



**REPORT TO PLANNING COMMISSION**

**Hearing Date:** August 13, 2012

**File Number:** 2012-7331

**SUBJECT:** **IDA/Kwong Wing Lam (Applicant/Owner)**: Application for a 0.48-acre site located at **1159 Willow Avenue** in an M-S/ITR/R-3/PD Zoning District (APN: 213-01-023):

Motion **2012-7331-** Special Development Permit to allow a child care center in an existing industrial building located in an Industrial-to-Residential district.

**REPORT IN BRIEF:**

**Existing Site Conditions** Single-story industrial building

**Surrounding Land Uses**

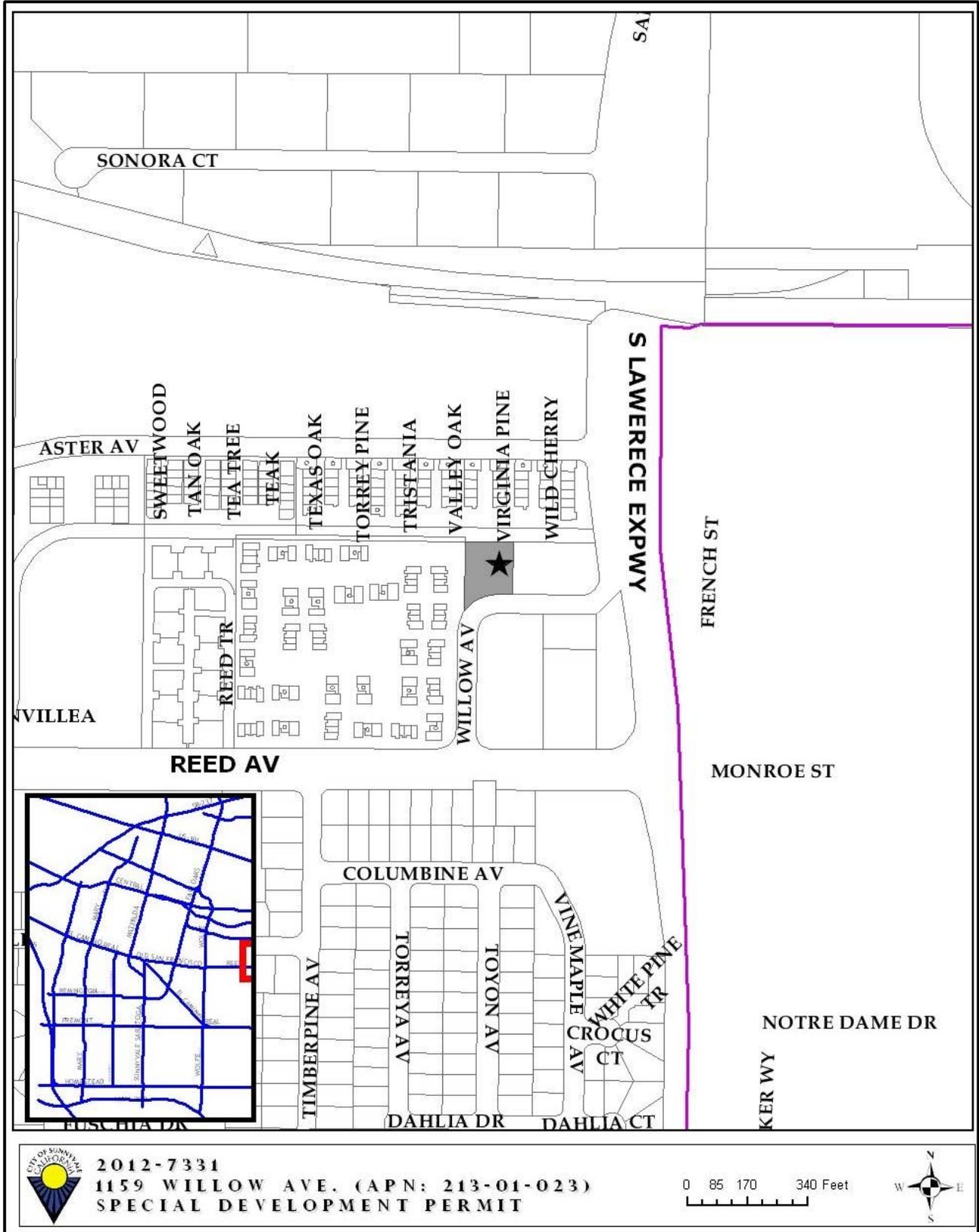
North	Santa Clara Valley Water District right-of-way / Multi-family residential
South	Industrial & Restaurant (across Willow Ave.)
East	Industrial
West	Multi-family residential

**Issues** Neighborhood Compatibility, Hazardous Materials Safety, Parking and Circulation, Landscaping

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

**Staff Recommendation** Approve with conditions

**VICINITY MAP**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED (R-3)</b>
<b>General Plan</b>	Industrial to Residential Medium Density	Same	Industrial to Residential Medium Density
<b>Zoning District</b>	M-S/ITR/R-3/PD	Same	M-S/ITR/R-3/PD
<b>Lot Size (s.f.)</b>	20,708	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	8,450	Same	No max.
<b>Lot Coverage (%)</b>	40.8%	Same	40% max.
<b>Floor Area Ratio (FAR)</b>	40.8%	Same	No max.
<b>No. of Buildings On-Site</b>	1	Same	---
<b>Building Height (ft.)</b>	Approx. 18' 6"	Same	30' max.
<b>No. of Stories</b>	1	Same	2 max.
<b>Setbacks</b>			
<b>Front</b>	Approx. 32'	Same	20' min.
<b>Left Side</b>	Approx. 52'	Same	6' min. per side, 15' total
<b>Right Side</b>	Approx. 6"	Same	
<b>Rear</b>	Approx. 6"	Same	20' min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	Approx. 1,357	Approx. 1,130	4,142 min.
<b>% Based on Lot Area</b>	6.6%	5.5%	20% min.
<b>% Based on Floor Area</b>	16.1%	13.4%	10% min.
<b>Frontage Strip Width (ft.)</b>	Varies 9' – 12'	Same	15 ft. min.
<b>Buffer (ft.) Adj. Residential</b>	Varies 0' – 11'	Same	10 ft. min.
<b>Parking Lot Area Shading (%)</b>	Unknown (minimal)	Same	50% min. in 15 years
<b>Parking</b>			
<b>Total Spaces</b>	19	13	13 min.
<b>Standard Spaces</b>	16	7	8 min.
<b>Compact Spaces/ % of Total</b>	2	5	4 max.
<b>Accessible Spaces</b>	1	1	1 min.
<b>Aisle Width (ft.)</b>	8	12	12 min.
<b>Bicycle Parking</b>	0	0	1 Class I and 4 Class II min.
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	19,631	19,909	Stormwater Management Plan (SWMP) required if adding/replacing >5,000 s.f.
<b>Impervious Surface (%)</b>	94.8%	96.1%	

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**BACKGROUND:**

The proposed project is to allow a child care center for up to 83 students in an existing industrial building. The proposed child care center will occupy the entire building and will fence a portion of the existing parking area as outdoor play space. Refer to the following discussion for compliance with design guidelines and code requirements.

**Previous Actions on the Site**

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

File Number	Brief Description	Hearing/Decision	Date
2000-0065	Miscellaneous Plan Permit to allow modification of building colors, landscaping and parking	Staff Review / Approved	02/16/2000
7794	Citywide Futures Study – Rezoned site to add Industrial-to-Residential (ITR) designation	City Council / Approved	10/05/1993
6281 / V-88-18	Use Permit to allow auto repair use for the full building and Variance to allow reduced parking	City Council / Denied	01/17/1989
5699	Use Permit to allow auto repair in a portion of an existing warehouse building	Planning Commission / Approved	01/13/1986

**DISCUSSION:**

**Requested Permit(s)**

Tulip Kids, Inc. proposes to locate a child care center and after-school enrichment center in an existing single-story industrial building. The center is expected to serve up to 83 students and have seven teachers. Tulip Kids currently operates an after-school program in the City at 133 East Fremont Avenue, and now proposes to expand their operations to a second location where they can provide all-day care. Proposed hours of operation are Monday through Friday from 8:00 a.m. to 6:00 p.m.

- **Special Development Permit**

The project site is located in the M-S/ITR/R-3/PD Zoning District (Industrial-to-Residential), in which uses permitted in either an M-S or an R-3 Zoning District may be considered. Child care centers are not permitted in an M-S Zoning District, but may be considered through the Use Permit or

Special Development Permit process in an R-3 Zoning District. As a result, the proposed project requires a Special Development Permit. Environmental review was needed to evaluate potential impacts resulting from surrounding industrial uses (see additional details below); therefore Planning Commission review is required.

## **ANALYSIS:**

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### **Architecture**

The existing building on the site is a single-story industrial building with tilt-up construction. Roll-up doors are located on both the front and west side facades, and there is one canvas awning over the front door. The proposed project includes minor exterior alterations including replacing the roll-up doors with glass storefront-type windows, adding another canvas awning on the front facade, and painting the building. Staff finds the architectural changes proposed are generally positive and assist in signifying the change from industrial use to child care use. However, staff does not find the proposed color scheme to be appropriate for exterior use in a residential area. The color scheme proposed by the applicant includes six building colors, five of which are very bright and contrasting. The applicant indicates this scheme is appropriate for the child-oriented nature of the use. Staff recommends requiring a revised color scheme with a reduced number of colors and a toned-down palette offering less contrast to avoid negative visual impacts on surrounding properties and uses (Condition of Approval PS-1.a).

### **Development Standards**

The proposed project generally complies with the applicable development standards as set forth in the Sunnyvale Municipal Code, with the exception of landscaping, compact parking spaces, and bicycle parking. Staff recommends several conditions and modifications to bring the project into compliance with development standards. The following items have been identified as clarification for the Planning Commission:

- **Site Layout**

The project site is located on the north side of Willow Avenue and is served by two driveways taking access from Willow. The site is occupied by a single-story industrial building located adjacent to the rear and east side property lines. With the exception of several small landscaping areas, the remainder of the site is paved. The paved area between the face of the building and the street is used as the site's parking lot and has nine striped parking spaces, although three of them are fully or partially within the public right-of way. Currently, the paved area behind the face of the building is located behind a gate and is used primarily for vehicle storage. This area can accommodate 10 parking spaces as shown on the project plans (Attachment D, page 1), although these spaces do not appear to be striped at this time.

- **Parking/Circulation**

The proposed project will convert the parking area at the side of the building into an outdoor play space. The project will also modify the layout of the front parking area to increase the number of parking spaces and improve circulation. SMC section 19.46.050 requires parking for child care uses at a rate of one space per 14 students plus one space per teacher. The project proposes 13 parking spaces, which is the minimum required for a child care use with 83 students and seven teachers. Per the standards of the State's Community Care Licensing Division, a building of this size could be licensed to serve significantly more than 83 students. However, the site does not have sufficient parking to support additional students or teachers. Additional students and teachers would also result in increased peak hour trips, which could reach the threshold to require a Transportation Impact Analysis (TIA). As a result, staff recommends Condition of Approval AT-1 limiting the use to no more than 83 students and 7 teachers at one time.

Staff recommends several modifications to the proposed parking lot layout to bring the project in conformance with SMC requirements. These include reducing the number of compact spaces (Condition of Approval PS-1.b) and increasing the depth of angled parking spaces (Conditions of Approval PS-1.c and PS-1.d). Staff also recommends several modifications to improve the usability of parking. These include clearer striping of proposed spaces, converting an unused area to landscaping, and striping and area for "no parking" (Conditions of Approval PS-1.e, PS-1.f, and PS-1.g).

There is currently no bicycle parking proposed on the site. Staff recommends Conditions of Approval PS-1.h and BP-17 requiring the project to provide bicycle parking consistent with VTA standards. There are currently no designated pedestrian walkways on the site. The project proposes to a designated at-grade pedestrian path from the parking area to the front door. To enhance pedestrian safety, staff recommends Conditions of Approval PS-1.i and PS-1.j requiring a curb, fence, bollards, or other physical separation between the walkway and vehicles.

- **Sidewalks**

The project site is an older industrial property which does not have existing sidewalks. Sunnyvale Municipal Code section 19.38.080 specifies that industrial sites are required to add sidewalks during redevelopment, building additions, or a change of use resulting in significantly increased pedestrian traffic. The proposed child care use is likely to generate substantially more pedestrian traffic than the existing industrial use, particularly given the large number of surrounding residential units and the potential for additional industrial-to-residential conversions on adjacent sites. As a result, the project is required to install sidewalks (Conditions of Approval PS-1.k and BP-27).

- **Landscaping and Tree Preservation**

As with many older industrial properties, the project site has minimal landscaping. A narrow landscaping strip is located along the west side property line, a small median island extends through the center of the front parking lot, and two planters are located in front of the building. Approximately 6.6% of the lot area is landscaped where a minimum of 20% is required, making this an existing non-conforming condition. The proposed project will remove one of the landscaping planters in front of the building to provide improved pedestrian access, and will decrease the size of the median island in the parking lot to provide adequate drive aisle width. This will result in a net decrease of 227 square feet of landscaping. To avoid increasing the degree of non-conformity, staff recommends Condition of Approval PS-1.m requiring the project plans be revised with additional landscaped area. At a minimum, 227 square feet of additional landscaping must be provided unless a deviation is granted. To bring the site into greater conformance with current standards, staff recommends the total landscaped area be increased to at least 10% of the lot area (2,071 square feet). Additional landscaping may include the areas marked (B) and (C) on the site plan and/or a portion of the outdoor play area.

The requirement to add a sidewalk along the project frontage will decrease the width of the site's landscaped frontage strip, thereby increasing an existing non-conformity. SMC 19.37.040 requires a landscaped frontage strip at least 15 feet wide as measured from the inside edge of the sidewalk or, where there is no sidewalk, from the curb. Currently only a portion of the project frontage has a landscaped strip, which is located in the public right-of-way and varies in width from approximately nine to 12 feet. Adding a sidewalk in the right-of-way would require the frontage strip to be reduced to approximately four to six feet in width. Staff recommends granting a deviation from the landscaped frontage strip requirement to allow this reduced width. With the required sidewalk, the project cannot provide a 15-foot frontage strip and also provide parking in front of the building. The addition of a sidewalk with a narrow landscaping strip behind it will still enhance the appearance of the streetscape and provide for an attractive and functional pedestrian environment.

The project site has three existing protected trees. Protected trees are defined as having a trunk circumference of 38 inches or greater at a height of four and a half feet above ground. The three protected trees are Pines located along the west property line. Along the project frontage in the public right-of-way there are three small ornamental trees of a non-protected size. The project plans do not currently propose removal of any existing trees. However, installation of the required sidewalk would necessitate removal of the three small trees along the project frontage. Staff recommends replacing these with new street trees to be located in a new landscaping strip behind the sidewalk (Conditions of Approval PS-1.1 and BP-10).

- **Green Building Requirements**

The project is subject to the City's current Green Building requirements. For projects involving a new use occupying an existing site of this size where major alterations to the building are proposed (structural, plumbing, mechanical, etc.), a LEED checklist is required to be submitted for review but no minimum number of points is required.

- **Streamside Development Guidelines**

The site is located adjacent to an open-channel section of the El Camino Storm Drain system. This system is a tributary to Calabazas Creek and is considered a "stream." As a result, the site is subject to the Santa Clara Valley Water Resources Protection Collaborative's *Guidelines and Standards for Land Use Near Streams*. The types of construction activities proposed for this project are generally exempt from the *Guidelines*; however, staff recommends implementation of several best management practices to ensure there is no construction-related impact to the adjacent waterway (Condition of Approval BP-23).

- **Industrial-to-Residential Conversion**

As noted above, the project site is located in an Industrial-to-Residential (ITR) district where uses permitted in either industrial or residential areas may be considered. The purpose of the City's ITR designation is to allow a gradual transition from industrial to residential uses, and therefore both types of uses are considered to be "conforming" and may continue indefinitely in the same district. However, industrial-type uses and residential-type uses cannot coexist on the same site in an ITR district; all tenants of a multi-tenant site must be of the same character. In addition, once an ITR site has been occupied by a residential-type use, the City's practice has been that the site is considered to be transitioned to residential, and cannot be re-occupied by an industrial-type use. To clarify these requirements, staff recommends Condition of Approval GC-7.

### **Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines (Attachment C). An initial study has determined that the proposed project would not create any significant environmental impacts on surrounding properties or uses. However, the project site is in an industrial area where surrounding uses have the potential for significant impacts on users of the project site. These impacts can be reduced to a less than significant level with implementation of the recommended mitigation measures, including a Hazardous Materials Safety Plan for the site. The applicant has submitted a draft Hazardous Materials Safety Plan (Attachment F).

**Neighborhood Compatibility**

The proposed project is located in an Industrial-to-Residential (ITR) neighborhood which allows for both industrial-type uses and residential-type uses. The neighborhood is in transition and has many existing residential properties, with only a few sites remaining in industrial use. Surrounding industrial businesses have the potential to use and store hazardous materials, have high-volume delivery and trucking operations, and have significant noise. While there is some potential for temporary incompatibility between industrial-type uses and residential-type uses in this area, this is the nature of the City’s ITR zoning districts. The ultimate goal of ITR zoning is to gradually transition designated areas to residential use; preventing the establishment of new residential-type uses due to potential incompatibility with surrounding industry would not be consistent with the intent of the ITR designation. As surrounding properties transition to residential uses, the level of incompatibility will gradually decrease until the area is fully residential in nature. In the meantime, the conditions recommended by staff and the mitigation measures identified in the Mitigated Negative Declaration are expected to reduce potential negative impacts on users of the subject site and surrounding properties.

**FISCAL IMPACT**

*Transportation Impact Fee:* A Transportation Impact Fee is required to offset the impact of additional peak hour trips generated by the proposed use. The fee is due prior to issuance of building permits, and is currently assessed at a rate of \$2,028.89 per net new peak hour trip. The cost of installing a new sidewalk along the project frontage may be deducted from the total required Transportation Impact Fee.

**PUBLIC CONTACT**

<b>Notice of Mitigated Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 348 notices mailed to property owners, residents, and tenants within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

Staff has received one letter regarding the proposed project (Attachment G). The letter, from a neighboring business owner at 1175 Willow Avenue, expresses concerns regarding compatibility of a child care use with the area’s industrial

zoning. The letter also expresses concern that student drop-offs and pick-ups could conflict with the adjacent business's truck traffic, and a traffic analysis may be needed. Staff notes the proposed use does not meet trip generation thresholds for requiring a traffic analysis. Staff recommends Condition of Approval BP-15 requiring a Parking Management Plan for the site to ensure efficient use of on-site parking and circulation areas and reduce the potential for impacts such as queuing in the public street. As noted above, the site and surrounding area are zoned Industrial-to-Residential (ITR) and the intent of this designation is to transition from industrial to residential uses. While there may be some temporary incompatibility between uses in the area, this is expected in an ITR zoning district, and the level of incompatibility will gradually decrease as the area transitions.

## **CONCLUSION**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit, with the conditions recommended by staff. Recommended Findings and General Plan Goals are located in Attachment A.

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

## **ALTERNATIVES**

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

## **RECOMMENDATION**

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Alternative 1 – Adopt the Mitigated Negative Declaration and approve the Special Development Permit with the attached conditions.

Prepared by:

Mariya Hodge  
Project Planner

Reviewed by:

Trudi Ryan  
Planning Officer

### **Attachments:**

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant
- F. Draft Hazardous Materials Safety Plan
- G. Public Comments

## RECOMMENDED FINDINGS

### **Special Development Permit**

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Goals and Policies that relate to this project are:

**Land Use and Transportation Element Policy LT-2.1** – *Recognize that the City is composed of residential, industrial, and commercial neighborhoods, each with its own character; and allow change consistent with reinforcing positive neighborhood values.*

**Land Use and Transportation Element Policy LT-4.1a** – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

**Land Use and Transportation Element Policy LT-4.9** – *Allow industrial, residential, commercial, and office uses in the Industrial to Residential (ITR) Futures sites (Sites 4A, 4B, 6A, 6B, 7, 8, and 10).*

**Land Use and Transportation Element Policy LT-4.13.b** – *Support convenient neighborhood commercial services that reduce automobile dependency and contribute positively to neighborhood character.*

**Land Use and Transportation Element Policy LT-4.13.b** – *Support the provision of a full spectrum of public and quasi-public services (e.g. parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

The required Findings for this project are:

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

The proposed project will locate a quasi-public service (child care) within an industrial-to-residential neighborhood. The project will provide a convenient service to surrounding residents and, as conditioned, will provide sidewalks which will facilitate pedestrian access by nearby residents and assist in reducing automobile dependency. Although this industrial-to-residential neighborhood is currently in transition and there are some existing industrial uses in the vicinity, the proposed use is consistent with the intended residential character of the neighborhood. As conditioned and with the adopted Mitigated Negative Declaration, potential incompatibility with surrounding uses is expected to be minimized.

2. The proposed project 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 made]*

The proposed project is located in an industrial-to-residential neighborhood which allows for both industrial-type uses and residential-type uses. The neighborhood is in transition and has many existing residential properties, with a few sites remaining in industrial use. The proposed project is expected to reduce incompatibilities between this site and surrounding residential uses, as it will introduce a new quasi-public use consistent with a residential neighborhood. The project as conditioned includes installation of a sidewalk with a landscaping strip to improve pedestrian access and the appearance of the streetscape, on-site parking and circulation improvements, and building façade improvements, all of which are expected to enhance the appearance of the site and improve its compatibility with the surrounding residential uses. The remaining industrial businesses in the neighborhood have the potential to use and store hazardous materials, have high-volume delivery and trucking operations, and have significant noise. While there is some potential for temporary incompatibility between the proposed use and industrial uses in this area, these incompatibilities are expected to be minimal after implementation of the project conditions of approval and mitigation measures. These include a Hazardous Materials Safety Plan to reduce the potential for health impacts related to surrounding hazardous materials use and implementation of a Parking Management Plan to ensure efficient use of on-site parking and reduce the potential for impacts to the public street. Any incompatibilities between the proposed use and existing industrial uses are also expected to be gradually reduced over time as the neighborhood completes its transition to residential use. As conditioned and with the required mitigation measures, the project is not expected to have significant adverse impacts on users of the subject site or surrounding properties.

# ATTACHMENT B

## RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS AUGUST 13, 2012

### Planning Application 2012-7331

1159 Willow Avenue

Special Development Permit to allow a child care center in an existing industrial building in an Industrial-to-Residential district.

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 to 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. USE EXPIRATION:

The approved Special Development Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

- GC-3. 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-4. TITLE 25:  
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-5. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment and other accessory structures, 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-6. SIGNS:  
All existing/new signs shall be in conformance with Title 19 of the Sunnyvale Municipal Code. [COA] [PLANNING]
- GC-7. INDUSTRIAL-TO-RESIDENTIAL TRANSITION:  
Upon occupancy by the approved child care use, the site will be considered to have transitioned to residential use, and all current and future uses on the site must be consistent with the residential (R-3) component of the site's zoning. Industrial uses can no longer be permitted on the site after occupancy by the child care use, whether alone or in conjunction with residential uses. [COA] [PLANNING]
- GC-8. ENCROACHMENT PERMIT:  
An Encroachment Permit from the Department of Public Works is required prior to performing any work in the public right-of-way such as driveway installation, street lighting upgrades, water meter upgrades, installation of sanitary sewer lateral, etc. [SDR] [PUBLIC WORKS ENGINEERING]

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

- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:  
The plans shall be revised to address comments from the approving body including the following items. Revised plans are subject to review

and approval by the Director of Community Development prior to submittal of a building permit.

- a) Revise the proposed exterior color scheme to reduce the number of colors and use a toned-down palette offering less contrast;
- b) Reduce the number of compact parking spaces by increasing the width of Space #12 to 8.5 feet and decreasing the width of Space #13 to 7.5 feet;
- c) Increase the striping depth for Spaces #11-12 to at least 19.8 feet measured perpendicular to the front of the spaces;
- d) Increase the striping depth for Space #13 to at least 16.5 feet measured perpendicular to the front of the space;
- e) Clearly mark the area located south of Space #3, which is indicated as area (A) on the approved plans, for “no parking;”
- f) Add a line delineating the southern boundary of Space #4;
- g) Reduce the width of Space #6 to 8.5 feet, and convert the remaining area to the south of the marked space to landscaping;
- h) Revise plans to show the location of proposed bicycle parking. The number and types of bicycle parking shall be consistent with VTA standards. The location and design of bicycle parking is subject to review and approval by the Director of Community Development;
- i) Add a curb, dimensional wheel stop element, low fence, or other barrier along the outer edge of the on-site pedestrian path leading along the north edge of the parking lot to the building door. Pedestrian safety measures are subject to approval by the Director of Community Development and shall meet all Building Code and ADA requirements;
- j) Add bollards along the outer edge of the on-site pedestrian path at the southwest corner of the building. Pedestrian safety measures are subject to approval by the Director of Community Development and shall meet all Building Code and ADA requirements;
- k) Revise plans to provide a sidewalk along the project street frontage per City standards;
- l) Revise plans to provide a landscaped frontage strip in the remaining portion of the right-of-way inside the new sidewalk. Provide street trees in the landscaping strip, with the number, species, and locations to be approved by the City Arborist;
- m) Provide additional on-site landscaping to achieve a total landscaped area of approximately 10% of the lot area. Landscaping may be added in the outdoor play area, the areas marked (B) and (C) on the approved plans, or other appropriate locations. Final landscaping locations and details are subject to approval by the Director of Community Development;

- n) Revise plans to indicate the height of the shade structure in the outdoor play area. Structure height shall be subject to approval by the Director of Community Development.

[COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit.

[COA] [PLANNING]

**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 a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:
- a) Complement the design, materials and colors of the main building;
  - b) Be of masonry construction;
  - c) The location and orientation of the enclosure shall be modified as needed prior to issuance of building permits to meet solid waste collection vehicle turning requirements. The final enclosure location is subject to approval by the Director of Public Works and the Director of Community Development;
  - d) The type of solid waste service required for the project site shall be determined by the Director of Public Works.
- [COA] [PLANNING/PUBLIC WORKS]
- BP-6. RECYCLING AND SOLID WASTE CONTAINERS:  
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. 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-8. FEES AND BONDS:  
The following fees and bonds shall be paid in full prior to issuance of building permit:
- a) TRANSPORTATION IMPACT FEE - Prior to issuance of a Building Permit, pay a Transportation Impact Fee for the net new trips resulting from the proposed project. The fee shall be calculated based on net new PM peak hour trips and using the adopted fee schedules at the time of payment. (SMC 3.50). [SDR] [PLANNING]
- BP-9. 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 submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) Incorporate the landscape modifications required in Condition of Approval PS-1 above;
- b) All areas not required for parking, driveways or structures shall be landscaped;
- c) Plant sizes shall be chosen for immediate effect. Trees shall be a planted in a minimum 15-gallon size with at least 10% in a 24-inch box size. Shrubs shall be planted in a minimum 5-gallon size. Ground covers shall be planted in a minimum 1-gallon size with spacing so as to ensure full coverage eighteen months after installation;
- d) All landscape areas shall be provided with permanent irrigation systems;
- e) If new or rehabilitated landscape area is 1,000 square feet or greater, provide a completed Water Efficient Landscaping Checklist and design landscaping to comply with water efficiency requirements in SMC Chapter 19.37.

[COA] [PLANNING]

BP-10. 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 a building permit. [COA] [ENGINEERING/CITY ARBORIST]

BP-11. 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-12. 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 shall be indicated 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-13. 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 on-site vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to on-site vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-14. EXTERIOR LIGHTING PLAN:**

Prior to issuance of a Building Permit submit an exterior lighting plan, including contour photometrics, fixture and pole designs, and lighting specifications 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 8 feet in height.
- 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-15. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):**

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) Specify the locations of long-term or short-term parking.
- b) Identify measures to prevent vehicle queuing in the street during drop-off and pick-up hours, such as prohibiting parking or stopping outside designated spaces;
- c) Specify procedures for informing employees and parents of the site's parking requirements;
- d) Employees shall be required to park on the site unless a shared parking agreement with another site has been reviewed and approved by the Director of Community Development;
- e) Provide adequate signage to direct vehicle traffic and pedestrians as needed.

[COA] [PLANNING]

**BP-16. 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-17. BICYCLE SPACES:**

Provide one Class I bicycle parking space and four Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by

the Director of Community Development. Class I spaces may consist of a secure bicycle parking area within the building. [COA] [PLANNING]

BP-18. LIST OF MITIGATION MEASURES:

Final plans shall include a list of all environmental mitigation measures included as part of the approved application, starting after the Conditions of Approval. [COA] [PLANNING]

BP-19. MITIGATION MEASURE#1 (ASBESTOS CONTAINING MATERIALS):

The plans submitted for building permits shall demonstrate compliance with the following mitigation measure:

What: All asbestos-containing materials must be removed prior to any demolition or renovation which may disturb these materials. Any work to remove asbestos-containing materials shall be performed by a licensed asbestos abatement contractor in compliance with State and Federal regulations.

When: This mitigation measure will be converted into a condition of approval for the Special Development Permit prior to its review by the City's Planning Commission. The condition will become valid when the Special Development Permit is approved. Compliance with the mitigation measure is required to be demonstrated to the City by the applicant prior to occupancy of the site.

Who: The applicant is solely responsible for implementation of this mitigation measure as well as for demonstrating compliance to the City prior to occupancy of the site.

How: The project conditions of approval will require this mitigation measures if the project is approved. [COA] [PLANNING]

BP-20. MITIGATION MEASURE #2 (HAZARDOUS MATERIALS SAFETY PLAN):

What: The applicant will be required to develop a Hazardous Materials Safety Plan for the site addressing the risks presented to employees and students from the surrounding industrial facilities. The plan shall include the following components:

- a) Identification of high risk locations within 1,000 feet of the project site, including the types of hazardous materials used and stored at each location.
- b) Identification of the risks presented by each of these facilities (toxic gases, corrosive vapors, liquid leaks, fires, etc.).

- c) Contact information for nearby high-risk facilities (names and phone numbers of management/safety personnel).
- d) Arrangements with nearby high-risk facilities for phone notification in the event of a hazardous materials release or potential release.
- e) Procedures for appropriate responses to hazardous materials releases from nearby high-risk facilities (shelter in place or complete evacuation procedures) addressing the specific needs of the site's student and employee population.
- f) An initial and ongoing safety training program for staff to ensure on-site personnel are familiar with the site's Hazardous Materials Safety Plan and emergency procedures.
- g) Site and floor plan showing, at a minimum, building exits, evacuation routes, interior areas of refuge (shelter in place), fire extinguishers, and air handler shut-offs.
- h) The plan shall be reviewed and updated annually.

When: This mitigation measure will be converted into a condition of approval for the Special Development Permit prior to its review by the City's Planning Commission. The condition will become valid when the Special Development Permit is approved. Compliance with the mitigation measure is required to be demonstrated to the City by the applicant prior to occupancy of the site.

Who: The applicant shall draft and submit a Hazardous Materials Safety Plan as required by Mitigation Measure #2 for review and approval by the Director of Community Development. The applicant is solely responsible for implementation of this mitigation measure as well as for demonstrating compliance to the City prior to occupancy of the site.

How: The project conditions of approval will require this mitigation measures if the project is approved. [COA] [PLANNING]

**BP-21. HAZARDOUS MATERIALS RISK ACKNOWLEDGEMENT:**

The project applicant shall acknowledge in writing that the proposed use is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas. This written acknowledgement shall be provided in a format approved by the City prior to issuance of a building permit. [COA] [PLANNING]

**BP-22. HAZARDOUS MATERIALS RISK NOTIFICATION:**

The project applicant shall provide written notification to the parents or legal guardians of all children to be enrolled in the site's child care use informing them that the proposed use is locating in an industrial

area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas. This notification shall be made prior to enrollment of any child. Parents/legal guardians shall be provided with the opportunity to review the site's Hazardous Materials Safety Plan including its information on details of surrounding hazardous materials use. Written notification shall be provided in a format to be approved by the City prior to issuance of a building permit. [COA] [PLANNING]

BP-23. STREAMSIDE BEST MANAGEMENT PRACTICES:

The project shall comply with the following standard measures to protect stream resources during construction as outlined in the Guidelines and Standards for Land Use Near Streams. 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 Community Development:

- a) Wet weather protection measures;
- b) Erosion protection measures;
- c) Methods and locations for cleaning tools and equipment;
- d) Dust control measures;
- e) Litter prevention measures;
- f) Debris collection and removal measures;
- g) Wash-out facility for concrete, paint, drywall, etc.;
- h) Locations of portable toilets;
- i) Construction-related storm water management controls (i.e. sediment traps, berms, silt fences, sand bags, dikes, geotextiles and mats, mulching, seeding, and plantings);
- j) Measures for managing hazardous materials on-site, including fuel;
- k) As appropriate, other stream protection measures to address the specific site and conditions of the project.

[COA] [PLANNING]

BP-24. SANITARY SEWER LATERAL:

On the plans submitted for building permits, identify the location of any existing sanitary sewer lateral and its connection to the City main to facilitate update of City records. If there is no existing sanitary sewer lateral connected to the City main, provide a new lateral and connection. [COA] [PUBLIC WORKS ENGINEERING]

BP-25. DRIVEWAYS:

Replace all driveway approaches along the project frontage consistent with current City standards. This shall be included on the plans submitted for building permits. [COA] [PUBLIC WORKS ENGINEERING]

BP-26. STREET LIGHTING:

Upgrade the street light adjacent to the site's western driveway to LED lighting consistent with current City standards. This shall be included on the plans submitted for building permits. [COA] [PUBLIC WORKS ENGINEERING]

BP-27. SIDEWALK:

Provide a monolithic sidewalk along the full project frontage consistent with current City standards. This shall be included on the plans submitted for building permits. If any portion of the sidewalk is required to be located on private property, record appropriate easements with the City of Sunnyvale for sidewalk access, maintenance, and use. [COA] [PLANNING/PUBLIC WORKS]

BP-28. FIRE PROTECTION PERMIT:

Obtain an approved Child Care Fire Operations Permit from the Department of Public Safety prior to issuance of a building permit. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]

BP-29. RADIO RETRANSMISSION EQUIPMENT:

Approved emergency responder radio coverage is required throughout the project. Radio retransmission equipment will be required in any areas lacking sufficient coverage. [COA] [PUBLIC SAFETY/FIRE PROTECTION]

BP-30. KNOX BOX AND ACCESS:

A Knox key box will be required for access to the building and gated areas in accordance with Fire Prevention guidelines. Gated areas are subject to emergency vehicle access requirements. [COA] [PUBLIC SAFETY/FIRE PROTECTION]

BP-31. SPRINKLER AND ALARM:

A fully automated sprinkler system and fire alarm system are required. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]

- BP-32. FIRE EXTINGUISHERS:  
Provide the required number of fire extinguishers. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-33. COMMERCIAL KITCHENS:  
Provide a UL300 kitchen hood extinguishing system for any commercial kitchen. [SDR] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-34. FIRE PROTECTION WATER SUPPLY:  
The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety. [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-35. FIRE PROTECTION CONSTRUCTION PLAN:  
Provide a written Fire Protection Construction Plan prior to issuance of a building permit. [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-36. FIRE PROTECTION CONSTRUCTION ACCESS:  
Prior to any combustible materials on-site, provide fire access drives and operational on-site fire protection systems. [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-37. ELECTRONIC PLANS:  
Provide Fire Protection staff with an electronic version of project plans to assist with “pre-fire survey maps.” [COA] [PUBLIC SAFETY/FIRE PROTECTION]
- BP-38. GREEN BUILDING:  
Building permit plans shall demonstrate compliance with the City’s current green building requirements in place at the time of building permit submittal. [COA] [PLANNING]

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

- EP-1. TRAFFIC CONTROL PLAN:  
The plans submitted for an Encroachment Permit shall include a traffic control plan in accordance with current California MUTCD standards. [SDR] [PUBLIC WORKS]

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

- PF-1. LANDSCAPING AND IRRIGATION:  
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. 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 shall be installed per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-4. IRRIGATION METERS:  
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building. [COA] [PLANNING]
- PF-5. MITIGATION MEASURES:  
Documentation indicating that all project mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. Refer to the building permit plans for the Mitigated Negative Declaration. [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 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]

DC-3. STREAMSIDE BEST MANAGEMENT PRACTICES:

All best management practices to protect adjacent stream resources shall be maintained, as indicated on the building permit plans, until construction has been completed and final occupancy has been granted. [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. MAXIMUM CAPACITY:

The use permitted by this application shall comply with the following capacity limits at all times:

- a) The maximum number of students permitted on-site at any time is 83;
- b) The maximum number of teachers permitted on-site at any time is 7;
- c) Any proposed modification to the site's capacity shall be subject to review and approval by the City at a public hearing. [COA] [PLANNING]

AT-2. HOURS OF OPERATION:

The use permitted by this application shall comply with the following hours of operation at all times:

- a) The hours of operation are limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. Extended hours require separate approval by the City. Minor modifications may be approved by the Director of Community Development; major modifications may require approval at a public hearing. The Director of Community Development shall determine whether requested modifications are major or minor. [COA] [PLANNING]

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

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

- AT-5. **LOUDSPEAKERS PROHIBITED:**  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-6. **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-7. **AWNINGS:**  
Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-8. **PARKING MANAGEMENT:**  
On-site parking management shall comply with the approved parking management plan. [COA] [PLANNING]
- AT-9. **PARKING LOT MAINTENANCE:**  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee and compact spaces as per approved plans. This shall be specified on the building permit plans and completed prior to occupancy.
  - b) Maintain all parking lot striping and marking.
  - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for use.
- [COA] [PLANNING]
- AT-10. **UNENCLOSED STORAGE (PROHIBITED):**  
Unenclosed storage of any kind is prohibited on the premises. [COA] [PLANNING]
- AT-11. **HAZARDOUS MATERIALS RISK NOTIFICATION:**  
The required parental notification regarding hazardous materials risks (see Condition BP-22 shall be provided prior to the enrollment of any child in the site's child care program. [COA] [PLANNING]

AT-12. HAZARDOUS MATERIALS SAFETY PLAN:

The approved use shall comply at all times with required Hazardous Materials Safety Plan (see Condition BP-20) and shall update the plan annually. [COA] [PLANNING]

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

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



County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688



Document No.: 557  
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CRO Order Number:  
Fee Total: 0.00

**CEQA DOCUMENT DECLARATION**

REGINA ALCOMENDRAS, County Clerk – Recorder  
by Oscar Urquilla, Deputy Clerk – Recorder, *OU*

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Special Development Permit
3. APPLICANT NAME: Innovative Design Architecture, Inc PHONE: 408-730-7659
4. APPLICANT ADDRESS: 1159 Willow Avenue, Sunnyvale, ca 94087
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 2,919.00	\$ 0.00
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,101.50	\$ 0.00
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ 0.00
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 992.50	\$ 0.00
<input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ 0.00

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

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

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

<input type="checkbox"/> NOTICE OF PREPARATION	<input checked="" type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ NO FEE
--	--	--------	-----------

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

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

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

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

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

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



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

File#: 557 7/16/2012

File Number: 2012-7331  
 No. 12-07

ATTACHMENT C  
 Page 2 of 30

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

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

**PROJECT TITLE:**

Application for a **Special Development Permit** filed by **Innovative Design Architecture, Inc.**

**PROJECT DESCRIPTION AND LOCATION (APN):**

**FILE #:** 2012-7331  
**Location:** 1159 Willow Ave. (APN: 213-01-023)  
**Proposed Project:** Special Development Permit to allow a child care center in an existing industrial building located in an Industrial-to-Residential district.  
**Applicant / Owner:** IDA / Kwong Wing Lam  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Mariya Hodge, 408-730-7659, mhodge@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, August 13, 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, August 13, 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 July 13, 2012

Signed: *Geri Caruso*  
 Geri Caruso, Principal Planner

Project Title	Special Development Permit # 2012-7331
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Mariya Hodge, Associate Planner
Phone Number	408-730-7659
Project Location	1159 Willow Avenue Sunnyvale, CA 94086 (APN: 213-01-023)
Applicant's Name	Innovative Design Architecture, Inc.
Project Address	1159 Willow Avenue, Sunnyvale, CA 94086
Zoning	M-S/ITR/R-3/PD (Industrial and Service/ Industrial-to-Residential/ Medium Density Residential/ Planned Development)
General Plan	ITRMED (Industrial-to-Residential Medium Density)
Other Public Agencies whose approval is required	Licensing of the proposed child care provider is required through the State of California's Community Care Licensing Division (CCLD)

Brief description of the Project: The proposed project is to allow a child care center for up to 83 students to occupy an existing industrial building which is located in an Industrial-to-Residential Zoning District. The child care center will occupy the entire building; no other tenants are proposed. Site modifications include parking lot restriping, conversion of a portion of the existing parking lot to an outdoor play area, interior tenant improvements, and minor exterior façade modifications.

**DETAILED PROJECT DESCRIPTION:**

On-site Development: Minor interior and exterior modifications are proposed to convert the existing industrial building to a child care center. On-site development activities are anticipated to consist of the following: interior tenant improvements; minor exterior façade improvements including painting, replacement of roll-up doors with storefront windows, and the addition of canvas awnings; parking lot slurry seal and restriping; additional fencing to create an outdoor play area; installation of two free-standing play structures and a free-standing shade structure in the outdoor play area; and construction of a solid waste enclosure.

Off-site Improvements: Minor off-site improvements are proposed. These include replacing the site's existing driveway approaches to current City standards; upgrading street lighting along the project frontage to LED lighting; and adding a short sidewalk segment along the project frontage. Installation of a sanitary sewer lateral may also be required connecting the site to the City main.

Construction Activities and Schedule: The project does not propose significant construction activities. Minor interior and exterior modifications are proposed as detailed above. Construction is anticipated to begin in Fall 2012 and is expected to take approximately 6 months.

Surrounding Uses and Setting: The project is proposed on a 0.5-acre site occupied by an 8,450 square foot single-story concrete tilt-up building and a paved surface parking lot. The site was previously occupied by a company engaged in the sale of martial arts supplies. Immediate surrounding uses are residential townhomes to the north and west, and industrial uses to the south and east. The adjacent property to the west is zoned for medium-density residential uses. Surrounding properties to the north, south, and east share the site's Industrial-to-Residential medium density zoning; therefore the other surrounding industrial uses are expected to gradually convert to medium density residential uses over time. More distant surrounding uses south of Reed Avenue and further to the west are residential. More distant surrounding uses north of Aster Avenue are industrial; the Caltrain corridor is also located to the north approximately 700 feet from the project site. Uses east of Lawrence Expressway are a mix of industrial/office and residential.

**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.

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Checklist preparer: Mariya Hodge

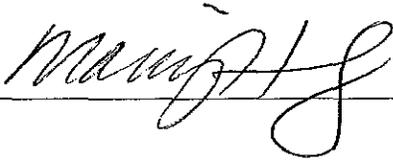
Date: 07/10/2012

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Title: Associate Planner

City of Sunnyvale

Signature:



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Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
Planning					
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Land Use and Transportation Element of the General Plan, General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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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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 <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a>
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a>
10. 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 Air Installations Compatible Use Zones (AICUZ) Study Map, Sunnyvale Zoning Map, Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
11. 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. 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"/>	Air Installations Compatible Use Zones (AICUZ) Study Map
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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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14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Noise Sub-element, SMC <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 19.42 Noise Ordinance <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a>
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Noise Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Noise Sub-element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a>
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a>
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance, Sunnyvale Inventory of Heritage Trees
21. Biological Resources - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a>
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 of 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. No school impacts are anticipated.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, Sunnyvale General Plan Map, Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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 type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, AB 32, Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 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, AB 32, Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)
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 Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)
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, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)
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 Air Quality Sub-Element, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)
31. Seismic Safety - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Santa Clara County Office of Planning Geologic Hazard Zones Maps

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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a known fault?					
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Santa Clara County Office of Planning Geologic Hazard Zones Maps
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Santa Clara County Office of Planning Geologic Hazard Zones Maps
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , Santa Clara County Office of Planning Geologic Hazard Zones Maps

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

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

**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 (**Less Than Significant Without Mitigation**):

The proposed use is not expected to generate significant operational noise impacting surrounding uses. However, adjacent roadways and the Caltrain corridor to the north have the potential to generate noise which may impact users of the proposed project. A Noise and Land Use Compatibility Assessment was prepared for the project by Ambient Air Quality and Noise Consulting to analyze expected roadway and train-generated noise impacts on the project. The City of Sunnyvale General Plan indicates that for school uses, exterior noise levels up to 60 dBA Ldn are normally acceptable, and exterior noise levels greater than 60 dBA Ldn up to 75 dBA Ldn are conditionally acceptable. The project Noise Assessment indicates current exterior noise levels throughout the site are less than 60 dBA Ldn and therefore acceptable for a school use. The Noise Assessment also includes an estimate of the expected future noise levels in the year 2025 based on traffic projections for Lawrence Expressway and Caltrain's long term strategic plan. This analysis indicates that

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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future expected noise levels are 60 dBA Ldn or less throughout the site, except in one location at the front corner of the building (southeast corner of the site) where the exterior noise level in 2025 is expected to reach 60.5 dBA Ldn (only a slight increase over the "normally acceptable" standard). This location is not proposed as a play area nor for any other outdoor activity. Based on standard noise reductions achieved through typical wall and window construction in this type of building, the Noise Assessment concludes the expected interior noise levels in 2025 will remain below the normally acceptable level of 45 dBA Ldn even despite the slight increase in exterior noise at the southeast corner. As a result, noise impacts on expected users of the site are expected to be less than significant with no additional mitigation required.

**30. Air Quality – Expose sensitive receptors to substantial pollutant concentrations (Less Than Significant Without Mitigation):**

The proposed use is not expected to negatively impact air quality for surrounding uses. However, adjacent roadways and industrial uses have the potential to generate air pollution which may negatively impact users of the proposed project. Based on BAAQMD CEQA Guidelines and screening tables, project-specific analysis of greenhouse gas and criteria air pollutant impacts is not warranted for this project. A project-level Screening Level Health Risk Assessment for air quality was prepared by Ambient Air Quality and Noise Consulting which examined fine particulate matter impacts, toxic air contaminant impacts, and lifetime cancer risks. The Health Risk Analysis demonstrates the expected air quality impacts generated by adjacent roadways and permitted stationary sources fall below the thresholds of significance. Air quality impacts associated with the project are expected to be less than significant with no additional mitigation required.

Responsible Division: Planning Division

Completed by: Mariya Hodge, Associate Planner

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Transportation					
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 type="checkbox"/>	<input checked="" type="checkbox"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan Congestion Management Program, Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition
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), Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition
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, Sunnyvale Zoning Map
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, VTA Short Range Transit Plan

<b>Transportation</b>	<b>Potentially Significant Impact</b>	<b>Less than Sig. With Mitigation</b>	<b>Less Than Significant</b>	<b>No Impact</b>	<b>Source Other Than Project Description and Plans</b>
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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
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: None required.

Responsible Division: Transportation and Traffic Division

Completed by: Mariya Hodge, Associate Planner

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Building					
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
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 <a href="http://www.abag.ca.gov">www.abag.ca.gov</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
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
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 type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Seismic Safety Sub-Element, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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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
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Further Discussion if "Less Than Significant" with or without mitigation: None required.

**General Discussion:** The California Building Code contains a series of building code requirements to address safety issues regarding seismic shaking, flooding, and soil types. In addition, Title 16.62 of the Sunnyvale Municipal Code requires a series of measures for provisions to reduce flood-related hazards to buildings. These standards are suggested by the Federal Emergency Management Agency and required by code by the City of Sunnyvale. These standards must be met for a building permit to be issued.

Responsible Division: Building Division

Completed by: Mariya Hodge, Associate Planner

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Engineering					
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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 with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.valleywater.org">www.valleywater.org</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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60. Utilities and Service Systems: Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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"/>	Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

Responsible Division: Public Works Engineering Division

Completed by: Mariya Hodge, Associate Planner

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Public Safety					
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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: Department of Public Safety      Completed by: Mariya Hodge, Associate Planner

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Public Safety – Hazardous Materials					
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Zoning Map; Project Phase I Environmental Site Assessment (Acacia Consultants & Engineers, Inc., May 2012); Project Lead XRF Testing Analysis (Environmental Remediation Technologies, June 2012), Project PLM Bulk Asbestos Analysis (June 2012)
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Zoning Map; Project Phase I Environmental Site Assessment (Acacia Consultants & Engineers, Inc., May 2012); Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012); Project Draft Hazardous Materials Emergency Response Plan (Acacia Consultants & Engineers, Inc., June 2012)
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Zoning Map; Project Phase I Environmental Site Assessment (Acacia Consultants & Engineers, Inc., May 2012); Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012); Project Draft Hazardous Materials Emergency Response Plan (Acacia Consultants & Engineers, Inc., June 2012), Project Lead XRF Testing Analysis (Environmental Remediation Technologies, June 2012), Project PLM Bulk Asbestos Analysis (June 2012)
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Phase I Environmental Site Assessment (Acacia Consultants & Engineers, Inc., May 2012); Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)
68. Hazards and Hazardous Materials - Impair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?					Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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**Further Discussion if “Less Than Significant” with or without mitigation:**

**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 (Less Than Significant With Mitigation):**

The proposed project does not involve any routine handling, transport, or disposal of hazardous materials. However, any existing hazardous materials located within the industrial building could be disturbed or disposed of during project construction. The Phase I Site Assessment prepared by Acacia Consultants & Engineers, Inc., notes the proposed child care center will be located in an industrial building constructed during a time when lead and asbestos containing materials were commonly used. As a result, additional testing for lead and asbestos was recommended. The project Lead XRF Testing Report (prepared by Environmental Remediation Technologies) did not find the presence of lead materials in significant concentrations. No lead-related impacts are anticipated. The project PLM Bulk Asbestos Report (prepared by Environmental Remediation Technologies) found the presence of asbestos in a black mastic material used to adhere vinyl tiles to the floor in the restroom located to the rear of the building. The report concludes that no significant impact would be associated with this asbestos material if it remains undisturbed; however, if the material is to be disturbed during construction then appropriate remediation would be needed by a qualified contractor. The project plans currently do not propose remodeling in the restroom located to the rear of the building. However, interior floor plans may change over time and the applicant may desire to replace the flooring in this room as the project progresses. The following mitigation measure is required if the flooring in the restroom to the rear of the site is to be removed, replaced, or otherwise disturbed:

**MITIGATION MEASURE #1 (ASBESTOS-CONTAINING MATERIALS).**

**WHAT:** All asbestos-containing materials must be removed prior to any demolition or renovation which may disturb these materials. Any work to remove asbestos-containing materials shall be performed by a licensed asbestos abatement contractor in compliance with State and Federal regulations.

**WHEN:** This mitigation measure will be converted into a condition of approval for the Special Development Permit prior to its review by the City’s Planning Commission. The condition will become valid when the Special Development Permit is approved. Compliance with the mitigation measure is required to be demonstrated to the City by the applicant prior to occupancy of the site.

**WHO:** The applicant is solely responsible for implementation of this mitigation measure as well as for demonstrating compliance to the City prior to occupancy of the site.

**HOW:** The project conditions of approval will require this mitigation measures if the project is approved.

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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**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 (Less Than Significant With Mitigation):**

The project site is located in an Industrial-to-Residential transition area where some surrounding sites are occupied by industrial uses. In addition, there is an existing industrial neighborhood to the north within 1,000 feet of the project site where large quantities of hazardous materials are routinely stored and used. Various local, State, and Federal laws, regulations, and ordinances require engineering controls to help prevent chemical releases, and in the event of a release, to help protect human health and the environment. However, there is still a potential for an accidental release which could affect employees and students on the subject site. There are a number of residential uses located between the subject site and many of the surrounding hazardous materials users. However, a school or child care center such as the proposed use concentrates a large number of sensitive receptors (young children) with a relatively small number of supervising adults, unlike a residential context where an unplanned evacuation could be quickly conducted by each family. As a result, detailed planning for the event of a release of hazardous materials is needed to reduce the potential impacts to a less than significant level. The following mitigation measure is required:

**MITIGATION MEASURE #2 (HAZARDOUS MATERIALS SAFETY PLAN)**

**WHAT:** The applicant will be required to develop a Hazardous Materials Safety Plan for the site addressing the risks presented to employees and students from the surrounding industrial facilities. The plan shall include information on high-risk locations within 1,000 feet of the project site and appropriate procedures to respond to hazardous materials releases from these facilities. The plan shall be submitted for review and approval by the City’s Director of Community Development.

**WHEN:** This mitigation measure will be converted into a condition of approval for the Special Development Permit prior to its review by the City’s Planning Commission. The condition will become valid when the Special Development Permit is approved. Compliance with the mitigation measure is required to be demonstrated to the City by the applicant prior to occupancy of the site.

**WHO:** The applicant shall draft and submit a Hazardous Materials Safety Plan as required by Mitigation Measure #2 for review and approval by the Director of Community Development. The applicant is solely responsible for implementation of this mitigation measure as well as for demonstrating compliance to the City prior to occupancy of the site.

**HOW:** The project conditions of approval will require this mitigation measures if the project is approved.

This mitigation measure, combined with the implementation and enforcement of Federal, State, and local regulations regarding the use, storage, transport, and disposal of hazardous materials, is expected to reduce potential hazardous materials impacts to a less than significant level.

**66. Hazards and Hazardous Materials – Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Less Than Significant With**

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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**Mitigation):**

The proposed project will locate a school-type use (child care) within one-quarter mile of industrial sites where large quantities of hazardous materials are routinely stored and used. While routine hazardous emissions are not expected, there is a potential for accidental releases of hazardous materials from these sites. In addition, there are small quantities of asbestos-containing materials which have been identified on the site and could result in hazardous materials impacts if disturbed in construction. The discussion above and Mitigation Measures #1 and #2 above address these impacts. These mitigation measures are sufficient to reduce the potential hazardous materials impacts to a less than significant level.

Responsible Division: Department of Community Services      Completed by: Mariya Hodge, Associate Planner

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

Responsible Division: Department of Community Services      Completed by: Mariya Hodge, Associate Planner

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

**City of Sunnyvale General Plan:**

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

**City of Sunnyvale Municipal Code:**

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

**Facilities**

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

**Specific Plans:**

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

**Environmental Impact Reports:**

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

**Maps:**

- A. General Plan Map
- B. Zoning Map
- C. City of Sunnyvale Aerial Maps
- D. Flood Insurance Rate Maps (FEMA)
- E. Santa Clara County Assessor's Parcel
- F. Utility Maps
- G. Air Installations Compatible Use Zones

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

- (AICUZ) Study Map
- H. Noise Sub-Element Appendix A 2010 Noise Conditions Map
- I. Santa Clara County Office of Planning Geologic Hazard Zones Maps

**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](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)
- E. The Leaking Underground Petroleum Storage Tank List  
[www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)
- F. The Federal EPA Superfund List  
[www.epa.gov/region9/cleanup/california.html](http://www.epa.gov/region9/cleanup/california.html)

D. 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
- 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

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

**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

**Miscellaneous Agency Plans:**

- A. ABAG Projections 2010
- B. Bay Area Clean Air Plan
- C. BAAQMD CEQA Guidelines

**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
- K. National Fire Protection Association (NFPA) standards

**Guidelines and Best Management Practices**

- A. Storm Water Quality Best Management Practices Guidelines Manual 2011
- 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. Santa Clara Valley Water District (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
- I. Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012)

**Additional Project References:**

- B. Project Description
- C. Sunnyvale Project Environmental Information Form
- D. Project Development Plans dated 04/30/2012
- E. Project Phase I Environmental Site Assessment (Acacia Consultants & Engineers, Inc., May 2012)
- F. Project Noise and Land Use Compatibility Assessment (Ambient Air Quality and Noise Consulting, May 2012)
- G. Project Air Quality Screening Level Health Risk Assessment (Ambient Air Quality and Noise Consulting, May 2012)
- H. Project Draft Hazardous Materials Emergency Response Plan (Acacia Consultants & Engineers, Inc., June 2012)
- I. Project Lead XRF Testing Analysis (Environmental Remediation Technologies, June 2012)
- J. Project PLM Bulk Asbestos Analysis (Environmental Remediation Technologies, June 2012)
- K. Field Inspection
- L. Project Site Plan dated 04/30/2012
- M. Project construction schedule
- N. Project Green Building Checklist
- O. Project LEED Checklist

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**Other**

File#: 557 7/16/2012