

There is limited opportunity for public gathering area at the site. Based on the proposed hotel use, the on-site amenity area will be predominantly utilized by hotel patrons with some visitors. The outdoor patio area is positioned adjacent to El Camino Real and activates the frontage for the site and blends in with the planned frontage improvements. The residential development includes adequate private and public usable open space including a clubhouse, and a tot-lot area for future residents.

7. Preserve and accentuate unique and desirable community character and the existing quality of life in adjacent neighborhoods.

The proposed residential development is compatible with nearby multi-family uses in terms of density and design. The commercial development is positioned close to the street and away from the established and proposed residential uses. The proposed hotel use promotes commercial activity as it is ideally situated along a major retail and transit corridor near the center of the City.

8. Improve safety and public health.

Redevelopment of the site will improve the safety and public health for the site and surrounding area.

9. Strengthen pedestrian and bicycle connections with the corridor.

Improvements at the site should help strengthen the pedestrian connection along El Camino Real. Required bicycle facilities will also improve this mode of transportation along the corridor.

10. Pursue environmentally sustainable and economically viable development patterns.

The project utilizes environmentally friendly site and architectural design through the use of certain building materials and energy efficiency construction. The proposal does not utilize the full economic potential of the property as an automobile service station; however a hotel will have a positive fiscal benefit to the City.

Land Use and Transportation Element

Policy LT-4.1 *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

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

Policy LT-4.11: *Recognize El Camino Real as a primary retail corridor with a mix of uses.*

Policy LT-4.13 *Promote an attractive and functional commercial environment.*

Housing Element

Policy HE-4.2: *Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.*

Community Design Sub-Element

Policy CC3.1: *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for business, residents, and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

Precise Plan for El Camino Real

Policy 3.2.3 *To maintain and enhance the capacity of the street to accommodate automobile and transit traffic, while providing improved facilities for bicyclists and pedestrians.*

Policy 3.2.4 *To create a series of quality places which are valued by the people of Sunnyvale as attractive, functional and comfortable destinations.*

Policy 3.2.5 *To ensure that properties are developed and operated in such a manner as to minimize their negative impacts upon adjacent residential areas.*

Policy 3.2.6 *To design, develop and maintain the public right-of-way in a manner which creates a strong, positive image of the City of Sunnyvale for both residents and visitors.*

Policy 3.2.7 *To require quality design, architecture and landscaping which incorporate sustainable design principles.*

Policy 3.2.8 *To encourage development which supports the use of public transit.*

Policy 3.4.8

Mixed-use projects consist of more than one use on a site, either integrated in one building, or in separate buildings on one site and are unified by roadways, landscaping, and architecture. Typical mixed-use projects can include either projects with retail on ground floor and residential units above, or projects like the Cherry Orchard development that have retail on one portion of the site and residential units on another.

- a. Generally located at major intersections, on nodes*
- b. Emphasis on retail component, particularly at street level (strive for at least 25%)*
- c. Minimum 2-acre parcel for mixed-use projects with a residential component*
- d. Retail needs of the adjacent community should be met by a mixed use project*
- e. Mid-block mixed-use projects are discouraged*
- f. Access to residential use shall be separate from access to the commercial use on site*
- g. Tax income from a new mixed use project at least equal to what was historically present at the site*
- h. Underground parking garages should be encouraged in mixed use projects.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. (*Finding Met*)

Staff can make the finding that the project meets General Plan Policies, as listed above. The project is also consistent with most policies of the Precise Plan for El Camino Real for mixed-use projects. The project has been designed to meet the goal to preserve El Camino Real as the City's primary commercial corridor by providing 20% FAR of the site devoted to commercial uses (hotel). The project is located within a node but not at a major intersection. The entire site meets the two-acre threshold for redevelopment. Although an access point is proposed for the residential development off El Camino Real, which also serves commercial uses, a separate access point is provided off Allegheny Drive. Furthermore, staff finds that the project is consistent to each of the "Grand Boulevard Initiative's Guiding Principles for El Camino Real," as described above.

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

Redevelopment of the site will greatly improve the visual appearance of the site over current conditions; and could promote further redevelopment

within the surrounding area along El Camino Real. The proposed residential development also blends in with surrounding residential neighborhood. The project increases residential ownership opportunities as well as below market rate housing. The provision of cross access and parking easements the site will help tie together future redeveloped sites in the vicinity.

Vesting Tentative Map

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

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

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

ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS MAY 14, 2012

Planning Application 2012-7170

660 – 666 W. El Camino Real

Special Development Permit and Vesting Tentative Map for a 145-room Hotel
and 103 Residential Townhouse Units

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. PERMIT EXPIRATION:

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

- GC-3. ON-SITE AMENITIES:
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-4. BMR UNITS (OWNERSHIP):
The approved project is subject to the City's Below Market Rate (BMR) requirements as set forth in Sunnyvale Municipal Code Chapter 19.66, pursuant to the procedures established in the Administrative Procedures, as may be amended. The project will provide 13 Below Market Rate dwelling units in compliance with the BMR requirements set forth in the SMC and the Administrative Procedures. [SDR][HOUSING]
- GC-5. RECREATION FACILITIES:
The recreation facilities (clubhouse) shall be installed in connection with the first phase and included on the building permit plans for the first phase except as otherwise may be allowed by the Director of Community Development. [COA] [PLANNING]
- GC-6. STORMWATER MANAGEMENT PLAN:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-7. SIGNS:
Any proposed signage requires separate approval by the City prior to installation. [COA] [PLANNING]
- GC-8. FINAL MAP REQUIRED - This project is subject to, and contingent upon, the approval of a tentative map and recordation of a Final map prior to any permit issuance. All existing and proposed property lines, easements, dedications shown on the vesting tentative map are subject to City's technical review during the final map process. [COA] [PUBLIC WORKS]
- GC-9. MAP PHASING - If multiple maps are filed, all public improvement plans shall be approved prior to first map recordation. All public improvements shall be completed prior to first building occupancy, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

- GC-10 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 the first final map recordation and/or any permit issuance. [COA] [PUBLIC WORKS]
- GC-11. DEVELOPMENT FEES - The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to first final map recordation and/or any permit issuance, unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]
- GC-12. UTILITY IMPACT ANALYSIS – This project is subject to developer’s submittal and City approval of a focused “Utility Impact Analysis” and a stormwater management plan, in particular, the incremental and cumulative sanitary sewer impact analysis, the storm runoff tributary area before and after the project, etc. Sewer flow data may be required as needed. The utility improvements shown on the vesting tentative map is subject to change for compliance with any mitigated measures as identified by the focused “Utility Impact Analysis”. [COA] [PUBLIC WORKS]
- GC-13. EASEMENT DEDICATION - This project is requires a 1’ street dedication along El Camino Real to a Official Plan Line width of 60’ and a dedication of a 15’ pedestrian realm easement as required by the El Camino Real Precise Plan, unless otherwise approved by the Director of Public Works and the Director of Community Development. [COA] [PUBLIC WORKS]
- GC-14 EASEMENT RESERVATION – This project is subject to reservation of private storm drain, sanitary sewer, and water easements across Parcel 4 for the benefit of Parcels 2 and 3 and water easement across Parcel 3 for the benefit of Parcel 2. [COA] [PUBLIC WORKS]
- GC-15 COVENANT EASEMENT – Prior to issuance of a building permit or map recordation whichever occurs first, a "Covenant of Easement" shall be recorded which provides reciprocal ingress/egress and parking access for adjacent commercially zoned properties within the 500 & 600 block of W. El Camino Real (between S. Mathilda Ave and Hollenbeck Ave.) in accordance with the goals and policies of the Precise Plan for El Camino Real. The site plan shall be modified to incorporate to enable a logical drive aisle connection with neighboring properties to the west and east when redevelopment occurs at a future date. The site plan modification is subject to approval by the

City prior to recordation of the subject Covenant of Easement. Access points between properties may be modified with mutual agreement between adjacent property owners and subject to approval by the Director of Community Development. [COA] [PUBLIC WORKS]

- GC-16 RECORDATION OF EASEMENTS - Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map or prior to occupancy. Quitclaim Deed is required for abandonment of private easements. No permanent structures are allowed within any of the easement limits. [COA] [PUBLIC WORKS]
- GC-17 UTILITY COMPANY NOTIFICATION - All utility companies shall be contacted to establish appropriate easements to provide services to each lot/parcel. [COA] [PUBLIC WORKS]
- GC-18 ENCROACHMENT PERMIT – Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including traffic control plan per the latest CA Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed by the City’s Engineering Division [SDR] [PUBLIC WORKS]
- GC-19 FINAL MAP – Prior to the issuance of a building permit for construction of any building a final map shall be approved by the Director of Public Works [SDR] [PUBLIC WORKS]

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

- PS-1. REQUIRED REVIEW OF PROJECT PLANS:
The site and architecture plans are subject to review and approval by the Planning Commission. Revised plans shall be submitted that address the following:
- Hotel Design
- a) Incorporate an architectural element such as glass within the south and east (access road side) elevations.
- Residential Design
- b) The color palette shall be expanded to introduce more color variation within the project. [COA] [PLANNING]
- PS-2. EXTERIOR MATERIALS REVIEW:

- Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]
- PS-3. BMR STANDARD PERMIT CONDITION:
The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines]
- PS-4. PUBLIC IMPROVEMENTS: The permittee shall submit the public improvement plans to the California Department of Transportation (Caltrans) for review and approval prior to issuance of any city permit. A Caltrans encroachment permit is required and a copy submitted to the city. [COA] [PUBLIC WORKS]

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. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

- For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]
- BP-4. 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-5. RECYCLING AND SOLID WASTE ENCLOSURE:
The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The required solid waste and recycling enclosures shall:
- a) Match the design, materials and color of the main building.
 - b) Be of masonry construction.
 - c) Be screened from view;
 - b) All gates, lids and doors shall be closed at all times;
 - c) Shall not conflict with delivery/receiving areas;
 - d) Shall be consistent with the approved Waste and Recycling Management Plan;
 - e) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA] [PUBLIC WORKS/PLANNING]
- BP-6. 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-7. WASTE & RECYCLING REPORTING FORM (CONSTRUCTION):
To mitigate the impacts of large projects on local waste disposal and recycling levels, construction weights/volumes, demolition waste weights/volumes, and recycling weights/volumes are to be reported to the city, per city’s “waste & recycling reporting form” (electronic copy available) or a similar chart approved by the City. As part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report the Department of Public Works, Solid Waste Division both periodically and at project completion. [COA] [PUBLIC WORKS]
- BP-8 SOLID WASTE AND RECYCLING MANAGEMENT:
- a) Residential. Waste and recycling services for residential uses shall be maintained under a master account held by the homeowners

association (HOA). The HOA will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the appropriate documents and be submitted for approval by the City.

- b) Hotel. A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit.[COA] [PUBLIC WORKS]

BP-9 CONSTRUCTION PHASING AND MITIGATION PLAN:

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

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

BP-10. ROOF EQUIPMENT:

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

BP-11. 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 trips resulting from the proposed project, based on the fee in place at the time of payment, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU - Pay Park In-lieu fees based on the 3 acres/1000 population standard and the adopted land value in place at the time of payment, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]
- c) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the

construction valuation of the hotel development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [PLANNING] [SDR]

BP-12. CONSTRUCTION PHASING:

Building plans for permits for the hotel development shall be submitted prior to building permit issuance of no more than 25% of the residential development. [PLANNING] [COA]

BP-13. 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-14. EXHAUST AND OPENINGS:

The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-15. 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 Director of Community Development may accept a bond in lieu of the Art In Private Development Permit, however the permit application must be received prior to occupancy of the hotel. The application shall provide publicly visible artwork along El Camino Real. [COA] [PLANNING]

BP-16. BMR DEVELOPMENT AGREEMENT:

Before issuance of building permits for the project, the developer shall enter into a Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer

Agreement must be executed by both parties and recorded against the property, and will run with the land.

In the event that any Below Market Rate dwelling unit(s) or any portion thereof in the development is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units, which will remain subject to the terms of the Developer Agreement and the BMR requirements. Grantee hereby covenants to cause the City of Sunnyvale to be named an additional insured party to all fire and casualty insurance policies pertaining to said assisted units. [SDR] [HOUSING/BMR Administrative Guidelines]

BP-17. 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 the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) The applicant shall work with neighboring property owners to determine appropriate tree and landscaping species along the southern boundaries of the site.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- j) The landscaped median at the El Camino Real entrance may be designed with turf block or flowering plants. No trees shall be planted within the median. Further consultation with Fire Prevention staff and necessary design measures shall be implemented to ensure no conflict occurs with the fire truck access to the site.
- l) The proposed fencing along the eastern property line which separates the hotel portion of the site and neighboring commercial

uses may not exceed four feet in height. Landscaping in the form of low hedges may be proposed along this boundary.

BP-18. PRE-APPROVED, WATER EFFICIENT LANDSCAPE PLANS:

The developer shall submit a minimum of three landscape plans for review and approval by the Community Development Department. These plans will be reviewed through a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping code requirements. These plans shall be available for purchase by the future homeowners.

[PLANNING] [COA]

PRIVATE INSTALLATION OF LANDSCAPING (UNITS WITH PRIVATE YARDS): Future homeowners who choose to install the site landscaping privately (private landscape company or homeowner) shall submit for review and approval a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping code requirements. This MPP must be approved prior to installation of the landscaping. [PLANNING] [SDR]

BP-19. 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-20. LANDSCAPE BUFFER:

Install and maintain an 8-foot solid decorative masonry wall, as noted on the proposed plan between the hotel and residential uses (on-site). The height of the wall shall be measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

BP-21. 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 (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.

- 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. [COA] [PLANNING/CITY ARBORIST]

BP-22. TOT LOTS:

As noted in the plans, a “tot lot” shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities on a secured area of at least 1,500-sq. ft. each. The building permit plans shall include construction details for the “tot lot” and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-23. 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-24. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

BP-25. BEST MANAGEMENT PRACTICES - STORMWATER:

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-26. CITY STREET TREES:

The landscape plan shall including street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]

BP-27. EXTERIOR LIGHTING PLAN:

Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the hotel site and 8 feet in height on the residential development and the periphery of the hotel project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

- BP-28. PHOTOMETRIC PLAN:
Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. . [COA] [PLANNING]
- BP-29. LIGHTING SPACING:
Installation of lights at a minimum of 50 feet interval along all private streets. [COA] [PLANNING]
- BP-30. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):
A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
 - b) The property manager/homeowner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use.
 - c) Clearly indicate that the property manager/homeowner’s association shall not rent or sell unassigned spaces, except that a nominal fee may be charged for parking management.
 - d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
 - e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
 - f) Notify potential residents of the number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]
- BP-31. PARKING MANAGEMENT PLAN (NON-RESIDENTIAL):
A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) Employee parking locations shall be away from the building, in parking spaces that are the least used.
 - b) Specify the location and term of short-term parking.
 - c) Allow the use of valet parking when appropriate on sites with limited parking.
 - d) Employees shall be required to park on the site.
 - e) Provide adequate signage to direct traffic and pedestrians [COA] [PLANNING]
- BP-32. COMPACT SPACES:

- Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]
- BP-33. BICYCLE SPACES-HOTEL:
Provide five Class I (double sided bike locker) and one Class II (bike racks) per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]
- BP-34. GREEN BUILDING (HOTEL):
Final plans shall incorporate a completed LEED green building checklist demonstrating the hotel portion of project design achieves a LEED Silver level as verified by a qualified LEED consultant. [COA] [PLANNING]
- BP-35. GREEN BUILDING (RESIDENTIAL):
The project shall comply with the City's Green Building zoning standards applicable at the time of approval of the vesting tentative map. The residential portion of the development is required to achieve 70 Build it Green points for building permit applications received prior to October 1, 2012 (80 points if after). [COA] [PLANNING]
- BP-36. KNOX BOX:
Knox boxes for buildings and knox padlocks are required for fire access road collapsible bollards. [COA] [FIRE PREVENTION]
- BP-40 CITY STREET TREES – The landscape plan shall include existing and proposed City street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]
- BP-41 CONNECTION FEES – The developer shall pay all applicable Public Works fees including utility frontage fees, connection fees, and off-site improvement plan and inspection fees prior to issuance of any building permit or encroachment permit, whichever comes first. This includes an incremental sewer connection fee estimated at \$454,946.58 and an incremental water connection fee estimated at \$52,530.00. [COA] [PUBLIC WORKS]
- BP-42 NOISE REDUCTION:
Final construction drawings shall incorporate all noise mitigation measures as set forth under “Mitigation Measures” in the approved environmental document and all plans shall be wetstamped and signed by the consultant. [COA] [PLANNING] Mitigation Measure:

- WHAT: 1) Hotel windows shall have sound insulation ratings in the range of STC 34 to 36 in guest rooms, and STC 30 in the café, along El Camino Real. Other hotel facades are expected to need windows with sound insulation ratings in the range of STC 34 and below.
- 2) Final floor plans and elevations shall be reviewed during the design phase to ensure that DNL 45 dBA or lower indoors in residences as indicated in the preliminary plans. Preliminary estimates assume that exterior walls will provide sound insulation similar to 3-coat stucco over wood sheathing, insulation in stud cavities, and at least 1-layer of gypsum board on the interior.
- 3) Where residential and hotel windows must be closed to meet the interior noise criterion, the design must include "...a ventilation or air conditioning system to provide habitable interior environment." This should be discussed with the project mechanical engineer. This applies to the hotel, and the row of residential buildings nearest to El Camino Real (TH 1,3,4,5,6,7, and 8)
- 4) Outdoor noise levels vary, depending on the location and orientation on-site.
- a) Hotel – Due to the expected shielding from the proposed hotel building, estimated future traffic noise in the pool area is DNL 60 DBA or lower.
 - b) Residential – Except where outdoor use spaces have a direct line-of-sight to EL Camino Real, estimated future noise levels at residences are within the City's goal of DNL 60 dBA. This includes the common outdoor use space adjacent to the Community Room.
- 5) Outdoor residential air condensing units, and other mechanical equipment must incorporate mitigation measures to reduce property line noise to the Municipal Code limits. Details should be determined during the design phase.
- WHEN: These mitigations shall be converted into conditions of approval for this Special Development Permit prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance.

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

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

BP-43 AIR QUALITY:

The following measures as set forth under “Mitigation Measures” related to air quality in the approved environmental document shall be demonstrated: [COA] [PLANNING] Mitigation Measure:

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

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

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

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

BP-44 HAZARDOUS MATERIALS:

The project shall comply with all necessary requirements regarding hazards and hazardous materials. [COA][PLANNING] Mitigation Measure:

WHAT:1) Impacted soil was discovered during subsurface exploration. Although, not found to be pervasive, additional impacted material is anticipated to be located elsewhere on the property. The impacted areas are likely to be found in localized areas. More extensive sampling would need to be considered in order to quantify the amount of impacted material. Impacted material could be managed and mitigated at the time of demolition.

2) An environmental professional should be on-site during demolition and excavation activities to properly assess the extent of impacted areas. Soil containing the pesticides above residential criteria, and the soil containing petroleum hydrocarbons and lead above screening criteria shall be excavated and disposed off-site at a treatment facility prior to residential development. A plan for disposal and verification shall be submitted to the City.

3) According to the historical records reviewed, some of the structures were constructed at a time when asbestos-

containing building materials (ACBM) and lead-based paints may have been used, A CAL-OHSA certified ACBM and lead based paint contractor shall be retained to assess structures prior to any renovation or demolition activities.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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

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

IP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED IN THE IMPROVEMENT PLANS. IMPROVEMENT PLANS SHOULD BE SUBMITTED CONCURRENTLY WITH THE BUILDING PERMIT PLANS.

IP-1 STREETScape IMPROVEMENTS: The following streetscape improvement shall be included in the improvement plans and shall be subject to review and approval by the Director of Public Works and the Director of Community Development prior to issuance of encroachment permit: [COA][PUBLIC WORKS]

- a) Streetscape elements shall be designed in accordance with the Precise Plan for El Camino Real Standards and Specifications of the City of Sunnyvale.
- b) Street trees shall be a minimum of 15 gallon or 24-inch box trees or as determined appropriate of a smaller size by the City arborist. Final selection of street tree species shall be approved by the City arborist.
- c) Backflow devices, water pipes, and other appurtenances (e.g. irrigation, standpipes, DCDAs) not placed underground are to include screening and covers as approved by the Director of Community Development and City Engineer. Covers should be black, metal mesh with rounded top covers (i.e. – “mailbox style”), or equivalent.

IP-2 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. [COA][PUBLIC WORKS]

- 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 connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
- e) 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.
- f) 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.
- g) All lots/parcels shall be served by utilities, allowing each lot/parcel to function separately from one another.
- h) 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.
- i) 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.
- j) 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.
- k) 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.
- l) No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.
- m) Installation of new Radio Read meters will be required.
- n) Master metering of water utilities shall be per latest City Council policy 3.1.2.

- o) The existing fire hydrant shall be upgraded to Clow-Rich 75. Install new above ground double check detector assembly for fire services per city standard detail 21B.
 - p) Fire service and domestic service shall be separate.
 - q) A looped water system with 2 points of connection to service the development shall be provided at El Camino Real and Allegheny Drive.
 - r) Remove existing driveways and install new driveways to comply with ADA requirements as per city standard detail 6C-3.
 - s) 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.
 - t) Adequate drainage/erosion control shall be provided at all times during each phase of the development.
 - u) Submit a traffic control plan with the off-site improvement plans for review and approval.
 - v) A separate irrigation water meter with backflow prevention device shall be installed.
 - w) The fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc for a minimum of 4 feet.
 - x) All catch basins and storm drain inlet facilities shall be stenciled with the appropriate "No Dumping" message as supplied by the Public Works Department.
- IP-3 TRANSPORTATION AND TRAFFIC - Unless otherwise noted, the following Transportation and Traffic conditions shall be satisfied prior to building permit issuance (except demolition, rough grading, excavation, foundations up to grade level, and utilities), or shown on the building permit plan submittal. [COA][PUBLIC WORKS]
- a) Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit. Improvements shall include but not be limited to:
 - i) Submit a signage and striping plan in accordance with the 2006 California Manual for Traffic Control Devices (MUTCD) for the project areas along El Camino Real and Allegheny Drive. It should be noted that all new pavement markings will be in thermoplastic.
 - i) Traffic control plan will be required for any and all work that may impact the public right of way. The Traffic Control Plan shall be submitted along with improvement plans.
 - b) Street improvement plans:
 - i) Redlines shall be returned with the revised plan submittal, otherwise it will be considered an incomplete submittal.

- ii) Electronic set of final approved plans shall be submitted in AutoCAD 2010 format for Division of Transportation and Traffic Records.
- c) Streetscape elements shall explicitly reference the Santa Clara Valley Transportation Authority Community Design and Transportation Manual and Pedestrian Technical Guidelines. Provision of a list or write-up summarizing and confirming referencing of this guidance will facilitate review and approval. [COA] [PUBLIC WORKS]

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

- EP-1. PUBLIC IMPROVEMENT UPGRADES - Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works. Obtain an encroachment permit with insurance requirements for all public improvements. [COA] [PUBLIC WORKS]

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

- TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (DRAFT REVIEW):
- Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs (plus one pdf format copy) including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
 - b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
 - c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to a owners association, following sale of at least 75% of the units, whichever comes first.
 - d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit #2012-7170, and associated map shall be incorporated

into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.

- e) The CC&Rs shall contain language for Best Management Practices (for Stormwater) "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- f) The CC&Rs shall contain the following language:
 - i) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
 - ii) Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.
 - iii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - iv) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
 - v) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the

maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.

vi) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.

vii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

TM-2. HOA CREATION:

The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to review for consistency with the Conditions of Approval by the City Attorney and Director of Community Development prior to approval of the Final Map. The Conditions of Approval shall be attached as an exhibit to the CC&Rs created for this subdivision. [COA] [PLANNING]

TM-3. HOA TRANSFER:

At the time the homeowners association is transferred from the developer to the individual property owners (typically at election of board members or officers), the developer shall schedule a meeting between the board members or officers, the City of Sunnyvale and the developer to review the Conditions of Approval of the development and other applicable City requirements. [COA] [PLANNING]

TM-4. NEW STREET NAMING:

The name of the street shall be in accordance with the official Street Name System, as selected by the Community Development Department. [COA] [PLANNING]

TM-5 FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP – Final map shall be substantially the same as the vesting tentative map. Any alteration of vesting tentative map after the vesting tentative map is approved maybe subject to additional approval by the City prior to

- final map approval. Record the final map prior to any building permit issuance. [COA] [PUBLIC WORKS]
- TM-6 TRASH ENCLOSURE (HOTEL) – The hotel trash enclosure location shall be clearly indicated on and prior to approval of the vesting tentative map:
- a) The enclosure shall not be located at the bottom of a loading dock, unless it is a compactor.
 - b) The enclosure wall shall be a minimum of 6 feet high.
 - c) Minimum interior dimensions shall be 9 feet by 13 feet. Trash generation and enclosure sizing for the retail building shall be per the city's guidelines.
 - d) Wheel stops shall be 12 inches from the inner wall of the enclosure.
 - e) A minimum 10 feet by 10 feet concrete stress (6 inches Portland cement concrete over 5 inches of aggregate base) shall be provide in front of the trash enclosure.
 - f) A minimum 10 foot wide service door/gate is required.
 - g) A minimum 20 foot vertical clearance at the enclosure is required.
 - h) A minimum 15 foot vertical and 16 foot horizontal travel lane with 30 foot inner turning radius is required.
 - i) Enclosures shall have an automatic fire sprinkler system if located within 5 feet of a building structure.
- TM-7 TRASH ENCLOSURE (RESIDENTIAL) – The residential trash enclosure locations shall be clearly indicated on and prior to approval of the vesting tentative map:
- a) Items a through h above (TM-6).
 - b) The enclosures shall be a maximum of 150 feet from any residential unit.
 - c) A pedestrian access door, separate from the service doors, is required.
 - d) A trash truck turnout is required at the end of a lane longer than 50 feet.
 - e) Sanitary sewer drains are not allowed within the trash enclosure area unless the enclosure is covered.

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. COMPACT SPACES:
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- 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. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):
The Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release if utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]
- PF-5. HOA ESTABLISHMENT:
The developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]
- PF-6. IRRIGATION METERS:
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-7. NOISE REDUCTION VERIFICATION:
Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. [COA] [PLANNING]
Mitigation Measure

PF-8. MITIGATION MEASURES:

Documentation indicating that the following mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities:

MM 1 – Noise: Documentation that a 65 Ldl has been achieved for the specified areas of the project (Acoustical Engineer).

Refer to the building permit plans for the Mitigation Monitoring Plan or Negative Declaration, attached to the approved building permit plans. [COA] [PLANNING] *Mitigation Measure*

PF-9. BMR COMPLETION 60 ADVANCE DAY NOTICE:

The Developer/Owner must provide a written “Notice of Intent to Sell” to the Affordable Housing Manager for each BMR unit(s) to be provided in the development sixty days (60) prior to the request for a certificate of occupancy or receipt of a DRE report for the unit, whichever is later. Upon receipt of this Notice, the Housing Division will inform the developer of the current maximum BMR sales price applicable to the unit, based on number of bedrooms, as published in the Administrative Procedures and updated annually. The developer must also request and pass a site inspection by the Affordable Housing Manager to verify that the BMR units have been completed in compliance with the BMR Development Agreement. [COA] [HOUSING]

PF-10 TENTATIVE MAP IMPROVEMENTS:

All improvements required as part of the approved Tentative Map shall be completed prior to final inspection or release of utilities. [COA] (PLANNING/ENGINEERING)

PF-11 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]

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

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

AT-1. DELIVERY HOURS:

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

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

AT-2. RECYCLING AND SOLID WASTE:

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

AT-3. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers are prohibited at all times. [COA] [PLANNING]

AT-4. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-5. 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-6. PARKING MANAGEMENT:

On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

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

AT-7. OFF-STREET PARKING:

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

AT-8. PARKING LOT MAINTENANCE:

The parking lot shall be maintained as follows:

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

AT-9. RECREATIONAL VEHICLE STORAGE PROHIBITED:

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

AT-10. HOA REVIEW AND APPROVAL:

In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-11. HOA RESPONSIBILITIES:

The chairperson, secretary or principal officer of any committee or association shall notify the Planning Division and the Neighborhood and Community Resources Division of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING DIVISION/NEIGHBORHOOD AND COMMUNITY RESOURCES DIVISION]

AT-12. STORMWATER BMP MAINTENANCE:

The project applicant, owner, landlord, or HOA, 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-13. STORMWATER BMP RIGHT OF ENTRY:

The project applicant, owner, landlord, or HOA, 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]



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

Attachment C
Page 1 of 26

File Number: 2012-7170
No. 12-04

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

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

PROJECT TITLE:

Application for a **Special Development Permit and Vesting Tentative Map** filed by **SummerHill Homes**.

PROJECT DESCRIPTION AND LOCATION (APN):

FILE #: 2012-7170
Location: 660-666 W El Camino Real (APN: 201-22-011 & 202-23-029)
Proposed Project:

- Special Development Permit to allow a mixed use project consisting of a 145-room hotel and 103 residential townhouse units.
- Vesting Tentative Map to create 103 lots and 3 common lots.

Applicant / Owner: SummerHill Homes / Dorothy Miller Family LP
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us

WHERE TO VIEW THIS DOCUMENT:

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

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

Monday, May 14, 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 April 20, 2012

Signed:

Trudi Ryan, Planning Officer

| | |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Project Title | 2012-7170 - Special Development Permit and Vesting Tentative Map for 103 Townhomes and a 72,812 s.f. hotel (145 rooms). |
| 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 | 660-666 W. El Camino Real |
| Applicant's Name | SummerHill Homes |
| Project Address | 660-666 W. El Camino Real, Sunnyvale, CA 94087 |
| Zoning | C-2/ECR |
| General Plan | Commercial General Business |
| Other Public Agencies whose approval is required | None |

DESCRIPTION OF THE PROJECT: The proposed project includes the redevelopment of a former auto dealership site with a mixed use development consisting of a 145-room hotel and 103 townhouse units. The project site consists of two parcels totaling 8.29 acres (one 1.94 acre parcel with frontage on El Camino Real, and a larger 6.35 parcel adjacently located to the south). The 1.94 acre lot would be developed with a 72,812 s.f. hotel (145 rooms) while a multi-family residential subdivision would be created within the 6.35 acre site. The analysis takes into account the development on both sites. An environmental analysis related to traffic impacts had been conducted for a previous project at the subject site in 2011, which included several scenarios as discussed further in this study. The traffic impact analysis included a scenario a similar project that contained 113 residential units and a hotel development up to 148 rooms.

DETAILED PROJECT DESCRIPTION:

On-site Development: The existing development consists of a vacant 42,948 square foot commercial building (formerly occupied by a Chevrolet auto-dealership) on two parcels that total approximately 8.29 acres.

Construction Activities and Schedule: Construction activities include demolition of the existing building on the site, and construction of the multi-tenant commercial building and 103 townhouse units. Construction is anticipated to begin in late 2012 and will take approximately two years. The project will be subject to the Sunnyvale Municipal Code requirements for noise and hours of construction contained in Chapters 19.42.0.0 and 16.08.030.

Surrounding Uses and Setting: The site is surrounded by commercial uses to the east and west. South and southwest of the site are multi-family townhouses. To the north, across El Camino Real, is the County Courthouse.

Off-site Improvements: The existing sidewalk will be replaced along the street frontage, which can be fully accommodated within the public right-of-way. Standard water, sewer, right-of-way and utility upgrades will be provided as required by the Municipal Code.

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|-------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------|
| <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.

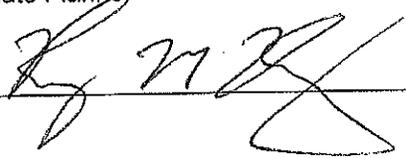
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR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

Checklist Preparer: Ryan Kuchenig

Date: April 17, 2011

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 checked="" type="checkbox"/> | <input type="checkbox"/> | Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com Project Description |
| 3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off |

| Planning | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
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| | | | | | 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sunnyvale Noise Sub-element, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/vie w.php?topic=19&frames=off Environmental Noise Assessment conducted by Charles M. Salter Associates, January, 2011 |
| 15. Noise -Exposure of persons to or generation of excessive groundborne vibration? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sunnyvale Noise Sub-Element www.sunnyvaleplanning.com Project Description |
| 16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | General Plan Map Project Description |

| Planning | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
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| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Hortscience Survey, September, 2010. |
| 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 |
| 24. Public Services - Would the project result in substantial adverse physical | <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: |

| Planning | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
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| impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives? | | | | | Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. Project Description |
| 25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Air Quality Evaluation reports conducted by ENVIRON, February 2011 and Illingworth & Rodkin, February 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | BAAQMD CEQA Guidelines Project Description Air Quality Evaluation reports conducted by ENVIRON, February 2011 and Illingworth & Rodkin, February 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 checked="" type="checkbox"/> | <input type="checkbox"/> | BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com Air Quality Evaluation reports conducted by ENVIRON, February 2011 and Illingworth & Rodkin, February 2012 |
| 31. Seismic Safety -Rupture of a known earthquake fault, as delineated on | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Seismic Safety and Safety Sub-Element of the Sunnyvale General |

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

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

2. Aesthetics (Less than Significant): The subject property lies along El Camino Real, a busy commercial arterial. The proposed redevelopment will alter the streetscape of the property from the surrounding area in comparison to the vacant site. The new three-story townhouse buildings and hotel building will be different from the existing auto dealership buildings in terms of architecture and overall scale. The new buildings will utilize a mix of high quality architectural materials. Staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not degrade the visual character or quality of the site and its surroundings.

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

The applicant submitted a noise study prepared by Charles M Salter Associates analyzing the existing exterior noise levels at the site, both short term and long term, over a period of 48-hours, between 12th and 14th of January 2011. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

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

As discussed in the noise study, the average DBA of noise was measured at five different locations on the existing site and level ranged between 51-72 dBA, including both short-term and long-term measurements. These noise levels were used to determine the mitigation to meet the City's maximum noise goals. Based on acoustical measurements, the future noise levels at the proposed setback of the homes would range from DNL 53 dBA to 65 dBA. All of these measured noise levels would be considered "conditionally acceptable" per the City's Noise Element. Therefore noise-reducing measures would be required to comply with City's noise standards and to reduce the impact to a less than significant level.

This could be accomplished through the following mitigation measures:

WHAT: 1) Hotel windows shall have sound insulation ratings in the range of STC 34 to 36 in guest rooms, and STC 30 in the café, along El Camino Real. Other hotel facades are expected to need windows with sound insulation ratings in the range of STC 34 and below.

2) Final floor plans and elevations shall be reviewed during the design phase to ensure that DNL 45 dBA or lower indoors in residences as indicated in the preliminary plans. Preliminary estimates assume that exterior walls will provide sound insulation similar to 3-coat stucco over wood sheathing, insulation in stud cavities, and at least 1-layer of gypsum board on the interior.

3) Where residential and hotel windows must be closed to meet the interior noise criterion, the design must include "...a ventilation or air conditioning system to provide habitable interior environment." This should be discussed with the project mechanical engineer. This applies to the hotel, and the row of residential buildings nearest to El Camino Real (TH 1,3,4,5,6,7, and 8)

4) Outdoor noise levels vary, depending on the location and orientation on-site.
a) Hotel – Due to the expected shielding from the proposed hotel building, estimated future traffic noise in the pool area is DNL 60 DBA or lower.
b) Residential – Except where outdoor use spaces have a direct line-of-sight to EL Camino Real, estimated future noise levels at residences are within the City's goal of DNL 60 dBA. This includes the common outdoor use space adjacent to the Community Room.

5) Outdoor residential air condensing units, and other mechanical equipment must incorporate mitigation measures to reduce property line noise to the Municipal Code limits. Details should be determined during the design phase.

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

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

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

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

16. Noise (Less than Significant) - The project will introduce additional sources of noise to the project area both during construction and as an operational aspect of the 103 additional housing units and the 72,812 s.f. hotel (145-units). The subject project proposes an overall increase in the total number of residential units and commercial uses on site. Through the City's implementation of the Municipal Code noise regulations, this is anticipated to be less than significant.

20. Biological Resources (Less than Significant with Mitigation): A tree survey was conducted by Hortscience, September 2010. This survey is available for review at the City of Sunnyvale's One-Stop Counter. The reports reviewed the existing trees on-site and adjacent to the site. Four of the ten trees on-site appear to meet the definition of a "protected" tree and are planned to be removed. Protected under SMC is defined as any tree greater than 38" in circumference, measured at 4.5' from the adjacent grade.

The following mitigation measures are proposed:

WHAT: Tree protection measures shall be in place for any off-site trees located immediately adjacent to the project site per Municipal Code requirements prior to grading activities at the site.

WHEN: Conditions of Approval shall include appropriate tree protection measures for nearby off-site trees as well as appropriate size replacement trees (min. 36-inch box size) for those protected trees to be removed on-site.

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

HOW: These mitigation measures will be required to be completed prior to demolition permit, grading permit or building permit, whichever comes first.

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 DR prior to its final approval by the City Council. The conditions will become valid when the DR 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. Air Quality (Less than Significant with Mitigation) – The project requires significant grading of the site, including demolition and removal of the existing buildings. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. There are existing residential units to south, east and west of the subject property. This population could be negatively affected by the change in air quality, if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction.

The following mitigation measures are proposed:

WHAT: Permits must be obtained from the City of Sunnyvale, Bay Area Air Quality prior to demolition or new construction. The contractor shall implement the following Best Management Practices that are required of all projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or

soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

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

26. Air Quality (Less than Significant) – The project would generate greenhouse gas emissions (GHGs) during construction (one-time related) and annual (operational related). An air quality evaluation was performed by a consultant, Illingworth & Rodkin, dated 2/6/12, which noted possible health risks and hazards from existing sources on the project. The study provides a detailed analysis of air quality impacts posed by traffic on El Camino Real and Mathilda on new residences as well as analyzing the local air quality impacts caused by project construction upon adjacent residences. Results of this assessment indicate an incremental child cancer risk of 7.1 excess cancer cases per million and the adult incremental cancer risk is 0.4 excess cancer cases per million as a result of nearby roadway traffic conditions (Mathilda Ave. and El Camino Real) and from construction impacts of this project. As stated by the report, "this cancer risk is below the BAAQMD's threshold of 10 in one million excess cancer cases per million." As a result, the project would have a less than significant impact with respect to community risk caused by construction activities. The study by Illingworth & Rodkin, Inc. is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. at Sunnyvale City Hall.

In 2010, BAAQMD adopted its updated CEQA Guidelines that contain methodology and thresholds of significance for evaluating greenhouse gas (GHG) emissions from land use type projects. The BAAQMD thresholds were developed specifically for the Bay Area after considering the latest Bay Area GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use developments to close the gap between projected regional emissions with AB 32 scoping plan measures and the AB 32 targets. The BAAQMD applies GHG efficiency thresholds to projects with emissions of 1,100 metric tons of CO₂e (carbon dioxide equivalency) or greater. Projects that have net emissions below 1,100 metric tons of CO₂e per year are considered to have less than significant GHG emissions. The project size exceeds the screening size listed by BAAQMD as having less than significant GHG emissions. Therefore, a refined analysis that includes modeling of GHG emissions from the project was conducted. When accounting for the emissions from the car dealership, the net emissions would be below the 1,100 metric ton per year threshold; therefore, the project is determined to have less than a significant impact.

30. Air Quality (Less than Significant) The combination of El Camino Real and Mathilda traffic would produce exposures at the project site that would cause excess cancer risk of 4.8 chances per million at planned residences. This is the risk at the location of the maximally exposed individual or what health risk assessments refer to as the MEI. The risk at other locations across the site would be less. This impact would be considered less-than-significant, since the predicted incremental cancer risk from a single source would be less than 10 in one million. In addition, Environ's preliminary evaluation demonstrated that cumulative cancer

risk from all sources within 1,000 feet would be less than significant. Siting new sensitive receptors on this site would have a less-than-significant impact.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: April 17, 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | City's Land Use and Transportation Element, Santa Clara County Transportation Plan, and AASHTO: A Policy on Geometric Design of Highways and Streets. Transportation Impact Analysis conducted by Hexagon Transportation Consultants, October 2011 |
| 36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds). |
| 37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sunnyvale General Plan including the Land Use and Transportation Element. |
| 38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | City and CA Standard Plans & Standard Specifications. |
| 39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan. |
| 40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | VTA Community Design and Transportation Manual, and Sunnyvale Neighborhood Traffic Calming Program. |

| Transportation | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects. |
| 42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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. Transportation (Less than Significant) - The currently proposed project which includes a 103 residential units and approximately 72,812 s.f. commercial/hotel (145 rooms) floor area does not result in a significant increase in peak hour trip generation to the site. The applicant had submitted a Transportation Impact Analysis, conducted by Hexagon Transportation Consultants, in October 2011, with the original project (2011-70763) that included several scenarios for the project development at the site including: a) a project with 120 residential units, and 17,000 s.f. of retail space, b) a project with an additional 18,000 s.f. of office space (including 120 units and 17,000 s.f. of retail space) c) a project with entirely composed of retail (approx.. 72,000 s.f.), d) a 120 residential unit project with 72,000 of retail, and lastly, e) a 120 residential unit with a 148 room hotel. In all scenarios, it was found that a.m. peak hour trips did not exceed 100 trips. Scenarios d and e exceeded 100 trips during p.m. peak hours. The reports further analyzed scenarios within the above noted possible projects where a secondary access point is provided at Allegheny Drive and Reseda Drive. The study points out that based on the residential trip distribution pattern, it is estimated that approximately 25 percent of the residential project trips would utilize Allegheny Drive to access the site. The study notes that if a secondary access point at this location is created, an increase of only 13-15 peak hour (a.m. and p.m.) trips would be expected. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

In addition, the project will pay the require Traffic Impact Fees (TIF) as required by the Sunnyvale Municipal Code. The anticipated TIF for the current mix of development is approximately \$146,073.63.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: April 17, 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 type="checkbox"/> | <input checked="" type="checkbox"/> | Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual Project Description |
| 47. Geology and Soils -Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Safety and Seismic Safety Sub-Element, www.sunnyvaleplanning.com California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code |
| 48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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:

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

| Engineering | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source Other Than Project Description and Plans |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|--------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com |
| 50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com |
| 51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Description Sunnyvale Waste Water Management Sub-Element Water Resources Sub-Element www.sunnyvaleplanning.com |
| 52. Utilities and Service Systems: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Description Water Resources Sub-Element www.sunnyvaleplanning.com |
| 53. Utilities and Service Systems: Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Description Sunnyvale Wastewater Management Sub-Element www.sunnyvaleplanning.com |
| 54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sunnyvale Solid Waste Management Sub-Element www.sunnyvaleplanning.com |
| 55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit |
| 56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> | RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com |
| 59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects www.sunnyvaleplanning.com |
| 60. Utilities and Service Systems: Comply with federal, state, and local 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: None required.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: April 17, 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: April 17, 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Project Description Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale Phase 1 and 2 studies conducted by ENGEO, June 2010 |
| 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:

67. Hazards and Hazardous Materials (Less than Significant with Mitigation): Phase 1 and Phase 2 Environmental Site Assessments were completed by ENGEO in June, 2010. The Phase 1 study identified the former auto dealership use of the property and associate structures. A comprehensive survey was conducted that identified various uses of the buildings including locations for hydraulic lifts and service bays. The study further identifies the orchards that had occupied various parts of the site. The study identifies the history of the installation and removal of the various underground storage tanks (USTs) at the property. An agricultural chemical soil assessment was conducted on the property during the Phase 1 assessment. A total of 16 near-surface soil samples were taken. Detectable concentrations of DDD, DDE, and DDT were reported. Levels fell below the applicable screening levels. Arsenic concentrations were noted as consistent with the background concentrations for the State of California. Soil and groundwater samples were collected at six locations on the property. Groundwater was also collected at two locations at approximately 58 feet below ground surface. Detection of various solvents was reported in one discrete soil sample, which exhibited several constituents

exceeding applicable State screening or regulatory levels. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

WHAT: 1) Impacted soil was discovered during subsurface exploration. Although, not found to be pervasive, additional impacted material is anticipated to be located elsewhere on the property. The impacted areas are likely to be found in localized areas. More extensive sampling would need to be considered in order to quantify the amount of impacted material. Impacted material could be managed and mitigated at the time of demolition.

2) An environmental professional should be on-site during demolition and excavation activities to properly assess the extent of impacted areas. Soil containing the pesticides above residential criteria, and the soil containing petroleum hydrocarbons and lead above screening criteria shall be excavated and disposed off-site at a treatment facility prior to residential development.

3) According to the historical records reviewed, some of the structures were constructed at a time when asbestos-containing building materials (ACBM) and lead-based paints may have been used, A CAL-OHSA certified ACBM and lead based paint contractor shall be retained to assess structures prior to any renovation or demolition activities.

WHEN: This mitigation shall be converted into conditions of approval for this Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance. These permits are required prior to any demolition or construction on site.

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

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

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: April 17, 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description |
| 70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description |
| 71. Recreation - Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Open Space & Recreation Sub-Element www.sunnyvaleplanning.com Project Description |

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

69. & 70. Recreation (Less than Significant) The project will generate an increase in the use of existing park facilities, but this impact is less than significant because the project will comply with the City's Park Dedication Fee requirement, which includes a fee of \$16,230.46 per unit (adjusted annually). The project will generate approximately \$1,460,741.04 (based on the current proposal of 103 housing units) in Park Dedication fees for the Citywide acquisition and improvement of park facilities to offset this potential increased use.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: April 17, 2012

City of Sunnyvale General Plan:

- A. General Plan Map
- B. Air Quality Sub-Element (1993)
- C. Arts Sub-Element (1995)
- D. Community Design Sub-Element (1990)
- E. Community Engagement Sub-Element (2007)
- F. Fire Services Sub-Element (1995)
- G. Community Vision (2007)
- H. Fiscal Sub-Element (2006)
- I. Heritage Preservation Sub-Element (1995)
- J. Housing & Community Revitalization Sub-Element (2009)
- K. Land Use & Transportation Sub-Element (1997)
Revised 4/28/09 with Allocation of Street Space Policies
- L. Law Enforcement Sub-Element (1995)
- M. Legislative Management Sub-Element (1999)
- N. Library Sub-Element (2003)
- O. Noise Sub-Element (1997)
- P. Open Space and Recreation Sub-Element (2006) *Updated with Parks of the Future Study 4/28/2009. Revised 4/24/09.*
- Q. Safety & Seismic Safety Sub-Element (2008)
- R. Socio-Economic Sub-Element (1989)
- S. Solid Waste Management Sub-Element (1996)
- T. Support Services Sub-Element (1988)
- U. Surface Run-off Sub-Element (1993)
- V. Wastewater Management Sub-Element (1996)
- W. Water Resources Sub-Element (2008)

City of Sunnyvale Municipal Code:

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

- Q. Chapter 19.81 Streamside Development Review
- R. Chapter 19.96 Heritage Preservation
- S. Title 20 Hazardous Materials

Specific Plans:

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

Environmental Impact Reports:

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

Maps:

- A. General Plan Map
- B. Zoning Map
- C. City of Sunnyvale Aerial Maps
- D. Flood Insurance Rate Maps (FEMA)
- E. Santa Clara County Assessors Parcel
- F. Utility Maps
- G. Air Installations Compatible Use Zones (AICUZ) Study Map
- H. Noise Sub-Element Appendix A 2010 Noise Conditions Map

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

Note: All references are the most recent version as of the date the Initial Study was prepared:

Attachment C
ENVIRONMENTAL CHECKLIST REFERENCE LIST
 Page 27 of 26

Initial Study Checklist
 Project Name: 660-666 W. El Camino Real
 File # 2012-7170
 Page 26 of 26

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 3/7/12
- D. Project Traffic Impact Analysis Hexagon Transportation Consultants on 10/18/11
- E. Project Noise Study by Charles M. Salter Associates on 2/29/12
- F. Project Air Quality Analysis by Illingworth & Rodkin Inc. on 2/5/11
- G. Field Inspection
- H. Project Site Plan dated 3/7/12
- 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

Note: All references are the most recent version as of the date the initial Study was prepared.

Project 2012-7170

**Attachment D is posted on
the website separately due
to the large file size.**

Thank you.

Project Summary
For
Miller Property at 660 W. El Camino Real, Sunnyvale, CA
March 7, 2012

Background:

SummerHill Homes is proposing to redevelop 8.29 acres at 660 W. El Camino Real in Sunnyvale with a mixed-use project consisting of a 145 room Marriott Courtyard Hotel and 103 attached residential units. The property has been owned for years by the Miller family, long-time land owners and business operators in the City of Sunnyvale. For decades, the Millers operated a thriving Chevrolet car dealership at this location. Faced with increasingly intense competition from the internet and unprecedented economic conditions, the Millers made the difficult decision to close their business in late 2009 with a plan to redevelop this family owned land in the heart of Sunnyvale.

In response to the city's desire for 20% of the El Camino Precise plan properties to become commercial, SummerHill has partnered with T2 Development to build a 145 room hotel on 1.94 acre of the site. The hotel is 4 stories and 72,812 square feet which is 20.1% of the overall site, fully consistent with the city's zoning code. Based on a fiscal impact study by EPS, the project is expected to provide a fiscal surplus of approximately \$529,000.

The Vision:

Recognizing that this land is one of the most significant pieces of land in the Downtown Node of the El Camino Real Precise Plan, our vision is to create a vibrant high quality mixed-use development that revitalizes the commercial use along the El Camino corridor and provides new for-sale housing for the City, all executed in a complimentary and well crafted land plan utilizing high quality architecture, materials and landscaping.

The Development Team:

To execute on the above outlined vision, we have assembled the following key design professionals that are well regarded in their respective industries and have completed successful mixed-use projects throughout California, and locally in Sunnyvale:

Residential Architect: Bill Hezmalhalch and Jeff Chelwick
William Hezmalhalch Architects, Inc

Hotel Architect: James Allred
TAAG Architects

Landscape Architect: Gary Laymon
The Guzzardo Partnership

Civil Engineer: Greg Miller & Ryan Hanson
Carlson, Barbee & Gibson Inc.

Summary of the Plan:

The plan includes the following key components:

- The 145 room hotel along El Camino Real, connected by a sidewalk and a landscape buffer. This building location maximizes the hotel visibility and is in keeping with the El Camino Real Precise Plan design guideline as well as the Grand Boulevard Initiative.
- 121 parking spaces plus 4 handicap accessible parking spaces (total of 125) dedicated solely for hotel use.
- Well defined main entry serving both the hotel and residential off El Camino Real. The entry drive is provided with enhanced paving, sidewalks, and a tree lined street with Canary Date Palms providing a strong visual connection to draw visitors in for both uses; hotel and residential.
- A secondary access point to the residential component is also provided through Allegheny Drive to the West of the site. Allegheny Drive will be gated with remote access keys provided for the project's residents, while providing a fully accessible pedestrian connection at all times.
- Another secondary pedestrian access point to the residential component is also provided to the retail shopping center to the east of the project along Mathilda Avenue. This access point is shown on sheet L.1
- All streets are planned as private streets, varying in width as per the attached exhibits.
- 63 guest parking spaces are provided for the exclusive use of the residential units and are well distributed throughout the residential component.
- A 20' wide landscape buffer adjacent to all residential components per the Precise Plan Design Guidelines
- An 899 square foot community building, including a mailroom for the resident's enjoyment.
- A children's play area, an outdoor barbeque and an attractive landscaping plan.
- 103 residential for-sale units, resulting in an overall residential density of 16.22 units to the acre, consisting of two distinct product types as follows:

54 Townhomes:

- 3-story
- Three plan types with 2-4 bedrooms ranging in size from 1,200 to 1,900 square feet (conceptual floor plans are included in the package)
- All units have an enclosed two car garage with direct access to the units. 42 of these units provide a side by side garage.
- The townhome design provides for a balcony on each unit with an additional at-grade private patio on most units.

49 Single Family Attached (SFA) Triplex/Quadplex Units:

- These residences are designed with both 2-story and 3-story elements to provide an appropriate transition in scale from the existing residential uses that surround the site along the South and along portions of the Westerly and Easterly lines.
- Five plan types with 3 and 4 bedrooms ranging in size from 1,600 to 1,900 square feet (conceptual floor plans are included in the package)
- All units have an enclosed two car side by side garage.

- These residences include private open space in the form of a more traditional private yard that also functions as part of the 20' landscape buffer per the Precise Plan Design Principles. The light dashes in the site plan signify fence lines. This approach provides for the much sought after private open spaces desired by today's high density homebuyers while providing a private and protected landscape buffer to the existing residences.

The architectural style for the residential project component is planned as a Mission or Early California style using modern day elements and interpretations. As such, the exterior of the residential buildings is proposed as stucco with dark timber accents and concrete barrel tiled roofs throughout.

All residential units at the proposed project are planned to be Green Point Rated with a target point total of 80. SummerHill has been utilizing the Build it Green Checklist since 2006 and has successfully completed a range of product types and point totals using their checklist and inspection process.

The Hotel is designed to LEED, Silver standards as presented in the attached worksheet.

Lastly, SummerHill Homes will build the required Below Market Rate units within the project as stipulated by the City's Below Market Rate Housing Program.

*Glenis and Paul Koehne
761 Danforth Terrace
Sunnyvale, CA 94087
November 20, 2011*

**Planning Commission
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086**

**Re: File #2011-7063
660-666 W. El Camino Real (APN: 201-22-011 & 201-23-029)**

Ladies & Gentlemen:

We are direct neighbors of this proposed project whose backyard is located along the property line to the south (Danforth Terrace).

Katia Kamangar of SummerHill Homes kindly met with us last Fall. We also attended the neighborhood meeting at the Sunnyvale Senior Center. At both meetings we strongly urged that consideration be given to the impact of the project on the existing homes. In particular, that no three-story buildings be located along the perimeter overlooking our backyards and homes that would impinge on our daylight and privacy.

In briefly reviewing the proposed plans, it appears that only two-story buildings are to be located next to the existing homes and apartments, except, part of the design includes a raised third story that could block out some light. All the buildings along the Danforth Terrace perimeter are placed sideways so that windows do not look out onto Old Orchard homes, EXCEPT the Quadplex directly behind our home. It is not clear if ALL the two-story buildings have the raised third story feature, but if they do, we would like to recommend that it be disallowed. Also, if there is any way that the Quadplex behind our home could be turned sideways also.

We would also request that the setback along the Danforth perimeter be increased.

We were happy to see that the proposed street into Reseda has been rejected by the City. We urge you to keep this as an emergency vehicle exit only. If not already done so, perhaps pedestrian access could be planned from Reseda into the commercial part of the project.

It is understood that the City would like to see more retail in the project. The idea of a mixed use retail/residential is a good one. We don't want or need any more box stores. With the limited frontage along El Camino Real the commercial part of the plan as presented appears nicely planned.

In closing, we urge you to give serious consideration to the impact this project could have on the quality of life for existing homeowners.

Thank you.

Sincerely,

Glenis & Paul Koehne

**Cc: Ryan Kuchenig, Planner
Katia Kamangar, SummerHill Homes**

ATTACHMENT F
Page 3 of 4

From: Kathy Lunde
To: <rkuchenig@ci.sunnyvale.ca.us>
Date: 11/22/2011 6:06 PM
Subject: File #2011-7063, 660-666 W. El Camino Real proposed project

Attention: Ryan Kuchenig, Planning Commission.
File #2011-7063, 660-666 W. El Camino Real proposed project, APN:
201-22-01 and 201-23-029.

Dear Mr. Kuchenig,

I am a resident at 720 Russett Terrace (owned by my mother, Evelyn Lunde), in the Old Orchard Townhouse Complex. I received the notice of public hearing on November 28, 2011 about the proposed project by the developer Summerhill Homes / Dorothy Miller Family, LP that affects Old Orchard Townhouse complex. I would like to provide my input in advance of the hearing, since the townhouse I live in--very close to the dividing wall--will be very directly affected by the building plan of the developer.

My immediate living environment has already deteriorated since development of the townhouse complex (built in 2005) that replaced part of Olson's cherry orchard that faced Mathilda Boulevard. This complex towers over the strip of townhouses (specifically, the back patios and bedrooms) of 712 through 722 Russett Terrace. The development blocks a lot of daylight on that side of our townhouses. The windows on the second and third floors that look directly down on our back patios and into our bedroom windows on that side deprive us of our privacy.

Having been negatively affected by this other development, I would like to prevent a similar development from happening. Specifically I want to ensure that Summerhill Homes will not create a development of buildings that would further "hem in" Old Orchard residents (such as myself) who live close to the dividing wall (on Old Orchard's property) parallel to El Camino Real and destroy the beauty, daylight, quiet, and privacy of our end of the complex.

First, I want to be sure that the three-story buildings will be placed as close as possible to El Camino Real so as not to block our daylight and impinge on our privacy. I would like the lower buildings to be the ones closest to our complex.

I was informed that there will be a driveway on the other side of the wall. While this seems to be a good way to use space while providing a set-back, I hope this driveway will not be a through street that opens up to Reseda Avenue, the next public street near the complex. I think this would exacerbate a previous problem of traffic noise. I have previously called the Department of Public Safety about traffic noise on the other side of the wall when Chevrolet dealership closed and the parking lot was apparently used by some cars to "drag race." While I realize that this will no longer be a vacant lot tempting to drag racers, I would like to avoid noise of traffic created by a through-street so close to where I sleep and live.

I am also requesting there will be no major department stores (or "big

box" stores) that attract a lot of traffic on the other side.

Finally, I am requesting that the area that overlooks our swimming area will be kept from development overlooking the pool, both for purposes of privacy, and to preserve the beauty of that area--a source of great relaxation for me. I would like to continue to see a view of the sky, not a tall building towering over the pool area.

I hope you will consider my requests in your consideration of this project.

Thank you,
Kathy Lunde

ATTACHMENT F
Page 7 of 7

**HEXAGON TRANSPORTATION CONSULTANTS, INC.**

March 05, 2012

Mr. Gregory N. LeBon
T2 Development
620 Newport Center Drive
Newport Beach, CA 92660

Re: Results of Parking Study for Business Hotels in Sunnyvale

Dear Mr. LeBon:

Hexagon Transportation Consultants, Inc., has completed a parking survey in order to determine the typical parking demand ratio at business hotels in Sunnyvale. The intent of the survey was to count hotels that are similar to the proposed Marriott Courtyard. Business hotels are defined as hotels that include sleeping accommodations and other limited facilities, such as a breakfast buffet. They do not include restaurants or meeting rooms. They do not include suites. Four Sunnyvale business hotels without restaurants or extensive services were chosen to count. Some differ a little from the proposed Marriott Courtyard. The Grand Hotel offers free limousine service to the San Jose airport. The Domain Hotel offers shuttle service to the airport and to some nearby companies. It also offers limited dinner service for guests and some meeting room space. The four hotels along with descriptions are as follows (addresses can be found in Table 1):

- **Quality Inn** – A 70-room hotel located off of SR 237 and Lawrence Expressway, 1 mile away from the Santa Clara Convention Center and 5 miles away from the Mineta San Jose International Airport. On-site services include breakfast, outdoor pool, fitness center, and a fully equipped business center.
- **Wild Palms Hotel** – A 208-room hotel located just off of El Camino Real and Wolfe Road in Sunnyvale. On-site services include breakfast, an outdoor pool, a fitness center, laundry, and a 24-hour business center.
- **The Grand Hotel** – A 104-room hotel located on El Camino Real, adjacent to the Sunnyvale Civic Center. The Grand Hotel primarily features oversized luxury rooms. On-site services include breakfast, an outdoor pool, a large patio area, a business center, complimentary limousine service to and from the Mineta San Jose International Airport, and a 1020 square foot conference room with a maximum occupancy of 80 people.
- **Domain Hotel** – A 136-room hotel located on El Camino Real, near SR 85. On-site services include an outdoor pool, a fitness center, laundry cleaning, a 24-hour business center, shuttle services to and from the Mineta San Jose International Airport and companies within a 10 mile radius, and a bar/cafe that serves dinner and drinks nightly. Domain Hotel also has 9,065 square feet of flexible space dedicated to events and meetings.

An aerial photo showing the four hotels' locations with respect to each other can be found in Figure 1. Hotel occupancy data were collected over the course of two nights. The Domain Hotel was counted only on Thursday night because permission was not obtained in time for the Wednesday night count. Parking counts were performed at each hotel three times between 10:30 PM – 12:30 AM in order to ensure accuracy and that peak demand was captured. Previous hotel counts by Hexagon have shown that parking demand is highest late at night after all guests would have gone to bed. Previous studies also have shown that business hotels have greater occupancy rates on weekdays than on weekends. Therefore, weekend counts were not included in the survey.



Mr. Gregory N. LeBon
March 5, 2012
Page 2 of 4

Results for the parking counts can be found in Tables 2 and 3. The average parking demand at the four hotels was found to be 0.70, 0.63, 0.66, and 0.73 occupied parking spaces per occupied room, respectively. This equates to an overall average of 0.67 occupied spaces per occupied room. There was no appreciable difference between the different hotels. The presence of airport shuttle service, limited food service, or limited meeting space did not appear to influence the study results.

We appreciate the opportunity to submit this data for your review. Please do not hesitate to contact us if additional information is needed.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Gary Black".

Gary Black, President

Table 1 - Hotel Addresses

| Hotel | Address |
|------------------|------------------------|
| Quality Inn | 1280 Persian Drive |
| Wild Palms Hotel | 910 E. Fremont Avenue |
| The Grand Hotel | 865 W. El Camino Real |
| Domain Hotel | 1085 E. El Camino Real |

Table 2 - Wednesday Parking Survey

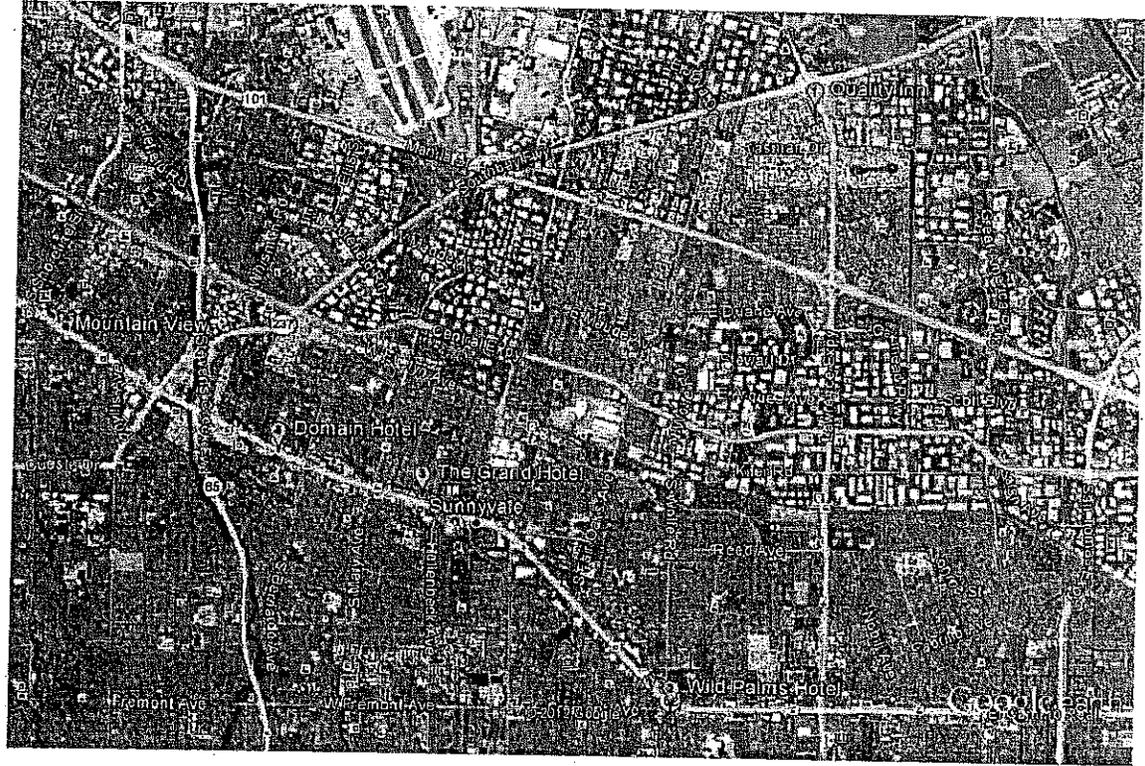
| Hotel Occupancy Survey - Wednesday, 2/29 | | | | | | |
|------------------------------------------|-------------|-------|------------|-------|-------------|-------|
| | Quality Inn | | Wild Palms | | Grand Hotel | |
| | Time | Count | Time | Count | Time | Count |
| Occupancy Count 1 | 10:45 | 41 | 11:00 | 130 | 11:15 | 63 |
| Occupancy Count 2 | 11:25 | 43 | 11:35 | 139 | 11:45 | 64 |
| Occupancy Count 3 | 12:00 | 45 | 12:10 | 142 | 12:20 | 65 |
| Total Parking Spaces | | 75 | | 222 | | 109 |
| Occupied Rooms | | 70 | | 203 | | 104 |
| Total Rooms | | 70 | | 208 | | 104 |
| Occupied spaces per occupied room | | 0.64 | | 0.70 | | 0.63 |

Table 3 - Thursday Parking Survey

| Hotel Occupancy Survey - Thursday, 3/1 | | | | | | | | |
|------------------------------------------|-------------|-------|------------|-------|-------------|-------|--------------|-------|
| | Quality Inn | | Wild Palms | | Grand Hotel | | Domain Hotel | |
| | Time | Count | Time | Count | Time | Count | Time | Count |
| Occupancy Count 1 | 10:25 | 31 | 10:50 | 108 | 11:00 | 62 | 10:40 | 74 |
| Occupancy Count 2 | 11:10 | 33 | 11:25 | 109 | 11:30 | 62 | 11:20 | 79 |
| Occupancy Count 3 | 11:45 | 33 | 12:00 | 112 | 12:10 | 63 | 11:55 | 79 |
| Total Parking Spaces | | 75 | | 222 | | 109 | | 132 |
| Occupied Rooms | | 44 | | 203 | | 90 | | 108 |
| Total Rooms | | 70 | | 208 | | 104 | | 136 |
| Occupied spaces per occupied room | | 0.75 | | 0.55 | | 0.70 | | 0.73 |



Mr. Gregory N. LeBon
March 5, 2012
Page 4 of 4



Google earth



Figure 1 - Hotel Locations

Final Report

Sunnyvale Miller Property Fiscal Impact Analysis

The Economics of Land Use



Prepared for:

SummerHill Homes

Prepared by:

Economic & Planning Systems, Inc.

Economic & Planning Systems, Inc.
2501 Ninth Street, Suite 200
Berkeley, CA 94710-2257
510 841 9190 tel
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March 2012

EPS #121028

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Denver
Los Angeles
Sacramento

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1. INTRODUCTION AND FINDINGS

This report presents a fiscal impact analysis of the proposed development of the former Chevrolet Dealership located on West El Camino Real near the intersection with Mathilda Avenue in the City of Sunnyvale (the Project). SummerHill Homes is proposing a mixed-use development program with 103 residential units, including 13 below market-rate units, and a 145-room, 74,900 square foot hotel.

A fiscal impact analysis compares additional costs likely to be incurred by the City from providing public services with the additional tax and other public revenues generated by the Project. The actual fiscal impact will depend on a number of factors that cannot be predicted with certainty, including timing of development, market performance, economic conditions, and budget practices. The impacts of the proposed Project are considered upon completion of construction and full stabilization (Project buildout).

This analysis reflects an update to the 2010 report conducted for this site under a prior development proposal. The analysis is based on a number of sources, including the City's Adopted Budget and Resource Allocation Plan Fiscal Year 2010-2011 (inflated into 2012 dollars), information from SummerHill Homes and T2 Development (hotel developer), other data sources, and EPS's prior work experience in similar jurisdictions.¹ All results are expressed in constant dollars. Given the current level of uncertainty over municipal budgets, the 2010-2011 budget data, increased consistent with the rate of inflation, provides a reasonable indication of the costs of service provision.

Key Findings

- ***The Project will result in a substantial positive net fiscal impact on the City's General Fund at buildout.***

The fiscal surplus (General Fund revenues minus expenditures) is estimated at \$529,000 a year after completion of the Project. This impact is based on the net new revenues of \$701,000 and expenditures of \$172,000 a year related to the Project. This net fiscal surplus will be available to support other City services or reduce certain taxes or fees within the City's control (see **Table S-1**). The residential component of the Project covers its costs and generates a small fiscal surplus, with the hotel component adding substantively to the overall net fiscal surplus.

- ***Transient occupancy taxes provide substantial new revenues to the City's General Fund while property taxes and property tax in lieu of VLF provide much of the rest of the new revenues.***

Transient occupancy taxes are estimated to generate \$523,000 annually to the City's General Fund at project buildout. Even if the net new gross hotel revenues in the City increase by less than estimated, transient occupancy taxes will still generate substantial General Fund

¹ SummerHill Homes and T2 Development provided information on development program, price points, room and occupancy rates.

revenues and support a larger net fiscal positive to the General Fund. An additional \$124,000 of the General Fund revenues generated by the Project will come from property taxes and property taxes in lieu of VLF collected on the new assessed value of the Project. Other General Fund revenues sources are expected to sum to \$55,000 a year.

- **Public safety costs will make up the largest expenditures to the City's General Fund.**

The Project's share of fire protection costs is estimated at \$49,000 annually, while police costs are estimated at \$46,000 per year at buildout. Costs associated with public safety overhead are estimated at \$18,000. These expenditures account for two-thirds of all Project-related uses of funds. The public safety department cost estimates are based on average 2010 service levels in the City of Sunnyvale.

- **To the extent that less hotel rooms are developed, fiscal benefits to the City would be reduced.**

As an example, 125 rooms are estimated to result in the net fiscal impact of \$462,000 to the City's General Fund, a net reduction of \$67,000 a year compared to the 145-room program. This impact includes \$629,000 in annual revenues and \$167,000 in annual expenditures.

Table S-1. Fiscal Impacts at Buildout (rounded)

| Item | Total |
|----------------------------------|------------------|
| General Fund Revenues | |
| Property Tax | \$93,000 |
| Property Tax In Lieu of VLF | \$31,000 |
| Real Property Transfer Tax | \$3,000 |
| Transient Occupancy Tax | \$523,000 |
| Sales and Use Tax | \$12,000 |
| Utility User Fees | \$14,000 |
| Franchise Fees | \$13,000 |
| Fines and Forfeitures | \$2,000 |
| Permits and Licenses | \$10,000 |
| Total Revenues | \$701,000 |
| General Fund Expenditures | |
| General Government | \$7,000 |
| Public Works | \$17,000 |
| Community Services | \$14,000 |
| Library | \$12,000 |
| Community Development | \$9,000 |
| Police | \$46,000 |
| Fire | \$49,000 |
| Other Public Safety | \$18,000 |
| Total Expenditures | \$172,000 |
| NET ANNUAL FISCAL SURPLUS | \$529,000 |

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

2. BACKGROUND INFORMATION

This chapter provides background information pertinent to the fiscal impact analysis. This includes information on the City of Sunnyvale's demographics, the description of the proposed Project, and a budget overview for the City's General Fund. This information is used to inform the fiscal impact analysis described in the subsequent chapter. As shown in **Table 1**, the City of Sunnyvale is located in Santa Clara County and is home to over 140,000 residents and 78,000 employees.

Project Description

The Project's site is located along El Camino Real near the intersection with Mathilda Avenue. As shown in **Figure 1**, the site consists of 6.3 acres occupied by a former Chevrolet Auto Dealership. The proposed development includes a mixed-use project with 103 residential units and a 145-room hotel. The hotel will include about 74,900 square feet of building space. In order to fulfill the City of Sunnyvale's affordable housing ordinance, 12.5 percent or 14 residential units are planned as below market-rate housing. The unit mix for the site includes townhomes, triplexes, and quadplexes, as shown in **Table 2**. According to the developer, units will include nine different options ranging in size from two to four bedrooms. SummerHill Homes expects to achieve price points that range between \$585,000 and \$745,000 per unit for market-rate units. The below market-rate units are assumed to have an average value of \$243,256 per unit based on SummerHill Homes' assumptions. Assuming a modest hotel value of \$125 per square foot, the total Project development value is estimated at \$73.1 million.

The Project will increase the number of residents, jobs, and visitors in the City. The residential population will grow by approximately 285 residents while the hotel will employ 40 full-time equivalent employees and accommodate an average of 145 visitors each day. Because employees and visitors are only likely to require City public services during a portion of the day, they are assumed to demand half as many services and require half the General Fund expenditures as residents. As a result, a daytime population of approximately 375 persons is estimated based on this approach. Estimates for development program, assessed value, population, employment, and visitors are shown in **Table 2**.

Budget Overview

At present, the U.S. economy is growing modestly, levels of unemployment are high, and, taken as a whole, the real estate market continue to be weak. Like many parts of the State, Santa Clara County and Sunnyvale have seen increases in foreclosures and decreases in median home values and retail expenditures over the last several years. Based on available economic forecasts, recovery will be slow with a more constrained revenue trend likely to continue for several years, putting downward pressure on services and associated expenditures. As a result, the FY2010-11 Adopted Budget (adjusted for inflation into 2012 dollar terms) is considered a reasonable basis for this analysis and is shown in **Table 3**.

Table 1
Sunnyvale Citywide Assumptions, 2010
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

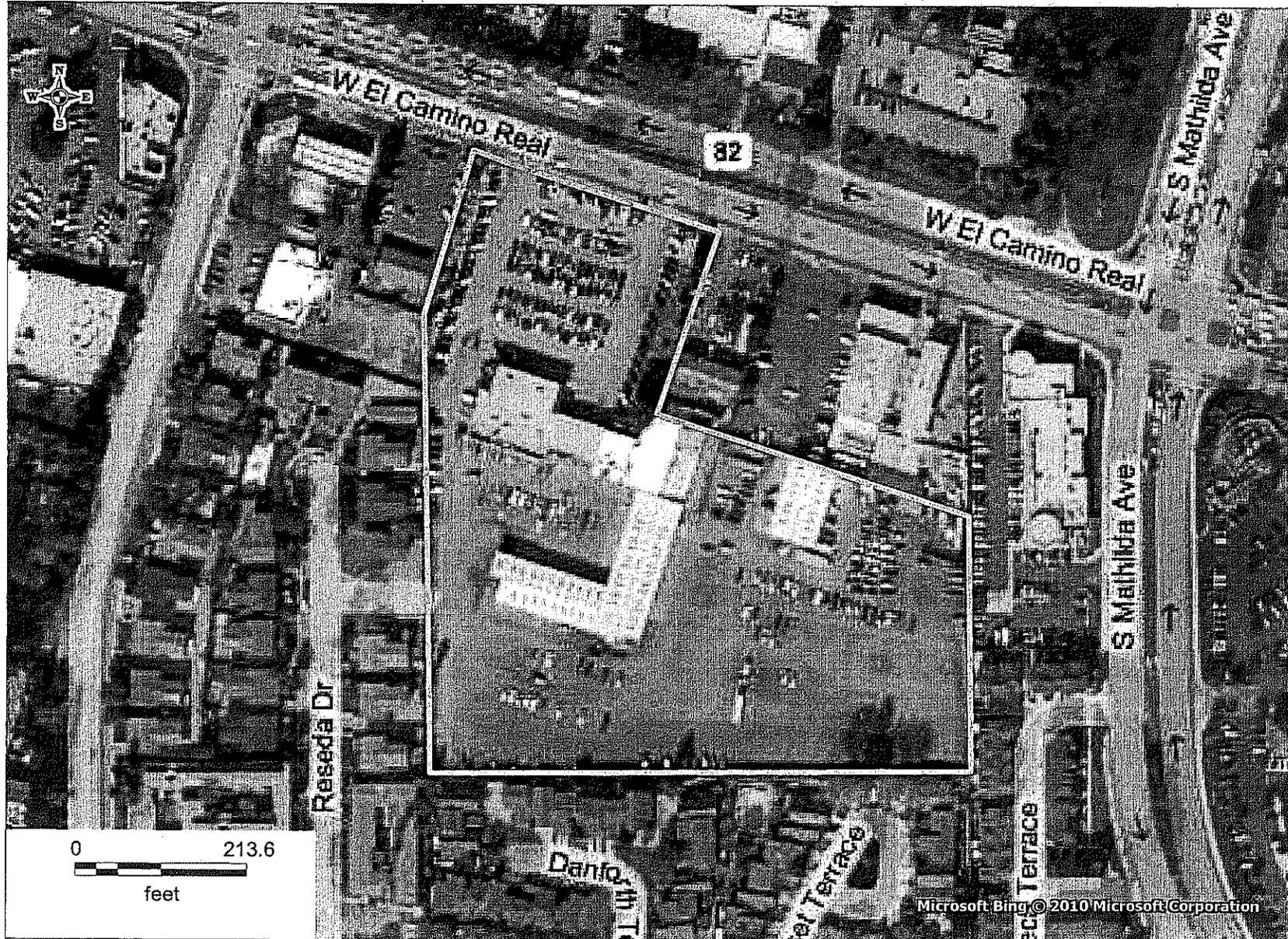
| Item | Amount | Sources |
|------------------------|---------|--------------------|
| Housing Units | 55,782 | DOF 2010 |
| Occupied Households | 54,524 | DOF 2010 |
| Population | 140,450 | DOF 2010 |
| Persons/Household | 2.56 | DOF 2010 |
| Jobs | 78,010 | ABAG 2009 |
| Daytime Population (1) | 179,455 | ABAG 2009/DOF 2010 |

(1) Daytime population is calculated by adding total residential population and half of total employment.

Sources: ABAG *Projections 2009*; Department of Finance; Economic & Planning Systems, Inc.

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Figure 1:
Proposed Summerhill Housing Project Site



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Table 2
SummerHill Homes Project Population, Employment, and Assessed Value Estimates
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Total Units | Unit Size | | Projected Population | | Projected Emp./ Visitors | Daytime Pop (1) | Assessed Value | |
|----------------------|-------------|--------------|-----------------|----------------------|------------|--------------------------|-----------------|----------------------------|---------------------|
| | | sq.ft. | Bedrooms/ Rooms | Pop. per Unit | Total | | | per unit or per sq.ft. (2) | Total |
| Commercial | | | | | | | | | |
| Hotel | | 74,935 | 145 | | | | | \$125 | \$9,366,875 |
| Employees (3) | | | | | | 40 | 20 | | |
| Visitors (4) | | | | | | 145 | 73 | | |
| Subtotal | | | | | | 185 | 93 | | |
| Residential | | | | | | | | | |
| Townhome 1 | 26 | 1,267 | 2 | 2.2 | 57 | | 57 | \$585,000 | \$15,210,000 |
| Townhome 2 | 6 | 1,537 | 3 | 2.5 | 15 | | 15 | \$665,000 | \$3,990,000 |
| Townhome 3 | 14 | 1,893 | 4 | 2.7 | 38 | | 38 | \$695,000 | \$9,730,000 |
| Quadplex/Triplex 1 | 3 | 1,610 | 3 | 2.5 | 8 | | 8 | \$695,000 | \$2,085,000 |
| Quadplex/Triplex 2 | 10 | 1,637 | 3 | 2.7 | 27 | | 27 | \$700,000 | \$7,000,000 |
| Quadplex/Triplex 3 | 14 | 1,725 | 3 | 3.0 | 42 | | 42 | \$715,000 | \$10,010,000 |
| Quadplex/Triplex 4 | 3 | 1,732 | 3 | 2.5 | 8 | | 8 | \$720,000 | \$2,160,000 |
| Quadplex/Triplex 5 | 14 | 1,829 | 3 | 2.7 | 38 | | 38 | \$745,000 | \$10,430,000 |
| BMR (5) | 13 | 1,547 | 3 | 4.0 | 52 | | 52 | \$243,256 | \$3,162,328 |
| Total/Average | 103 | 1,601 | - | 2.8 | 284 | 185 | 376 | \$619,197 | \$73,144,203 |

(1) Daytime population is calculated by adding total residential population and half of total employment. It represents a measure of public service demand in which employees are given one-half the weight of residents because of more limited service requirements.

(2) Residential values are based on estimates provided by SummerHill Homes; hotel value based on construction costs provided by T2 Development.

(3) Provided by T2 Development.

(4) Based on occupancy rate of 80% and 1.25 persons per room.

(5) Per Sunnyvale's housing ordinance, 12.5% of the total units are required as below market-rate with value assumptions provided by SummerHill Homes.

Sources: SummerHill Homes; T2 Development; Economic & Planning Systems, Inc.

Table 3
Budget Summary and Estimating Factors
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | FY2010-11 Total | % Variable (1) | Allocation Factor |
|----------------------------------|----------------------|-------------------|------------------------------------|
| General Revenues | | | |
| Property Tax | \$32,378,085 | | 13.3% of 1% of base assessed value |
| Property Tax In Lieu of VLF | \$11,333,566 | | 0.27% of citywide assessed value |
| Real Property Transfer Tax | \$668,315 | | \$0.55 per \$1,000 in AV |
| Sales and Use Tax | \$24,766,212 | | 1.00% of estimated taxable sales |
| Utility User Tax | \$6,747,059 | | \$37.60 per daytime population |
| Franchise Fees | \$6,283,185 | | \$35.01 per daytime population |
| Fines and Forfeitures | \$1,182,434 | | \$6.59 per daytime population |
| Permits and Licenses | \$4,961,605 | | \$27.65 per daytime population |
| Construction Tax | \$728,208 | | - not impacted |
| Transient Occupancy | \$5,790,468 | | - not impacted |
| Interfund Revenue | \$9,229,200 | | - not impacted |
| Services Fees | \$3,353,459 | | - not impacted |
| Interest | \$1,022,090 | | - not impacted |
| Business License | \$1,285,221 | | - not impacted |
| Miscellaneous | \$337,031 | | - not impacted |
| Rents and Concessions | \$2,582,103 | | - not impacted |
| Intergovernmental (2) | \$1,207,352 | | - not impacted |
| Other Revenue (3) | \$3,359,539 | | - not impacted |
| Total Revenues | \$117,215,134 | | |
| General Fund Expenditures | | | |
| General Government (4) | \$17,270,043 | 20% | \$19.25 per daytime population |
| Public Works (5) | \$10,003,900 | 80% | \$44.60 per daytime population |
| Community Services (6) | \$8,785,020 | 75% | \$36.72 per daytime population |
| Library (7) | \$7,639,088 | 75% | \$31.93 per daytime population |
| Community Development (8) | \$5,273,985 | 80% | \$23.51 per daytime population |
| Public Safety | | | |
| Police | \$24,479,386 | 90% | \$177,673 per sworn officer |
| Fire | \$25,980,659 | 90% | \$271,891 per firefighter |
| Other (9) | \$21,306,048 | 40% | \$47.49 per daytime population |
| Other Expenditures (10) | \$5,908,061 | | - not impacted |
| Total Expenditures | \$126,646,191 | | |

Note: excludes transfers; the numbers are inflated to \$2012.

- (1) Percentage of costs that are population-dependent, as opposed to fixed costs.
- (2) Includes Federal transfers and Prop 172 sales tax.
- (3) Includes repayment from Town Center developer, State shared, and budget supplements.
- (4) Includes City Attorney, City Manager, Finance Department, and Human Resources Department.
- (5) Based on total budget for Public Works net of Public Works Administration, General Engineering & Capital Project Management, and Land Development. These costs are assumed fixed and will not be affected by the Project.
- (6) Based on total budget for Community Services net of Youth and Family Services, Neighborhood Parks and Open Space Management, Department Management, and a portion of Columbia Neighborhood Center. These costs are assumed fixed and will not be affected by the Project.
- (7) Based on total budget for Library net of Technology Services and Department Management and Support costs. These costs are assumed fixed and will not be affected by the Project.
- (8) Based on total budget for Community Development net of Building Safety Administrations, Policy Planning, Planning Administration, and Department Management. These costs are assumed fixed and will not be affected by the Project.
- (9) Includes Public Safety Administrative, Investigation, Community Safety, Communication, Records Management, and Personnel and Training Services.
- (10) Include Projects Budget, Debt Service, Equipment, and Payment to Town Center Developer.

Sources: City of Sunnyvale Adopted Budget and Resource Allocation Plan FY 2010/11; Economic & Planning Systems, Inc.

3. FISCAL IMPACT ANALYSIS

This chapter describes the methodology and key assumptions used to estimate the fiscal impacts of the Project. EPS has used several approaches in calculating the impact of the proposed mixed-use development on the City of Sunnyvale's General Fund. The forecasting approach is shown in **Table 3** with fiscal impact at buildout shown in **Table 4**. For each revenue and expenditure item, EPS used the most appropriate forecasting methodology and applied it to the project description.

- **Per Daytime Population.** The relative impacts of employment and population are compared and used to estimate total daytime population. An employee is only likely to access services during non-work hours and therefore has a significantly lower impact than the residential population. For departments affected by daytime population, EPS assumes that the cost to provide services to one worker is equivalent to half of the cost of providing the same service to one resident.
- **Not Impacted.** Some budget items, such as Interest and the Transient Occupancy tax, are not estimated because certain City revenues and expenditures are not affected by new development associated with this Project.
- **Other.** A case study approach is used to calculate budget items for which none of the above approaches is deemed appropriate, such as property taxes, transient occupancy taxes, and sales taxes.

General Fund Revenues

This section describes the methodology and assumptions used for each revenue item estimated in this analysis. Several General Fund revenue items are not forecasted because the Project is not expected to affect them.

Property Tax

Property taxes are based on the assessed value of land and improvements of new development. Property tax based on 1.0 percent of assessed value collected by Santa Clara County. Of this amount, the City of Sunnyvale receives 13.3 percent of the County's property tax base from the Project area.² This share is assumed fixed going forward.

The Project will include 103 residential units and approximately 74,900 square feet of hotel building space. Market-rate units are estimated to range from \$585,000 to \$745,000 per unit, while below market-rate units are estimated at \$243,256 per unit by SummerHill homes. A conservative hotel value of \$125 per square foot is assumed based on T2 Development's estimates of development costs. These assumptions result in the Project's assessed value of

² Based on the City's General Fund share of property tax generated from parcels 201-23-029 and 201-22-011, located in TRA 09-000. Percentage provided by Santa Clara County Controller's Office.

Table 4
Fiscal Summary at Buildout (rounded)
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Total |
|----------------------------------|------------------|
| General Fund Revenues | |
| Property Tax | \$93,000 |
| Property Tax In Lieu of VLF | \$31,000 |
| Real Property Transfer Tax | \$3,000 |
| Transient Occupancy Tax | \$523,000 |
| Sales and Use Tax | \$12,000 |
| Utility User Fees | \$14,000 |
| Franchise Fees | \$13,000 |
| Fines and Forfeitures | \$2,000 |
| Permits and Licenses | \$10,000 |
| Total Revenues | \$701,000 |
| General Fund Expenditures | |
| General Government | \$7,000 |
| Public Works | \$17,000 |
| Community Services | \$14,000 |
| Library | \$12,000 |
| Community Development | \$9,000 |
| Police | \$46,000 |
| Fire | \$49,000 |
| Other Public Safety | \$18,000 |
| Total Expenditures | \$172,000 |
| NET ANNUAL FISCAL SURPLUS | \$529,000 |

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

about \$73.1 million at buildout, a net increase of \$69.8 million (see **Table 5**). The estimate of assessed value and associated property tax generation include the assessed value of the below market-rate units. While rental affordable units are often exempt from property tax payments, for-sale units typically are subject to property taxes, as assumed in this analysis. To the extent that below market-rate for-sale units would be exempt from property tax payments, the Project's property tax generation to the General Fund would decrease.

Property Tax In-Lieu of Vehicle License Fees

In 2004, the State of California adjusted the method for sharing vehicle license fees (VLF) with local jurisdictions. Recent state budget changes replaced the VLF with property tax, which grows proportionate to increases in assessed value of the City. The Project will add less than 1 percent to the current assessed value in Sunnyvale (assuming no other assessed value growth) and will generate the same increase in percentage of in-lieu VLF revenues (see **Table 5**).

Real Property Transfer Tax

The City receives property transfer tax from any real property sold in the amount of \$0.55 for every \$1,000 of value (see **Table 5**). EPS estimates that about 8 percent of homes will resell annually based on experience in comparable jurisdictions. This analysis does not reflect any property transfer tax generated by the hotel component as commercial property typically turns over less frequently and would not result in substantial tax proceeds to the City.

Transient Occupancy Tax

There are 27 hotels currently operating in Sunnyvale. The City's General Fund receives 9.5 percent of gross transient occupancy proceeds generated in the City. As shown in **Table 6**, addition of the new hotel is estimated to add \$523,000 a year to the City's General Fund based on the market assumptions provided by T2 Development. Even if the gross transient occupancy proceeds in the City increased by 75 percent of the forecasted amount, the City would still receive \$392,000 a year in new transient occupancy proceeds.

Sales Tax

Sales tax revenue is based on estimates of taxable transactions generated by the new population in the City. To estimate the level of new sales, household income, spending on taxable items, and the proportion of spending likely to occur in the City are estimated (see **Table 7**). Household incomes are based on the price points for the Project. Households occupying residential units are estimated to earn an average of \$109,000 and about 27 percent of household income will be spent on taxable expenditures.³ About 40 percent of total taxable expenditures are likely to be captured by retailers in Sunnyvale, resulting in new sales tax proceeds to the City's General Fund.

³ Based on the San Francisco MSA average provided by the Bureau of Labor Statistics Consumer Expenditure Survey. Because income of residents in the Project would be significantly higher than the San Francisco MSA average, their share of taxable retail expenditures could vary.

Table 5
Property Tax, Property Tax In Lieu of VLF, and Real Property Transfer Tax Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Assumption / Factor | Total |
|------------------------------------------------|---------------------------------|------------------|
| Property Tax | | |
| Existing Assessed Value | | \$3,301,072 |
| New Assessed Value | | \$73,144,203 |
| Net Value Increase | | \$69,843,131 |
| Property Tax | 1.0% | \$698,431 |
| Sunnyvale General Fund Share | 13.3% of the new value increase | \$92,891 |
| Property Tax In Lieu of VLF | | |
| Existing Citywide Property Tax in Lieu of VLF | | \$11,333,566 |
| Citywide Assessed Value (1) | | \$25,620,000,000 |
| Project Net Assessed Value Increase (2) | 0.27% | |
| Net New Property Tax In Lieu of VLF (3) | | \$30,897 |
| Real Property Transfer Tax (4) | | |
| New Residential Assessed Value | | \$63,777,328 |
| Turnover Rate (5) | 8% per year | |
| Tax Rate | \$0.55 per \$1,000 in AV | |
| Net New Property Transfer Tax | | \$2,806 |

- (1) FY2010-2011 value based on the Santa Clara County Assessor Annual Assessor's Report
- (2) Calculated by dividing net value increase by citywide assessed value.
- (3) Calculated by multiplying existing property tax in lieu of VLF by project net assessed value increase.
- (4) Applies to the residential development portion as the hotel is likely to turn over less frequently.
- (5) EPS estimate.

Sources: City of Sunnyvale; Economic & Planning Systems, Inc.

Table 6
Transient Occupancy Tax Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Assumption / Factor | Total |
|----------------------------------|---------------------|------------------|
| Hotel Rooms (1) | | 145 |
| Average Daily Rate (1) | | \$130 |
| Expected Occupancy Rate (1) | | 80% |
| Gross Annual Proceeds | | \$5,504,200 |
| Transient Occupancy Tax Rate (2) | | 9.5% |
| Transient Occupancy Tax | | \$522,899 |

(1) Provided by T2 Development Company.

(2) City of Sunnyvale Adopted Budget and Resource Allocation Plan, Fiscal Year 2011/12.

Sources: City of Sunnyvale; Economic & Planning Systems, Inc.

Table 7
Sales Tax Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Assumptions | Total |
|-------------------------------------------------------------|-----------------------------|-----------------|
| HOUSEHOLD SALES | | |
| Average unit sale price (1) | | \$619,197 |
| Mortgage % (2) | | 80% |
| Total mortgage amount | | \$495,358 |
| Annual mortgage payment (3) | | \$35,987 |
| Housing cost/household income | | 33% |
| Required household income/unit | | \$109,052 |
| <u>Average HH Retail Exp. (4)</u> | | |
| % of Income | | 27.4% |
| Total | | \$29,831 |
| <u>Total Net New Expenditures Captured by Sunnyvale (5)</u> | | |
| Expenditures per New Household Captured by Sunnyvale | 40% of taxable expenditures | \$11,932 |
| <u>Total New Retail Sales from Households</u> | | |
| New Households | | 103 |
| Total New Retail Sales Captured by Sunnyvale | | \$1,229,017 |
| TOTAL NEW SALES TAX | 1.0% of taxable sales | \$12,290 |

(1) Includes a combination of market-rate and affordable units.

(2) Assumes 25 percent down payment.

(3) Assumes 6.0 percent interest rate and 30 year mortgage period.

(4) Based on Bureau of Labor Statistics Consumer Expenditure Survey.

(5) Assumes 40 percent of taxable retail spending by Sunnyvale residents is captured by the retailers within the City, based on amount and range of retail located in City.

Sources: State Board of Equalization, U.S. Bureau of Labor Statistics; Economic & Planning Systems, Inc.

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Utility User Tax

The City collects Utility User Fees for utility use such as gas, electric and intrastate telephone usage. The net increase in Utility User Fees associated with the Project is estimated at \$38 per daytime population based on the City's budget.

Franchise Fees

The City collects Franchise Fees for cable services, gas, electric, and solid waste which would be increased because of development by SummerHill Homes. The net increase in fees is estimated at approximately \$35 per daytime population.

Fines and Forfeitures

The City's General Fund receives proceeds from Fines and Forfeitures. The net increase in these proceeds associated with the Project is estimated at about \$6.59 per daytime population.

Permits and Licenses

The Project is expected to result in Permits and Licenses proceeds to the City. These proceeds are estimated at \$28 per daytime population based on the City's budget.

Other Revenues

The City collects other revenues that impact the General Fund. These revenues include Construction Tax, Transient Occupancy, Interfund Revenue, Services Fees, Interest, Business License, Miscellaneous, Rents and Concessions, Intergovernmental, and Other Revenue. The amount of development in the Project is not anticipated to require additional resources from these sources, therefore, their impact is not calculated.

General Fund Expenditures

This section describes the methodology and key assumptions used for calculating various General Fund expenditure items. Certain expenditures, such as General Government, Community Services, and others, consist of both fixed and variable costs. While fixed costs are independent of new development, variable costs are assumed to increase based on new growth in the City. Only variable costs are used to project the General Fund expenditures in this analysis, as shown in **Table 3**. The net impact on the General Fund costs generated by the Project is shown in **Table 4**. Several items are not forecasted because they are not expected to be affected by the proposed Project.

General Government

The City's General Government includes the following categories:

- City Attorney
- City Manager
- Finance
- Human Resources

Based on EPS's research in similar jurisdictions, new development of the Project's scale typically impacts administrative and legislative government costs by only a fraction of these department's operating budgets. As a result, EPS assumes that 20 percent of the cost of general government

services are variable and will be affected by new development; the remaining 80 percent represents fixed costs and services that will not be affected by the proposed Project. The portion of general government costs assumed to be affected by new development is estimated at an average of \$19 per daytime population.

Public Works

This category includes costs associated with traffic and transportation planning, street trees, concrete maintenance, water supply and distribution, sewer and stormwater collection and treatment, and solid waste disposal. Additional staff and equipment are assumed to be necessary to provide maintenance services throughout Sunnyvale associated with increased population at buildout. The cost associated with Public Works is estimated to be 80 percent variable based on the Department's budget and a fixed-cost share associated with Public Works Administration, General Engineering & Capital Project Management, and Land Development costs. This approach yields a cost of \$45 per-daytime population. This estimate is conservative as a portion of the maintenance cost will likely be covered by the Home Owners Association, reducing the City's share of the cost.

Community Services

The Community Services Department maintains a variety of outdoor recreation spaces; offers swimming, dance, health and therapeutic classes; and runs programs for youth and adult sports in Sunnyvale. The cost associated with Community Services is assumed to be 75 percent variable with expenditures related to Youth and Family Services, Neighborhood Parks and Open Space Management, Department Management, and a portion of Columbia Neighborhood Center is assumed to be unaffected by the Project. As a result, a cost of \$36 per daytime population is estimated for the Project.

Library

The costs related to the Library are estimated on a per-service population basis. For this department, 75 percent of the expenditures are assumed to be variable based on Technology Services and Department Management and Support categories assumed as fixed and unaffected by the Project. This yields a per-daytime population cost of \$32.

Community Development

The Community Development Department is responsible for land use planning and zoning and oversees the physical development of the City. For this department, 80 percent of the expenditures are assumed to be variable with expenditures associated with Community Development net of Building Safety Administrations, Policy Planning, Planning Administration, and Department Management not likely to be affected by the Project. This results in a per-daytime population cost of \$24.

Public Safety

The Public Safety Department in the City of Sunnyvale has a unique structure with police officers and firefighters cross-trained in order to be able to cross-over roles in cases of emergency. This system provides more streamlined responses to public safety emergencies. Police and Fire and EMS departments and associated methodologies are described in detail below.

Police Services

The Police Services Program includes normal policing activities such as police protection and traffic enforcement in the City of Sunnyvale. The City also has many special teams such as Traffic Safety Education and Enforcement, the Gang Enforcement Team, and Special Weapons and Tactics (SWAT) that are part of this department. In addition to traditional policing services, Sunnyvale police officers also participate in firefighting activities during emergencies. The costs associated with this department were estimated at about \$24.5 million in the FY2010-11 fiscal year.

The development will create new residents who will increase demand for additional law enforcement officers and associated staff time and equipment. This analysis assumes that variable police services expenditures, which are subject to change with the addition of new residents, include those associated with field services, investigations and crime prevention services, traffic services, and animal services. Variable costs for this department are assumed to be 90 percent of expenditures because of the close relationship between service and population. Based on current service levels, an average cost of \$178,000 per sworn police officer is applied to the Project's share of daytime population growth and associated demand for police services, as shown in **Table 8**.

Fire Services

The Sunnyvale Fire Department provides fire protection, emergency response, and environmental and safety management services for a total annual cost of \$26.0 million. Because this department's cost are closely related to the size of the population it serves, variable costs are estimated at 90 percent of total costs. The average cost per firefighter of nearly \$272,000 is estimated based on the City's current budget and is applied to the daytime population generated by the Project (see **Table 9**). The increase in daytime population associated with the Project is anticipated to represent demand increase for fire services, equivalent to an annual demand for 0.16 additional firefighters at buildout and a total annual cost of about \$49,000.

Other Public Safety

This category includes expenditures associated with Public Safety overhead with 40 percent of other public safety costs assumed to be variable. Other public safety costs include Community Safety Services, Personnel and Training, Investigation Services, Communication Services, Public Safety Administration Services, and Records Management and Property Services. These costs are not likely to be significantly impacted by the Project.

Other Expenditures

This category includes expenditures associated with the Projects Budget, Debt Service, Equipment, and Payment to Town Center Developer. The amount of development in the Project is not anticipated to impact these expenditures categories.

Table 8
Police Department Service and Cost Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Total |
|------------------------------------------|-----------------|
| Total Public Safety Budget | \$24,479,386 |
| Percent Variable | 90% |
| Total Variable Costs | \$22,031,447 |
| Sworn Police Officers (1) | 124 |
| Cost per Sworn Officer | \$177,673 |
| Officers per 1,000 Daytime Population | 0.69 |
| Project-Related Officer Net Increase (2) | 0.26 |
| Total Project Cost | \$46,198 |

(1) Estimate from representative in the City of Sunnyvale's Department of Finance/Budget Management

(2) Includes the timing of occupancy assumption.

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

Table 9
Fire Department Service and Cost Estimate
Sunnyvale Miller Property Fiscal Impact Analysis Study; EPS #121028

| Item | Total |
|----------------------------------------------|-----------------|
| Annual Fire Operations Budget (FY2009-2010) | \$25,980,659 |
| Percent Variable | 90% |
| Total Variable Costs | \$23,382,593 |
| Sworn Firefighters (1) | 86 |
| Cost per Firefighter | \$271,891 |
| Firefighters per 1,000 Daytime Population | 0.48 |
| Project-Related Firefighter Net New Increase | 0.18 |
| Total Project Cost | \$49,031 |

(1) Estimate from representative in the City of Sunnyvale's Department of Finance/Budget Management

Sources: City of Sunnyvale and Economic & Planning Systems, Inc.

Net Fiscal Impact on General Fund

Based on the assumptions and analysis described above, the annual net fiscal impact associated with the proposed development is estimated at approximately \$529,000 at buildout, as summarized in **Table 4**. The Project is estimated to generate about \$701,000 in General Fund revenues compared to \$172,000 in General Fund costs. Actual fiscal impacts may be different because of the actual timing of Project buildout and changes in economic and budgetary conditions.