



**Draft for Planning Commission Review on September 24, 2012**

**City Council Hearing Date:** October 16, 2012

**File Number:** 2012-7450

**SUBJECT:** **St Anton Partners:** Application for the development of a multi-family structure with 97 dwelling units, associated parking and landscaping located at 1101 N. Fair Oaks Avenue in a M-S/ITR/R-3 Zoning District (APN: 110-14-176):

Ordinance **Introduction of an Ordinance** to change the Zoning designation from M-S/ITR/R-3/PD to R-4/PD;

Motion **Special Development Permit** to allow the development of 97 dwelling units; and

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

**REPORT IN BRIEF:**

**Existing Site Conditions** Research and Development

**Surrounding Land Uses**

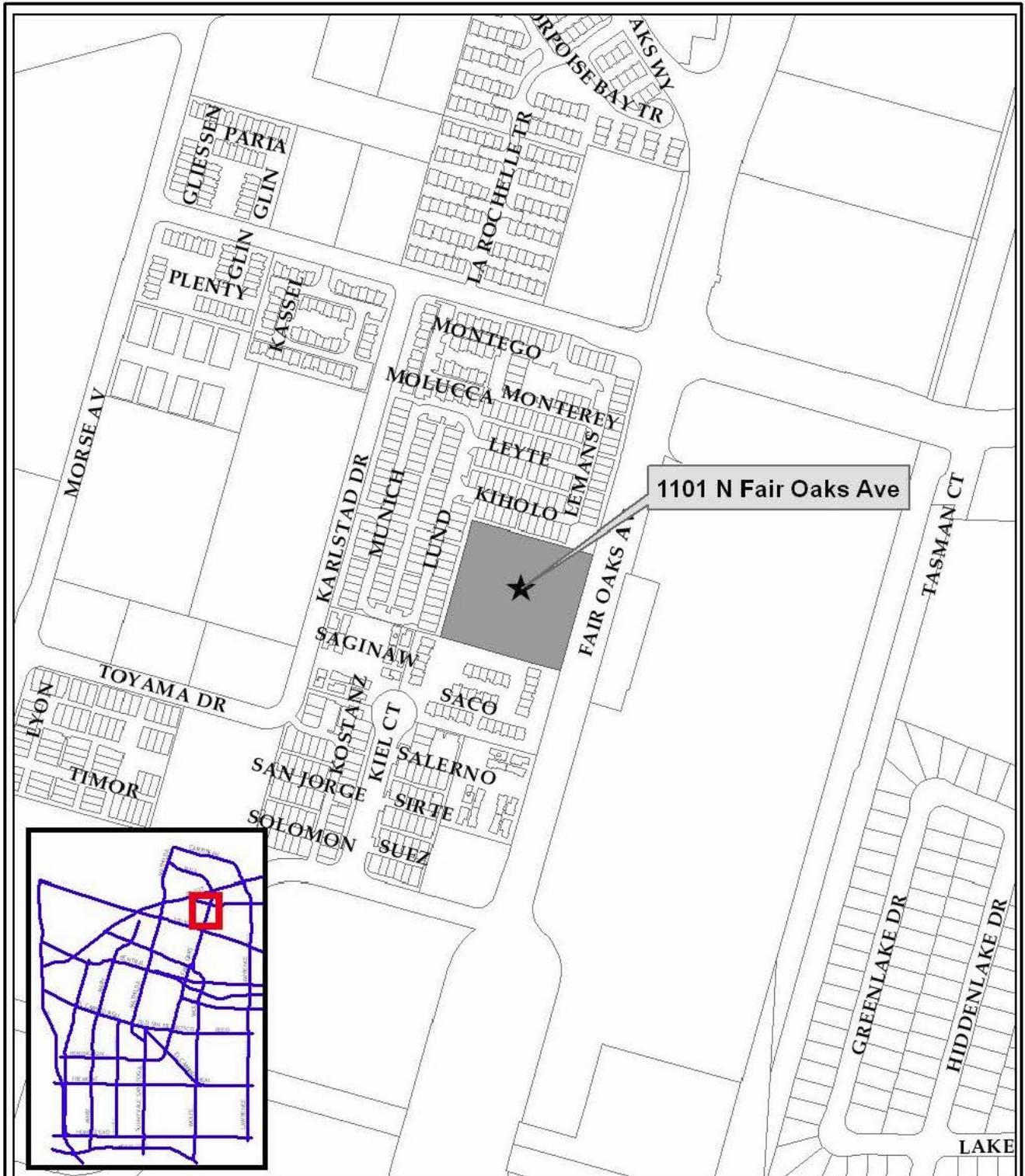
North Residential (Danbury Place I townhouses)  
South Residential (Danbury Place II townhouses)  
East Residential (El Dorado Mobile Home Park)  
West Residential (Danbury Place I townhouses)

**Issues** Rezoning, Architecture and Neighborhood Compatibility

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

**Staff Recommendation** Approval with conditions

**VICINITY MAP**



2012-7450  
1101 N. Fair Oaks Ave. (APN:110-14-176)  
• SPECIAL DEVELOPMENT PERMIT  
• REZONE

0 87.5 175 350 Feet



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial-to-Residential Mixed (Medium to High Density)	Same	Industrial-to-Residential Mixed (Medium to High Density)
<b>Zoning District</b>	M-S/ITR/R-3/PD	R-4/PD	M-S/ITR/R-3/PD Futures Site 7 *Proposed Rezone to R-4/PD
<b>Lot Size (s.f.)</b>	111,514 sf.	Same	8,000 sf. min. (R-3 & R-4)
<b>Gross Floor Area (s.f.)</b>	40,680 sf.	91,131 sf.	No max.
<b>Lot Coverage (%)</b>	36.4%	36%	40% max.
<b>Floor Area Ratio (FAR)</b>	36.4%	81%	No max.
<b>No. of Units</b>	N/A	97	93 max. for R-4 (Plus up to 5% Green Building Density Bonus of 4 units for 110 BIG Points)
<b>Density (units/acre)</b>	N/A	38	36 max. for R-4
<b>Meets 75% min?</b>	N/A	Yes	72 min.
<b>Bedrooms/Unit</b>	N/A	8-Studios 46 1 Bedroom 43 2 Bedroom	---
<b>Unit Sizes (s.f.)</b>	N/A	Studios: 544 sf. 1 Bedroom: 719-799 sf. 2 Bedroom: 991-1,055	---
<b>Lockable Storage/Unit</b>	N/A	On each level	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	N/A	1	---
<b>Distance Between Buildings</b>	N/A	N/A	26' min.
<b>Building Height (ft.)</b>	N/A	55'	55' max. R-4

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>No. of Stories</b>	N/A	4	4 max R-4
<b>Setbacks</b>			
★ <b>Front -east (on N Fair Oaks Ave.)</b>	N/A	20'	24.5' min R-4
★ <b>Left Side -south</b>	N/A	15'	18' min. R-4
<b>Right Side - north</b>	N/A	80'	27' min. R-4
<b>Rear -west</b>	N/A	20'	20' min. R-3 & R-4
<b>Landscaping</b>			
<b>Total Landscaping</b>	N/A	36,375 s.f.	22,302 min. (20%)
<b>Landscaping/Unit</b>	N/A	375 s.f./d.u. 36,375	R-4 375 s.f. min./d.u. (36,375 sf. total)
<b>Usable Open Space/Unit</b>	N/A	388 s.f./d.u. 38,253 (Includes 80 s.f. private open spaces per unit)	R-4 380 s.f. min./d.u. (36,860 sf. total)
<b>Frontage Width (ft.)</b>	N/A	20'	15' min.
<b>Parking Lot Area Shading (%)</b>	N/A	50%	50% min. in 15 years
<b>Water Conserving Plants</b>	N/A	80%	80% + limit turf, or water budget
<b>Recreation Building (s.f.)</b>	N/A	1,800	225 s.f. (Applies to greater than 50 units)
<b>Parking</b>			
<b>Total Spaces</b>		167 (113 Garage & 54 Guest)	167 min. (97 Garage/Assigned & 70 Unassigned & Guest)
<b>Standard Spaces</b>		163	42 min.

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>Compact Spaces/ % of Total</b>		0	10% max. (8) of uncovered/guest spaces
<b>Accessible Spaces</b>		4	Per ADA requirements
<b>Covered Spaces</b>		113	97 min.
<b>Aisle Width (ft.)</b>		26 ft.	24 ft. min. <sup>1</sup>
<b>Bicycle Parking</b>		38 (32 Class I & 6 Class II)	38 (32 Class I & 6 Class II)
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	33,489	27,106	No max.
<b>Impervious Surface (%)</b>	92.5%	69.5%	No max.
★ <i>Starred items indicate deviations from Sunnyvale Municipal Code requirements.</i>			

1. Fire code requires 26 feet.

**BACKGROUND:**

The subject site is located within the Futures 7 study area (now part of the Tasman Crossings Neighborhood) which was designated to transition from Industrial to Residential (ITR) in the early 1990s as a means to address the jobs housing balance in the City. Approximately ten years later, the City Council reevaluated some of the industrial to residential areas to encourage redevelopment and to ensure adequate commercial serving uses to support these new neighborhoods. In early 2000, the Futures 7 (ITR 7) area was designated with a General Plan Land Use Designation of Industrial to Residential Medium to High (ITR-MIX) with a floating commercial square footage of up to 14,000 square feet to allow for a larger variety of densities and support uses. At the same time, redevelopment in the area began to occur and this site is the last remaining industrial use on this block of Fair Oaks in the ITR 7 area.

**Previous Actions on the Site**

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

File Number	Brief Description	Hearing/Decision	Date
20003-0404	MPP to allow changes of use to Gymnastic Facility	Staff /Approved	6/12/2003
2001-0116	General Plan Amendment	City Council/Approved	7/16/2002
7794	Futures Study/General Plan Amendment	City Council / Approved	7/27/1993

**DISCUSSION:**

**Requested Permit(s)**

The proposed project includes the demolition of the existing structure, grading and the construction of at-grade parking, a four story multi-family residential structure with 97 dwelling units and landscaping and other site improvements.

• **Rezone**

A Rezone is requested to change the current zoning from ITR/R-3/PD to R-4/PD to allow the construction of the proposed 97 residential dwelling units. In Sunnyvale, a General Plan Amendment is often required with a Rezone to change residential density. However, in this case the General Plan Land Use designation allows for both Medium (R-3) and High (R-4) residential densities; this is a result of Council Study Issues from 1993 and 2002. In this transition area, the base residential zoning was at R-3 (Medium Density Residential), with the ability to allow a higher density project in the future with a rezoning to R-4. Ultimately, the Council will determine if the proposed project, density and architecture are compatible with the surrounding area (see Findings in Attachment A).

• **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review to allow the construction of the new multi-family building including 97 residential units located within the M-S/ITR/R-3/PD Zoning District as well as the proposed R-4/PD zoning district. An SDP also allows deviations from Zoning Code requirements and in this case the applicant is requesting two deviations from the front setback and required left side setback. Other than the two deviations, the project complies with all other zoning code requirements for the R-4 Zoning District (see data table and further discussion below). Findings for the proposed project have been included in Attachment A.

## **ANALYSIS:**

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### **Rezone**

The proposed 97 units require a Rezone of the site to R-4 (High Density Residential) to allow up to 36 dwelling units per acre (or higher with various density bonuses). The site is currently zoned Industrial to Residential (ITR) Medium Density Residential (R-3) and includes the Planned Development (PD) combining district. The current zoning allows up to 24 units per acre. As noted above, the City Council adopted the General Plan Land Use designation of Industrial to Residential Medium to High (ITR-MIX). The General Plan also contains several policies related to housing and that specifically relate to the proposed project. These policies include the following:

- **Policy LT-1.9** Support flexible and appropriate alternative transportation modes and transportation system management measures that reduce reliance on the automobile and serve changing regional and City-wide land use and transportation needs.
- **Policy LT-1.10** Support land use planning that complements the regional transportation system.
- **Policy LT-3.1** Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.
- **Policy LT-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **Policy LT-3.4** Determine appropriate density for housing based on site planning opportunities and proximity to services.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.6** Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.

The intent of the General Plan Land Use designation of ITR-MIX is to allow some flexibility in density (residential and commercial) in the Futures Area. The proposed project supports and implements the policies above by locating a higher density residential project closer to light rail and it provides an alternative housing type (flats as opposed to multiple levels). To date 1,236 dwelling units have been approved in the Futures 7 area. Rental units in the area represent 22% (Tamarind Square Phase I & II). The addition of 97 rental

units would increase the rental percentage to 28%. The intent of the General Plan policy is still met, providing a majority of units as home ownership. The proposed development has been designed to fit into the neighborhood and it implements the transition to residential.

The base zoning for the ITR 7 area was left in place at a R-3 Density for sites south of Tasman and at R-4 and R-3 for Futures sites north of Tasman. One property south of Tasman has been rezoned to R-4 (Tamarind Square on Morse, and the industrial building at 1139 Karlsdadt). Figure 1 indicates the current zoning for the subject site and surrounding properties.

Figure 1 - Current Zoning

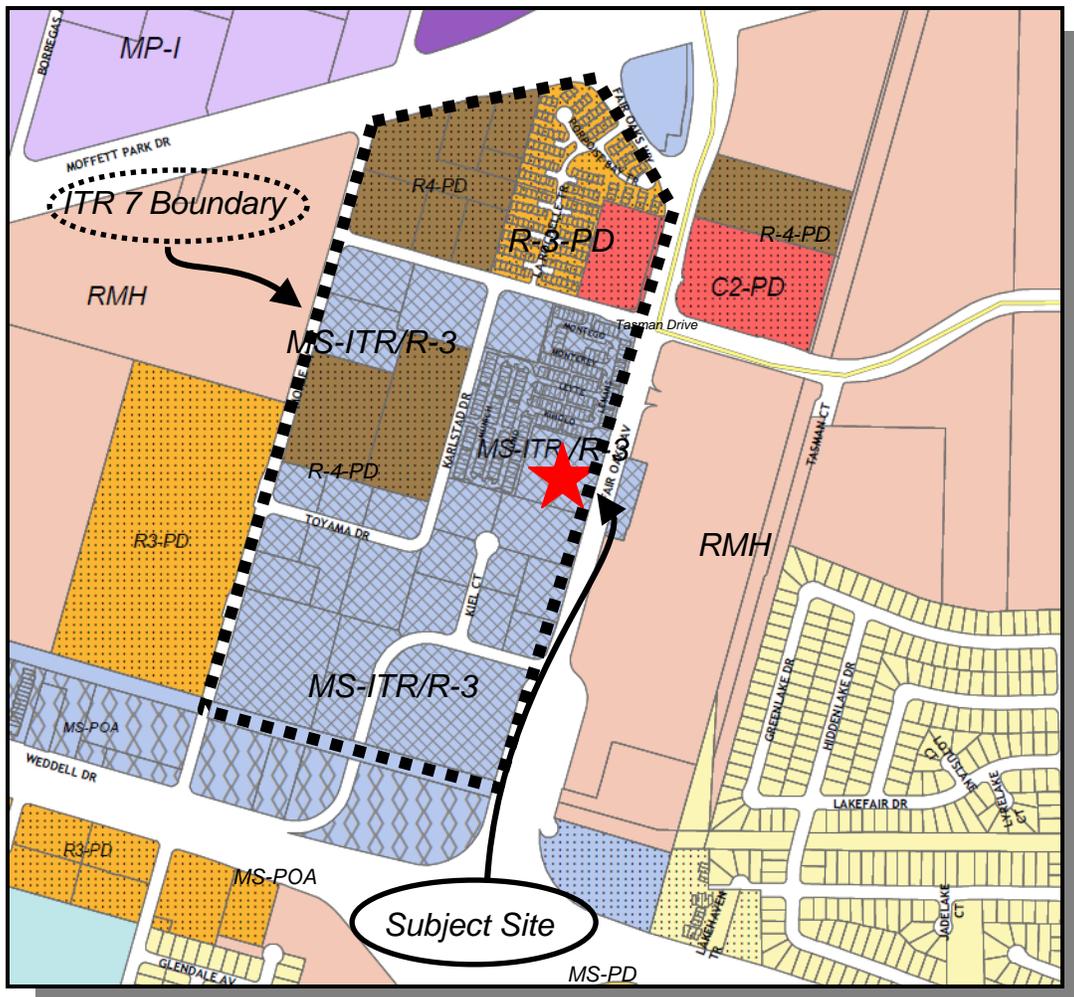


Figure 1 indicates that there are several parcels in the ITR 7 area that have the higher residential density of R-4. When incorporating a higher density project into a lower density area, it is important that the mass and scale of the residential structure(s) are compatible with the immediate area. The applicant has designed the project in a thoughtful manner that demonstrates that the R-4 density can be designed to ensure that design and massing of the structure

are compatible with the scale of the existing developments to the north, south and west of the site. For comparison purposes, the following table (Table 1) indicates the allowable density based on the current zoning, proposed zoning and Green Building Incentive. The proposed project does not include a State Density Bonus.

<b>Table 1: Density Comparison</b>						
<b>Zoning</b>	<b>Site Area</b>	<b>Dwelling Unit/s.f.</b>	<b>Zoning Total</b>	<b>Green Building Incentive (110 Points)</b>		<b>Total D/U With Green Building</b>
R-3	111,514 s.f.	1,800 s.f.	62 Units	5%	3 D/U	65
<b>R-4</b>	<b>111,514 s.f.</b>	<b>1,200 s.f.</b>	<b>93 Units</b>	<b>5%</b>	<b>4 D/U</b>	<b>97</b>
R-5	111,514 s.f.	950 s.f.	117 Units	5%	5 D/U	123

The proposed Rezone results in an additional 32 dwelling units above what is allowed under R-3 Zoning. As noted above, the General Plan Land Use designation allows for a range of Medium and High residential densities. Higher density is further supported by the proximity to the VTA lightrail station and the area is located in a Priority Development Area, which is intended for increased residential density adjacent to light rail.

**Architecture**

The proposed project is a four story podium structure. The first floor will include partially sunken covered parking which will be lined with dwelling units on the front and back of the structure and a lobby on the right (north) side. The second level will contain dwelling units, club room and fitness center. The third and fourth level will contain the remaining dwelling units. The second floor and above have been designed in “U” shape to provide shelter for the podium courtyard, open space and pool. The proposed architecture is a modern interpretation of Craftsman style architecture, including stone base, larger roof overhangs, bay window projections, and layered gable forms. The proposed elements provide interest and shadow lines on the building façade. Staff notes that the proposed forms are larger than the forms found on the adjacent developments due to the building type. To address this issue, the applicant has used varied setbacks, architectural projections and quality materials. In addition, the structure is generally three stories with a fourth story element located at the center of the site to provide the greatest buffer from the adjacent three story townhomes (refer to Sheet A3.2 of the plans). The applicant has worked with staff and has substantially revised the design to its current form. Staff has noted two remaining design elements that need further refinement; they have been included in the Conditions of Approval (Attachment B) and include the following:

- Roof Form: The roof forms need to be broken up further to provide more interest, such as using a shed dormer over the balcony elements on all sides.
- Lobby Entry: The visibility of the lobby entry needs to be further enhanced, such as modifying landscaping and paving to draw the eye to the lobby entry.

The applicant is aware of these concerns and is working on changes. As conditioned, staff will review the proposed changes prior to issuance of a building permit for the structure.

### **Development Standards**

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

- **Site Layout**

The proposed structure has been located on the site to provide the greatest buffer from the existing developments. Uncovered parking for residents and guests has been located on the north side of the site to provide a buffer for the homes to the north. The building is generally three stories in height to blend with the existing neighborhood. The project does include a four story portion which is located at the center of the site approximately 80 feet from the homes to the north and 40 feet from the homes to the west and 160 feet from the properties to the south.

The site is located within a flood plain area, which requires site grading adjustments. In this case the project applicant has proposed adding fill under the ground floor units to raise the finished floor above the base flood plain elevation. This approach requires approximately three feet of fill. The existing developments around the site have also added fill to raise the finished floor level for the dwelling units. The proposed plans include the additional fill to ensure that the proposed height reflects the actual final height.

- **Setbacks**

#### Front Setback

The project applicant is requesting a deviation for the front setback of 20 feet where 24½ feet is required for the floors above the second floor. The standard front setback for the R-4 district is 20 feet and those floors above the second floor area are required to provide an additional front setback of one-half the wall height of the floors above. In this case, the front of the structure is three stories and the plate height is 9 feet for the third floor,

resulting in an additional 4½ feet. The proposed three story portion that is 20 feet from the front property line is consistent with the three-story townhomes with a 20 foot front setback on either side of the site. The proposed fourth floor is located approximately 60 feet from the front setback. The proposed 20 foot front setback is in character with the existing townhomes on this block of Fair Oaks Avenue.

#### Left (South) Side

The project applicant is requesting a deviation for the left (south) side setback of 15 feet where 18 feet is required. The left (south) side setback of 18 feet is a result of the additional four story element located in the middle of the structure. The proposed 15-foot left (south) side setback is consistent with what would be required for a three-story structure. Staff is in support of the requested deviation since the proposed 15-foot setback meets the intent of the setback requirements in that the structure is only three stories along this side and the fourth floor is located over 160 feet from the south side of the property. In addition, uncovered parking spaces are located along the edge of the existing development to the south of the site. The proposed structure complies with the remaining setbacks.

- **Building Height and Number of Stories**

The proposed four-story structure would be approximately 55 feet in height as measured from the top of curb, which is consistent with the number of stories and building height allowed in the R-4 Zoning District. The adjacent R-3 homes were approved in 2005 with a deviation to allow the structures to be 48 feet in height where 35 feet are required. This height increase was due partially to the additional fill of four to five feet that was needed to raise the finished floor above the base flood level and to ensure the garages were technically a basement. The proposed structure is compatible with the building heights as measured from top of curb on North Fair Oaks.

- **Parking/Circulation**

The proposed project has been designed to provide covered and uncovered parking spaces per the code requirements. Based on the number and dwelling unit types, the project is required to provide one assigned space per units resulting in a requirement for 97 covered (garage) spaces. Also, 70 unassigned guest spaces are needed for a total of 167 parking spaces. The project is providing 113 garage spaces and 54 uncovered spaces which will be available to residents and guests. A Parking Management Plan will be required to be submitted, which will indicate how the applicant plans to manage the parking.

Pedestrian circulation has been provided around the site with common walkways and usable open space areas. Residents of the development will have access to Seven Seas Park from a pedestrian path located to the south of the site between Danbury Place and Crossman Place. Residents can

access the path from North Fair Oaks and it provides a connection to Kiel Court, Toyama Drive and Morse Avenue.

- **Landscaping and Tree Preservation**

The proposed project provides the required amount of landscaping as noted in the data table. The project will result in the removal of numerous unprotected trees on the site. A Tree Inventory and Evaluation was conducted on May 1, 2012, which surveyed 82 trees and found that only 1 tree is a “protected tree” per the City Zoning Code. This tree is expected to remain in place, unless infeasible. The applicant will work with the consulting arborist to ensure that construction of the sidewalk and grading does not damage the root system of the tree. If the tree cannot be saved due to the required sidewalk and stormwater management, the applicant shall pay the appropriate in-lieu fee. The landscape plan includes the addition of over 60 trees on the site and podium deck.

- **Usable Open Space**

The proposal meets the requirement for private usable open space with an average of approximately 380 square feet per unit. Open space is provided on the podium courtyard, including a pool, open deck area and spa. Enclosed open space is provided in the fitness and club rooms. Grade level open space amenities include a dog run on the south side and other passive open space areas. In addition, each unit is provided with a balcony for private open spaces (refer to Sheet L1.0 of the project plans).

- **Trash and Recycling Access**

Trash and recycling pick-up will be provided for the site in centralized bins with chutes for the second floor and above.

- **Stormwater Management**

A preliminary Stormwater Management Plan has been submitted as required, which shows proposed drainage patterns and conceptual treatment techniques to minimize surface runoff and pollution. Low Impact Development (LID) measures are proposed throughout the site and include bioretention and biofiltration areas which, to the extent feasible, retain water onsite and allow treated overflow in the stormdrain system. The project is proposing Alternative Compliance for stormwater due to the density and proximity to light rail. Alternative Compliance allows a portion of stormwater to be treated with mechanical methods (media filters located in water quality vaults). Sheet C.3 of the project plans indicates the different drainage zones and treatment measures. A more detailed Stormwater Management Plan will be submitted during the building permit phase per Conditions of Approval and the plans will be reviewed and certified by a City approved Third Party reviewer.

- **Green Building Requirements**

The project is proposing to access the Green Building Incentive for a 5% density bonus. This requires that the project achieve at least 110 Build It Green Points for the project (effective for building permits submitted after October 1, 2012). The project as proposed is achieving approximately 140 points. The incentive allows up to 4 additional units based on the base density of 93 units for the site. Most of the green building points are incorporated into the design of the landscaping, building materials, energy performance and plumbing. As required, verification of the green building measures will be completed by the Building Safety Division during the building permit process (Attachment B, Recommended Conditions of Approval).

### **Environmental Review**

An Environmental Impact Report (EIR) was previously prepared and certified in 1993 for the Futures Study Project in compliance with the California Environmental Quality Act (CEQA). The EIR and study evaluated 4 different citywide alternatives which looked at different residential densities and floor area ratios (for industrial areas). The EIR evaluated the potential impacts of each alternative and identified mitigation measures to reduce the potential impacts to a less than significant level. All impacts were reduced to a less than significant level with mitigations. For the subject area, the City Council approved a General Plan Land Use Designation of Medium Density Residential with a Zoning Designation of ITR/R-3/PD.

In 2001, the City Council initiated a new study to reevaluate some of the residential areas and neighborhood serving commercial areas in the Futures Study Area. The study recommended the creation of a new General Plan Land Use Designation of Industrial to Residential Medium to High (ITR-MIX), which allowed Medium and High Density Residential. A Mitigated Negative Declaration (MND) was prepared which found that eastbound and westbound right turn lanes at the intersection of Lawrence and Tasman would be needed. The improvements associated with the Lawrence/Tasman intersection were included in the long-term traffic improvement plan for General Plan build out. Transportation Impact Fees paid by the developments provided funding for the improvements. The City Council approved the Mitigated Negative Declaration and the General Plan Land Use change to Industrial to Residential Medium to High for the ITR7 area in July 16, 2002.

As part of this project, an MND was prepared to evaluate the proposed Rezone and current CEQA thresholds (see Attachment C for details). A Greenhouse Gas and an Acoustical analysis were prepared for the proposed project. In addition a Phase I and Phase II Soil Analysis were also completed. The MND and studies for the proposed project did not reveal any new significant impacts. Applicable and remaining mitigation measures from the previous environmental documents have been incorporated into the MND. The

Conditions of Approval include the applicable mitigations and will act as the Mitigation Monitoring and Reporting Program.

## **FISCAL IMPACT**

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No fiscal impacts other than normal fees (such as TIF, Park In-lieu, sewer and water connections) and taxes are expected.

## **PUBLIC CONTACT**

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The applicant conducted an Open House on August 2, 2012. Approximately seven residents attended the open house. The applicant provided color renderings, copies of reduced plans and answered questions. The applicant has also been diligently conducting additional outreach with the adjacent residents and Home Owners Associations. Two letters of support from the Danbury Place and Morse Park Home Owners Associations have been submitted (see Attachment E). Staff has not received any comments of concern regarding the proposed project as of the date of the preparation of this report.

<b>Notice of 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>• 576 notices mailed to the property owners 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>

## **Planning Commission Study Session**

The project was presented to the Planning Commission on July 23, 2010 for comment. Overall the Planning Commission was pleased with the proposed design. The Planning Commission provided the following comments:

- The project should have pedestrian connections to the future Morse Park.
- Compatibility of the structure with the adjacent townhomes is important.
- Requested clarification in the staff report regarding the requested Rezone.
- Requested clarification of the floor area ratio and unit type in comparison to the surrounding developments.
- Massing of the structure appears to be sensitive to the adjacent developments.

### **Community Outreach Meeting**

The applicant held a community outreach meeting on August 2, 2012. The applicant and representatives conducted the meeting in an “Open House” format in the existing building located on the site. Approximately seven community members attended the meeting. Site Plans, color renderings and reduced plans were provided for the public. Staff and the applicant answered any questions from the residents.

### **CONCLUSION**

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Staff was able to make the required Findings based on the justifications for the Permit located in Attachment A and subject to the Recommended Conditions of Approval in Attachment B.

### **ALTERNATIVES**

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1. Adopt the Mitigated Negative Declaration and introduce an ordinance to Rezone to Residential High Density (R-4)/Planned Development (PD) and approve the Special Development Permit with attached conditions.
2. Adopt the Mitigated Negative Declaration and introduce an ordinance to Rezone to Residential High Density (R-4)/Planned Development (PD) and approve the Special Development Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Rezone and 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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Planning Commission recommend to City Council—Alternative 1: Adopt the Mitigated Negative Declaration and introduce an ordinance to Rezone to Residential High Density (R-4)/ Planned Development (PD) and approve the Special Development Permit with attached conditions.

Prepared by:

Hanson Hom, Director, Community Development  
Reviewed by: Trudi Ryan, Planning Officer  
Prepared by: Shaunn Mendrin, Senior Planner

Approved by:

Gary M. Luebbers  
City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Letters of Support
- F. Ordinance: Rezone for 1101 N. Fair Oaks Avenue from M-S/ITR/R-3/PD to R-4/PD.

## RECOMMENDED FINDINGS

### Rezone

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#### Finding:

1. The amendment, as proposed, changed or modified is deemed to be in the public interest. (*Finding Met*)

The proposed 97 units require a Rezone of the site to R-4 (High Density Residential) to allow up to 36 dwelling units per acre (or higher with various density bonuses). The site is currently zoned Industrial to Residential (ITR) Medium Density Residential (R-3) and includes the Planned Development (PD) combining district. The current zoning allows up to 24 units per acre. The City Council adopted the General Plan Land Use designation of Industrial to Residential Medium to High (ITR-MIX). The General Plan also contains several policies related to housing and that specifically relate to the proposed project. These policies include the following:

- **Policy LT-1.9** Support flexible and appropriate alternative transportation modes and transportation system management measures that reduce reliance on the automobile and serve changing regional and City-wide land use and transportation needs.
- **Policy LT-1.10** Support land use planning that complements the regional transportation system.
- **Policy LT-3.1** Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.
- **Policy LT-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **Policy LT-3.4** Determine appropriate density for housing based on site planning opportunities and proximity to services.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.6** Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.

The intent of the General Plan Land Use designation of ITR-MIX is to allow some flexibility in density (residential and commercial) in this Futures Area. The proposed project is in the public interest as it supports and implements the policies above by locating a higher density residential project closer to light rail and it provides an alternative housing type (flats as opposed to multiple levels). To date 1,236 dwelling units have been approved in the Futures 7 area. Rental units in the area represent 22% (Tamrid Square Phase I & II). The addition of 97 rental units would increase the rental percentage to 28%. The intent of the General Plan policy is still met, providing a majority of units as home ownership. The proposed development has been designed to fit into the neighborhood and it implements the transition to residential.

## **Special Development Permit**

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### **General Plan Goals and Policies:**

#### **Housing and Community Revitalization Sub-element**

**Policy A.2:** *All new residential developments should build at least 75 percent of the permitted density.*

**Policy C.1:** *Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

**Goal D:** *Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

**Goal E:** *Maintain and increase housing units affordable to households of all income levels and ages.*

#### **Land Use and Transportation Element**

**Goal C2:** *Ensure Ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.*

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

**Policy N1.2:** *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

**Community Design Sub-element**

**Policy C.4:** *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

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

The proposed project meets the goals and policies of the General Plan as listed above by creating 97 residential units that promote housing goals for the community. The project also meets the policy for a minimum 75% of the allowable density for the zoning district. The proposed project will provide an addition of 97 dwelling units to the City's housing stock.

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

The proposed project maximizes the allowable density and proposes an alternative dwelling unit type for the immediate area. The project only requires a front and left side setback deviations, although the proposed design meets the intent of the setback requirements. The conversion of the use to residential is consistent with the current General Plan land use designation and Zoning. The site layout adequately buffers the proposed development from adjacent uses through siting of parking areas and massing of the structure. The project has been designed to complement the existing developments by use of massing and architectural patterns and matching building heights even at a higher density.

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
OCTOBER 16, 2012**

**Planning Application 2012-7450**  
1101 N. Fair Oaks Avenue

**Rezone to R4 and Special Development Permit for the development of 97  
residential rental units and Green Building Incentive.**

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. PERMIT EXPIRATION:

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

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- GC-3. TITLE 25:  
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-4. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment, and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-5. BELOW MARKET RATE PROGRAM:  
Any future subdivision resulting in the individual sales of the residential units will require the submittal of a Tentative Map application subject to review by the City and compliance with the City's Below Market Rate Housing Program and SMC 19.66. [SDR] [PLANNING]
- GC-6. RECREATION FACILITIES:  
If development of the project is phased, the common recreation facilities shall be installed in connection with the first phase of the development and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-7. TEMPORARY TRAILERS:  
Temporary sales/rental trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development. Plans for temporary trailers (excluding construction trailers) shall include the following:
- a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;
  - b) Trailer entrances shall be oriented toward the nearest building;
  - c) Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]
- GC-8. ENCROACHMENT PERMIT:  
Obtain an encroachment permit from the Department of Public Works for all off-site improvements. [SDR] [PUBLIC WORKS]

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

## PS-2. REVIEW OF FINAL DESIGN:

Final architectural design, site design, exterior building materials, and color schemes are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

## PS-3. REQUIRED REVISIONS TO THE PLANS:

The project plans shall be revised to address the following items and shall be subject to review and approval by the Community Development Director.

- a) Roof Form: The roof forms need to be broken up further to provide more interest, such as using a shed dormer over the balcony elements on all sides.
- b) Lobby Entry: The visibility of the lobby entry needs to be further enhanced, such as modifying landscaping and paving to draw the eye to the lobby entry. [COA] [PLANNING]

## PS-4. ENVIRONMENTAL MITIGATION MEASURES:

Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures contained in these Conditions of Approval [COA] [PLANNING] **Mitigation Measure**

**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:

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

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**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. STORMWATER MANAGEMENT PLAN:**

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

**BP-6. GREEN BUILDING:**

The building permit plans shall demonstrate the project is designed to achieve a minimum of 110 points on BuildItGreen’s GreenPoint Rated Checklist or the applicable Residential Green Building Points required at time of building permit submittal. Nonresidential structures or rooms should be consistent with appropriate LEED equivalent, subject to consultation with the Building Division. The GreenPoint Rated Checklist shall be included on plans. [SDR] [PLANNING/BUILDING]

**BP-7. SOLID WASTE DISPOSAL PLAN:**

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City

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requirements and guidelines for multi-family projects. [COA]  
[PLANNING]

**BP-8. RECYCLING AND SOLID WASTE ENCLOSURE:**

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

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

**BP-9. RECYCLING AND SOLID WASTE CONTAINER:**

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

**BP-10. ROOF EQUIPMENT:**

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

**BP-11. FEES AND BONDS:**

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

- a) **PARK IN-LIEU FEE** – Pay a Park In-lieu fee estimated at \$16,230.45 per unit (3.0 acres per thousand), for a total of \$1,574,354.23 prior to issuance of the building permit. (SMC 19.74) [SDR] [PLANNING]
- b) **SENSE OF PLACE FEE** – Pay Sense of Place fees for neighborhood pedestrian and streetscape improvements associated with industrial-to-residential transition. Sense of Place fees are estimated at \$1,071 per dwelling unit and shall be paid prior to issuance of a building permit. The final fee amount shall be

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calculated based on fee schedules in place at the time of payment.  
[COA] [PLANNING]

- c) TIF – A Transportation Impact Fee of approximately \$60,941.13 will be required to be paid prior to building permit issuance. The final fee shall be calculated at building permit submittal based on the current City Fee Schedule.[SDR] [PLANNING]

**BP-12. MECHANICAL EQUIPMENT (EXTERIOR):**

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted for review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features and/or rooftop mechanical screens. [COA] [PLANNING]

**BP-13. LANDSCAPE PLAN:**

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

- a) All areas not required for parking, driveways, or structures shall be landscaped.
- b) Provide trees at minimum 30-foot intervals along all property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Deciduous trees shall be provided along southern and western building exposures where possible for passive solar heating purposes.
- d) For new tree selection, preference shall be given to California native species, and sizes selected shall be as large as appropriate for the proposed locations. At least ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. Any “protected trees” (as defined in SMC 19.94) approved for removal shall be replaced with a specimen tree of at least 36-inch box size.
- e) Tree Preservation: The Landscape Plan shall include the preservation of the existing Cedar tree located in the front setback. If retention is infeasible, then the applicant shall submit arborist letter indicating why the tree cannot be saved

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and this is subject to review and approval by the Director of Community Development.

- f) Provide a 15-foot wide landscaped buffer along the property's street frontages, except that the width may be reduced in limited locations as per the deviations granted and indicated on the approved project plans.
- g) Ground cover included in the landscape plans shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving shall be provided as required by the Director of Community Development to distinguish entry driveways, pedestrian paths, pedestrian crossings, and common areas.
- i) The plans shall indicate compliance with the parking lot shading requirements.
- j) Design of all proposed fencing and walls shall be included in the landscape plans and shall comply with 19.37.080.
- k) Patio and landscape walls shall not be higher than three feet.  
[COA] [PLANNING]

**BP-14. LANDSCAPE MAINTENANCE PLAN:**

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permits. [COA] [PLANNING]

**BP-15. 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 updated 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). The inventory shall include trees proposed for removal as well as trees to remain.
- b) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) The Director of Community Development has discretion over the final list of trees to be removed.
- d) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is

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stored within the fenced area during the course of demolition and construction.

- e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.
- f) The measures specified in 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-16. CITY STREET TREES:**

The Applicant shall install required street trees of a species determined by the Public Works Department. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Director of Community Development and the City Arborist. New street trees shall be 24-inch box size or 15 gallon size or larger and spaced as per City Standards. [SDR] [PLANNING/PUBLIC WORKS]

**BP-17. STORMWATER MANAGEMENT PLAN:**

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/PUBLIC WORKS]

**BP-18. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:**

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

**BP-19. STORMWATER MEASURES IN USABLE OPEN SPACES:**

The preliminary Stormwater Management Plan includes bioretention basins which are located in usable open space areas. The design of bioretention basins including size, depth, layout, design of inlets/drains, and type of vegetation shall be developed to avoid impairing the usability of the areas for recreation. [COA] [PLANNING]

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**BP-20. 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) Stormdrain 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) Covered trash enclosures and/or receptacles.
- d) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to on-site vegetated areas is not a feasible option.
  - ii) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-21. EXTERIOR LIGHTING PLAN (ON-SITE):**

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

- a) Sodium vapor, LED, or illumination with an equivalent energy savings. Lighting which provides true color representation is preferred.
- b) Pole heights to be uniform and compatible with the area. Light standards shall be of pedestrian scale and shall not exceed 8 feet in height on the periphery of the project.
- 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) Lights shall have shields to prevent glare onto adjacent residential properties.
- f) Lighting plans shall be developed to provide coverage of all parking areas, driveways, and building entrances for safety and security purposes. [COA] [PLANNING]

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## BP-22. PHOTOMETRIC PLAN:

Prior to issuance of a building permit submit a contour photometric plan for review and approval by the Director of Community Development. [COA] [PLANNING]

## BP-23. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

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

- a) All uncovered spaces shall be reserved as guest and unassigned residential parking spaces and shall remain unassigned.
- b) A clear definition of “guest” as proposed by the property manager/homeowner’s association.
- c) The property manager/homeowner’s association shall specify that at least 25% and up to 75% of unassigned spaces be reserved for guest use only.
- d) Clearly indicate that the property manager/homeowner’s association shall not rent or sell unassigned spaces, except that a nominal fee may be charged for parking management.
- e) Residents shall use their assigned parking spaces prior to using unassigned parking spaces.
- f) Prohibit residents from parking RV’s, trailers, or boats on the property.
- g) Notify potential residents of the number of parking spaces provided for each unit on-site as per the approved plans. [COA] [PLANNING]

## BP-24. BICYCLE SPACES:

Provide a minimum of 38 Class I and 6 Class II bicycle parking spaces or as approved by the Director of Community Development. Bicycle parking shall be dispersed throughout the site and shown on the plans submitted for building permits. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING]

## BP-25. RECREATION BUILDING HOT WATER:

Recreation building water heaters shall be tankless heaters. [COA] [PLANNING]

## BP-26. WATER METERS:

Separate metering shall be provided for domestic and irrigation water systems. [SDR] [PLANNING]

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**BP-27. UNDERGROUND UTILITIES:**

All proposed utilities shall be undergrounded. [SDR]  
[PLANNING/PUBLIC WORKS]

**BP-28. FIRE PROTECTION:**

Plans shall demonstrate compliance with the fire protection requirements in place at the time of building permit submittal as provided in Sunnyvale Municipal Code chapters 16.52, 16.53 and 16.54; California Fire Code; and Title 19 California Code of Regulations. The following details shall be included:

- a) The water supply for fire protection and firefighting shall be approved by the Department of Public Safety (508 CFC).
- b) A fully automatic fire sprinkler system is required. The fire sprinkler system shall be in accordance with NFPA 13, and CFC (16.52.270 SMC & Section 903 CFC).
- c) A fire alarm system is required for buildings meeting the requirements under Section 907.2.9 CFC.
- d) Install approved smoke detectors in accordance with the Sunnyvale Municipal Code (SMC 16.52.280).
- e) Fire hydrants are required every 300 feet. On-site fire hydrants are required along the fire access road. Building permit plans shall provide locations of existing City fire hydrants and any proposed on-site hydrants (508 CFC).
- f) Provide the required number of approved fire extinguishers (minimum size of 2A10BC) (CCR Title 19: 568).
- g) Fire access roads are required per the Sunnyvale Municipal Code and the published requirements for Fire Department Vehicle Access. Building permit plans shall demonstrate compliance with the approved Alternate Means agreement for fire access roads.
- h) Trash enclosures within 5 feet of building exterior walls or overhangs require fire sprinkler protection (304.3.3 CFC, 16.52.270 SMC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

**BP-29. FIRE PROTECTION PLAN:**

Provide a written construction Fire Protection Plan (Section 1408 CFC) (Refer to Unidocs.org, Fire Prevention documents). [COA] [PUBLIC SAFETY-FIRE PREVENTION]

**BP-30. AIR CONDITIONING SYSTEMS:**

Since all windows and doors are required to be shut to achieve a dbA of 45 or less, ventilation or air-conditioning systems must be

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incorporated to provide a habitable environment for all habitable space. The building permit plans shall include air condition systems.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans. [COA] [PLANNING] **Mitigation Measure**

**BP-31. CONSTRUCTION EQUIPMENT:**

Construction equipment should use noise shielding and muffling devices. All internal combustion engines used- on the sites should be equipped with adequate muffling devices. All equipment should be in good mechanical condition, to minimize noise created by faulty or poorly maintained engine, drive-train and other components. Stationary construction, equipment, such as air compressors and power generators, would be located as far as possible away from sensitive receptors in the site vicinities.

Future contractors should schedule construction activities in shifts to avoid high noise levels caused by simultaneously operating several pieces of noise-generating equipment. Construction work would be scheduled in accordance with City regulations.

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

HOW: All building permit plans shall indicate this requirement. [COA] [PLANNING] **Mitigation Measure**

**BP-32. NOISE:**

Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB. Specifics of the sound rating of windows by location have been provided in the noise consultant's report. Sound rated windows of high quality would be required for all units facing noise sources as indicated in the report.

The applicant shall submit a letter from an acoustical engineer stating the building permit plans are in conformance with the report.

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans. [COA] [PLANNING] **Mitigation Measure**

**BP-37. MITIGATION MEASURE – BIOLOGICAL RESOURCES:**

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

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

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

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

3. *Inhibit Nesting.* If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1<sup>st</sup>), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the

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potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

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

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

HOW: The conditions of approval will require these mitigation measures to be incorporated into the project construction plans.  
[COA] [PLANNING]

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

EP-1: DEVELOPMENT FEES:

Developer shall pay incremental sewer connection fee of \$116,672.88 and incremental water connection fee of \$27,614.08 prior to building permit issuance or encroachment permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

EP-2: SIDEWALK DEDICATION:

Developer shall provide a four (4') offer of dedication to the City of Sunnyvale to extend the existing sidewalk width in accordance to Tasman/Fair Oaks Pedestrian and Bicycle Circulation Plan prior to building occupancy. City will formally adopt/accept offer of dedication via recorded instrument upon completion of public improvements. [COA] [PUBLIC WORKS]

EP-3: CURB, GUTTER, AND SIDEWALK:

Remove and replace entire curb, gutter, and sidewalk along the project frontages on North Fair Oaks Avenue. Install new and/or replace existing driveway(s) to current City standard detail 6C-2. Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk. A continuous root barrier shall be installed as part of the new sidewalk if adjacent to a City trees per City standard details and specifications and spaced 35 to 40 feet (consistent with the Tasman Fair Oaks Area Pedestrian and Bicycle Circulation Plan). No trees are to be planted within 10' of laterals when the City

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maintains sanitary sewer mains and laterals up to the property line.  
[COA] [PUBLIC WORKS]

**EP-4: STREET LIGHTS:**

Remove existing marbelite streetlight and install new pedestrian scale decorative streetlights to match existing streetlights to the south. Install new streetlights every 80' in accordance to City's Tasman/Fair Oaks Pedestrian and Bicycle Circulation Plan. [COA] [PUBLIC WORKS]

**EP-5: DRY UTILITIES:**

All dry utility plans (PG&E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements. Separate encroachment permits shall be required for all dry utility construction.

**EP-6: UTILITY ABANDONMENT/RELOCATION:**

All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City. Developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the park strip area, caused by the development. [COA] [PUBLIC WORKS]

**EP-7: INSTALL NEW METERS:**

Install new radio-read domestic master water meter with approved backflow prevention device. [COA] [PUBLIC WORKS]

**EP-8: FIRE HYDRANTS:**

Install new and/or upgrade existing double check detector assembly (DCDA) for fire sprinkler service. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

**EP-9: UTILITY PROVIDERS:**

Contact the utility companies for their review/approval requirements and/or procedures for site development and existing easement vacation/removal. [COA] [PUBLIC WORKS]

**2012-7450 – St Anton 1101 N. Fair Oaks Avenue**

Recommended Conditions of Approval

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## EP-10: FINAL PLANS:

Final approved public improvement plans shall be prepared on 24"x36", 4 mil mylars. [COA] [PUBLIC WORKS]

## EP-11: RECORD DRAWINGS:

Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to permit sign-off. [COA] [PUBLIC WORKS]

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

## DC-1. FIRE ACCESS:

Prior to any combustible construction or materials on-site, provide fire access drives and operational on-site fire protection systems if applicable (Chapter 14 CFC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

## DC-2. BLUEPRINT FOR A CLEAN BAY:

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

## DC-3. TREE PROTECTION:

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

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

## PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

## PF-2. PARKING LOT STRIPING:

**2012-7450 – St Anton 1101 N. Fair Oaks Avenue**

Recommended Conditions of Approval

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- All parking lot striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/ENGINEERING]
- PF-3. NOISE:  
The applicant shall provide a letter of compliance from the Noise consultant indicating that the structures have achieved the required noise requirements. [COA] [PLANNING]
- PF-4. PARKING MANAGEMENT PLAN:  
The applicant shall submit a final Parking Management Plan to the Planning Division prior to final inspection. [COA] [PLANNING]
- PF-5. PUBLIC STREET REPAIR:  
Any changes to or deficiencies in the adjacent public streets as a result of project construction are to be rectified at the expense of the developer. [COA] [PUBLIC WORKS]
- PF-6. COMPLETION OF PUBLIC IMPROVEMENTS:  
Complete all required public improvements including but not limited to sidewalks, roadway improvements, streetlights, and signals prior to occupancy. [COA] [PUBLIC WORKS]

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

- AT-1. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-2. SOLID WASTE RECYCLING MANAGEMENT:  
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]

**2012-7450 – St Anton 1101 N. Fair Oaks Avenue**

Recommended Conditions of Approval

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- AT-3. EXTERIOR EQUIPMENT:  
Exterior equipment shall be maintained within approved enclosure areas. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-4. 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 -5. STORMWATER MEASURES IN USABLE OPEN SPACES:  
Any bioretention basins which are located within usable open space areas shall be maintained to ensure the stormwater treatment measures do not impair usability of the area. [COA] [PLANNING]
- AT-5. PARKING MANAGEMENT:  
On-site parking management shall conform to the approved parking management plan. [COA] [PLANNING]
- AT-6. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the building permit plans and completed prior to occupancy.
  - b) Maintain all parking lot striping and marking.
  - c) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and guests. [COA] [PLANNING]
- AT-7. UNENCLOSED STORAGE PROHIBITED:  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-8. VEHICLE SALES, LEASING, AND RENTAL PROHIBITED:  
The sales, leasing, or rental of vehicles or trailers are prohibited on the subject property. [COA] [PLANNING]
- AT-9. OFF-STREET PARKING:  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

**2012-7450 – St Anton 1101 N. Fair Oaks Avenue**

Recommended Conditions of Approval

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- AT-10. RECREATIONAL VEHICLE STORAGE PROHIBITED:  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels, and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-11. BMP MAINTENANCE:  
The project applicant, owner, landlord, or homeowners association must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-12. BMP RIGHT OF ENTRY:  
The project applicant, owner, landlord, or homeowners association shall provide access to the extent allowable by law for representatives of City, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the stormwater treatment best management practices contained in the approved Stormwater Management Plan. [SDR] [PLANNING]
- AT-13. FIRE DEPARTMENT ACCESS:  
A Knox system (key switch) shall be provided and maintained for all locked gates in accordance with Fire Prevention requirements. [COA] [PUBLIC SAFETY-FIRE PREVENTION]

**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



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



Document No.: 579  
Number of Pages: 26  
Filed and Posted On: 8/31/2012  
Through: 9/21/2012  
CRO Order Number:  
Fee Total: 0.00

**REGINA ALGOMENDRAS, County Clerk – Recorder**  
by **Laura Luna, Deputy Clerk – Recorder,** *W*

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Special Development Permit and Rezone
3. APPLICANT NAME: St. Anton Partners PHONE: 408-730-7429
4. APPLICANT ADDRESS: 1101 N. Fair Oaks Avenue, Sunnyvale, CA 94085
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. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)                                   | \$ 2,919.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))                                       | \$ 2,101.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)                   | \$ 850.00   | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>  | \$ 992.50   | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)<br>Fish & Game Code §711.4(e) | \$ 50.00    | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- |   |          |                |
|---|----------|----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)  | \$ 50.00 | \$ <u>0.00</u> |
| <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 | \$ <u>0.00</u> |

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 | \$ <u>NO FEE</u> |
|--|--|--------|------------------|

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)

File#: 579 8/31/2012



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

File Number: 2012-7450  
No. 12-11

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

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

**PROJECT TITLE:**

Application for a **Special Development Permit** and **Rezone** filed by **St. Anton Partners**.

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

**File #:** 2012-7450  
**Location:** 1101 N. Fair Oaks Ave. (APN:110-14-176)  
• SPECIAL DEVELOPMENT PERMIT for 97 new residential units and green building density bonus.  
• REZONE from M-S/ITR/R-3 (Industrial and Service/Industrial to Residential/Medium Density Residential) Zoning District to R-4 (High Density Residential).  
**Applicant/Owner:** St. Anton Partners / Fair Oaks LLC  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Shaunn Mendrin, 408-730-7429, smendrin@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 **Tuesday, October 16, 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, September 24, 2012** at 8:00 p.m. and **Tuesday, October 16, 2012** at 7:00 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 August 31, 2012

Signed:   
Gerri Caruso, Principal Planner

Project Title	<b>Anton Sunnyvale:</b> Application (#2012-7450) for a Rezone to R4 and Special Development Permit to allow the construction of 97 residential rental dwelling units through the Green Building Incentive.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Shaunn Mendrin, Senior Planner
Phone Number	408-730-7429
Project Location	1101 N. Fair Oaks Avenue, between Tasman Drive and E Weddell Drive
Applicant's Name	St. Anton Partners
Project Address	1101 N Fair Oaks Avenue
Zoning	MS/ITRR3
General Plan	Industrial to Residential Medium and High
Other Public Agencies whose approval is required	None

**DESCRIPTION OF THE PROJECT:** The project consists of the demolition of the existing industrial building, site clearing and grading and the construction of a 4 story residential building requiring the following two permit types:

1. Rezone of the property from ITRR3 to R4 to allow up to 36 units per acre; and
2. Special Development Permit application to allow the demolition of the existing industrial building, site grading and construction of 97 residential rental dwelling units.

**DETAILED PROJECT DESCRIPTION:**

On-site Development: The site is currently developed with 1 industrial building and surface parking and landscaping. The proposed project would result in the demolition of the existing building, parking and landscaped areas and the regrading of the site for the construction of a four story structure with 97 residential units, fitness center, club room, parking, and landscaping.

Construction Activities and Schedule: Construction is anticipated to begin in spring 2013 and will take approximately fourteen months to complete construction.

Surrounding Uses and Setting: The subject site is located within the Tasman Fair Oaks area (Futures 7), which includes a range of R3 and R4 densities. The site is located at 1101 N. Fair Oaks Avenue between Tasman Drive and East Weddell Drive. The Futures 7 area is bounded by Morse Avenue and Fair Oak Avenue and the Hetch Hetchy Right of Way and 237. Residential

townhouse developments are located to the north, west and south of the site. A self-storage facility is located to the east of the site.

Off-site Improvements: The project will be required to remove the existing sidewalk and driveway aprons and install new sidewalks, curb gutter, driveway aprons, street lights and planter wells with street trees.

Previous Environmental Review: The subject site was evaluated in 1993 (Futures Study FEIR) to allow various sites in the ITR 7 area to convert to from industrial to residential uses. The study evaluated 4 different citywide alternatives which looked at different residential densities and floor area ratios (for industrial areas). The FEIR evaluated the potential impacts of each alternative and identified mitigation measures to reduce the potential impacts to a less than significant level. The City Council approved a General Plan Land Use Designation of Medium Density Residential with a Zoning Designation of ITR/R-3/PD.

In 2001, The City Council initiated a new study to reevaluate some of the residential areas and neighborhood serving commercial densities in the Futures Study Area. The study recommended the creation of a new General Plan Land Use Designation of Industrial to Residential Mixed, which allowed Medium and High Density Residential. A Mitigated Negative Declaration was prepared which found that eastbound and westbound right turn lanes at the intersection of Lawrence and Tasman would be needed. The improvements associated with the Lawrence/Tasman intersection were included in the long-term traffic improvement plan for General Plan build out. Transportation Impact Fees paid by the developments provided funding for the improvements. The City Council approved the Mitigated Negative Declaration and General Plan Land Use Change to Industrial to Residential Mixed for the ITR7 area in July 16, 2002.

The remaining applicable Mitigations identified in the FEIR and the 2002 MND have been folded in into the conditions of approval for the project and/or identified in this MND.

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4. “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
6. Earlier Analysis Used. Identify and state where they are available for review.
7. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
8. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
9. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

#### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

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

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

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  Yes  No

**DETERMINATION:**

On the basis of this initial evaluation:

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

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

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

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

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

Checklist Preparer: Shaunn Mendrin, AICP

Date: 8/29/12

Title: Senior Planner

City of Sunnyvale

Signature:



Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.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 checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use Chapters of the Sunnyvale General Plan
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"/>	General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan
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"/>	Land Use and Transportation Chapter of the Sunnyvale 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 Chapter of the Sunnyvale General Plan 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>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the 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>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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), 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>
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"/>	Safety and Noise Chapter of the Sunnyvale General Plan, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <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> Project Description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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> Project Description
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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> Project Description
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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"/>	Community Character Chapter of the Sunnyvale General Plan, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project description. Project archeological study and cultural resource survey.

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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. .
25. Air Quality - Conflict with or obstruct implementation of the <u>BAAQMD</u> 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>
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines AB 32
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines AB 32
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 checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element
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>
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>
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <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
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

**2. Aesthetics (Less than Significant)** - The proposed project will result in the transition of the site from an industrial use to a residential use. The proposed project is subject to the City-Wide Design Guidelines and the design of the residential structure and site layout will be in general conformance with the adopted design guidelines. The proposed project has been designed to complement the new existing development to the north and south of the site. The proposed project compliments the existing height and the use of interesting architectural elements and quality materials further enhances the architecture of the building. The City's implementation of the City-Wide Design Guidelines and staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not degrade the visual character or quality of the site and its surroundings. As a result, the impacts will be less than significant.

**8. Land Use Planning (Less than Significant)** – The proposed project includes a rezone of the site from ITR/R3 (Medium) to R4 (High) residential density. The current General Plan Land Use Designation is Industrial to Residential Mixed (Medium to High). This General Plan designation allows both Medium (R3) and High (R4) residential densities in the ITR 7 area. Therefore, the proposed R4 density is consistent with the current General Plan Land Use Designation. In addition, potential impacts were identified in the 1993 FEIR and 2002 MND and they have all been completed. The proposed R4 density is located within a larger block which has a lower zoning density of R3. Several parcels located to the north and west have been developed with residential projects with a R4 density. The density of the proposed project would not be out of character in the ITR 7 area.

**14. Noise (Less than Significant with Mitigation)** - The project may introduce short-term temporary sources of noise to the project area during construction. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction.

The new residential units will be located within close proximity to existing major roadway and light rail which may result in higher levels of existing noise. The applicant submitted a noise study prepared by Bollard Acoustical Consultant (dated June 27, 2012) analyzing the existing exterior noise levels at the site, both short term and long term, over a period of 48-hours, between 14<sup>th</sup> and 15<sup>th</sup> of June 2015. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00

a.m. and 5:00 p.m. The study found that the projected interior and exterior noise levels for the proposed project would be within the City adopted thresholds.

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

**17. Biological Resources (Less than Significant)** – The 1993 Futures Study FEIR found that the potential for any wildlife was quite low due to the urban nature of the area and manicured landscape. The site has remained manicured and redevelopment around the site has occurred since the adoption on the 1993 Futures FEIR. The proposed project includes site work and the potential removal of a large tree. Nesting raptors have not been specifically observed on the site, but there is a potential for raptors to establish nests in tall mature trees such as those on the project site. Although the discovery of nesting raptors on the site is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level.

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

- 1) *Avoidance*. Construction activities should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in Santa Clara County extends from April 1<sup>st</sup> through August 31<sup>st</sup>.
- 2) *Preconstruction/Pre-disturbance Surveys*. If demolition and/or construction are to occur between April and August, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than seven days prior to the initiation of demolition/construction activities. During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., shrubs, ruderal grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) to ensure that no nests of species protected by the MBTA or California Fish and Game Code will be disturbed during project implementation.
- 3) *Inhibit Nesting*. If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1<sup>st</sup>), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

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

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

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

**20. Biological Resources (Less than Significant)** – The proposed project will result in the removal of numerous unprotected trees on the site. A Tree Inventory and Evaluation was conducted on May 1, 2012, which surveyed 82 trees and found that only 1 tree is “protected tree” per the City Zoning Code. Tree removal is reviewed through the Special Development Permit process and replacement trees are required to be planted as part of the approval. This tree is expected to remain in place, unless infeasible. The applicant will work with the consulting arborist to ensure that construction of the sidewalk and grading does not damage the root system of the tree. If the tree cannot be saved due to the required sidewalk and stormwater management, the applicant shall pay the appropriate in-lieu fee. The proposed project will provide the required amount of landscaped area and shading per the Zoning Code. Therefore, this is a less than significant impact.

**23. Historic and Cultural Remains (Less than Significant with Mitigation)** – The proposed project includes grading and land disturbance for improvements associated with the tentative map. The 1993 Futures Study FEIR indicated that there were no recorded archeological sites for the subject site due to location and lack of proximity to natural streambeds. Therefore, this is a less than significant impact.

**26 - 28. Air Quality (Less than Significant)** – A Greenhouse Gas Study was prepared by Dudek (dated June 27, 2012) which found that the proposed project would generate GHG emissions through the construction and operation of new residential land uses. Emissions generated during construction of the proposed project would be temporary and would not represent a long term source of GHG emissions. Estimated unmitigated project-generated operational GHG emissions from electricity usage, motor vehicles, water consumption, wastewater treatment, and solid waste generation, would be approximately 835 metric tons CO<sub>2</sub>E per year, or 3.0 MT CO<sub>2</sub>E per year per resident, which is below the threshold of 4.6 MT CO<sub>2</sub>E per year per service population applied in this assessment. The project would reduce the amount of GHG emitted through design and development strategies. With the availability of light rail and provision of bicycle parking facilities, it is anticipated that some project residents would opt to use alternative forms of transportation modes other than personal vehicles, which is the greatest source of project generated GHG emissions. Currently, there is no adopted GHG reduction plan, policy, or regulation that would apply to the proposed project; therefore, no conflict would occur. Impacts associated with project-generated GHG emissions would be less than significant and the project's contribution to global climate change would be less than cumulatively considerable.

**30. Air Quality (Less than Significant with Mitigation)** – The proposed project will result in construction related dust and debris as a result of demolition, grading and construction. This is only for a temporary basis. The site is surrounded by existing residential development. Typically, the following reasonable controls can be implemented to ensure construction related impacts are less than significant:

WHAT: 1) The developer shall implement the following:

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b) All haul trucks transporting soil, sand, or other loose materials off-site shall be covered.
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) All vehicle speeds on unpaved roads shall be limited to 15 mph.

- e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points.
- g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- h) Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

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

WHO: The property owner will be solely responsible for obtaining permits and providing the required information.

HOW: These mitigation measures will be incorporated into Conditions of Approval and shall be reproduced on the building permit plans.

**33. Seismic Safety (Less than Significant)** – The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake. The proposed project will be evaluated by an engineer to ensure structural integrity and compliance with the Uniform Building Code requirements. The proposed project will be designed according the engineers recommendations and the project will be reviewed by the City for conformance with the Uniform Building Code. This will ensure that the seismic safety issues will be reduced to a less than significant level.

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12

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

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

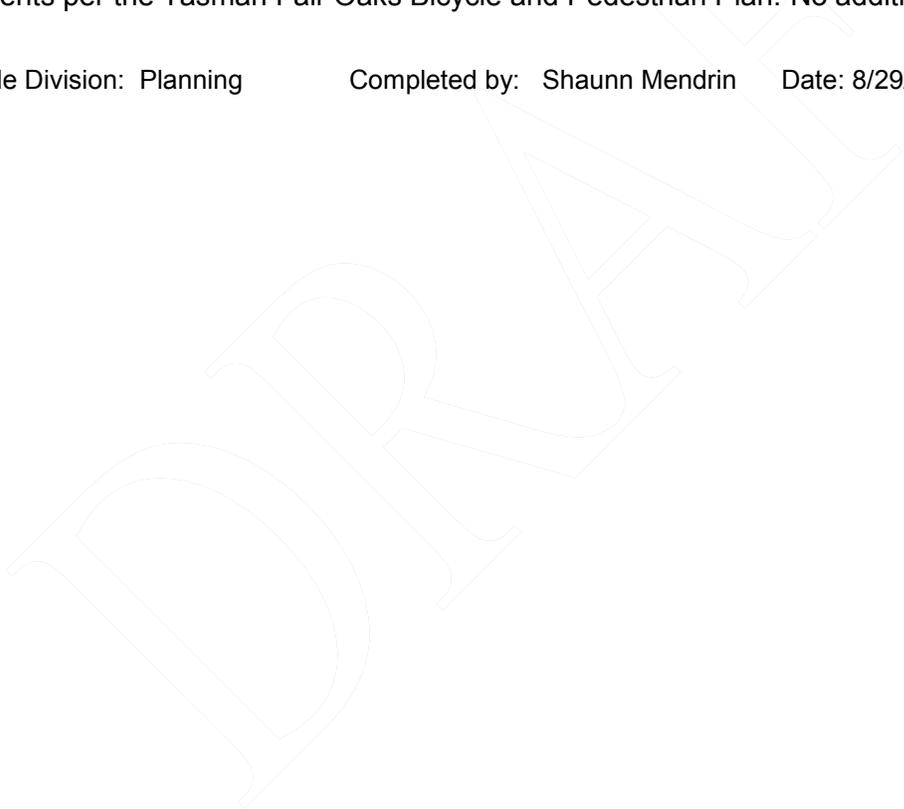
**Further Discussion if “Less than Significant” with or without mitigation:**

The proposed project is consistent with the density indicated within the Futures Study FEIR and the MND for the General Plan Land Use changes from 2002. The proposed 97 dwelling unit would not generate more than 100 peak hour trips to the site. Therefore additional traffic analysis is not required. Impact Mitigations identified in the FEIR for Sites 7 and 8 have been implemented. The project approval is conditioned to install sidewalk improvements per the Tasman Fair Oaks Bicycle and Pedestrian Plan. No additional mitigation is required.

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12



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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, <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
48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

Further Discussion: 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.

**43.- 44. Hydrology and Water Quality (Less than Significant) –** The subject site is located within a flood zone area. The National Flood Insurance Program (NFIP), which is a division of the Federal Emergency Management Agency (FEMA) produces the Flood Insurance Rate Maps (FIRM) which determines the flood

zone for all properties within Sunnyvale. The current grade for the site is approximately 1½ to 2½ feet below the base flood elevation. The plans have been designed to accommodate a minor amount of fill to raise the elevation of the habitable areas above the base flood line. The proposed grade parking, under the structure, will be located at or slightly below the base flood elevation, which is acceptable.

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

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12

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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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<b>Engineering</b>					
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"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Project Description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit</li> </ul>

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a></li> </ul>
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Project description</li> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
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"/>	<ul style="list-style-type: none"> <li>RWQCB, Region 2 Municipal Regional Permit,</li> <li>Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a></li> <li>City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects</li> </ul>
60. Utilities and Service Systems: Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Initial Study Checklist**

**Project Name: Anton Sunnyvale – 1101 N. Fair Oaks Ave.**

**File # 2012-7450**

**Page 19 of 25**

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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ratios, response times or other performance objectives for any of the public services?					
--	--	--	--	--	--

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

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12



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

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"/>	Safety and Noise Chapter of the Sunnyvale General Plan <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.

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map Project description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12

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					
69. Public Services Parks? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <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 checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <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"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

Responsible Division: Planning

Completed by: Shaunn Mendrin

Date: 8/29/12

## ENVIRONMENTAL SOURCES

Initial Study Checklist  
Project Name: Anton Sunnyvale – 1101 N. Fair Oaks Ave.  
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### City of Sunnyvale General Plan:

Sunnyvale General Plan Consolidated in (2011)  
[generalplan.InSunnyvale.com](http://generalplan.InSunnyvale.com)

- Community Vision
- Land Use and Transportation
- Community Character
- Housing
- Safety and Noise
- Environmental Management
- Appendix A: Implementation Plans

### City of Sunnyvale Municipal Code:

- Title 8 Health and Sanitation
- Title 9 Public Peace, Safety or Welfare
- Title 10 Vehicles and Traffic
- Title 12 Water and Sewers
- Chapter 12.60 Storm Water Management
- Title 13 Streets and Sidewalks
- Title 16 Buildings and Construction
  - Chapter 16.52 Fire Code
  - Chapter 16.54 Building Standards for Buildings Exceeding Seventy –Five Feet in Height
- Title 18 Subdivisions
- Title 19 Zoning
  - Chapter 19.28 Downtown Specific Plan District
  - Chapter 19.29 Moffett Park Specific plan District
  - Chapter 19.39 Green Building Regulations
  - Chapter 19.42 Operating Standards
  - Chapter 19.54 Wireless Telecommunication Facilities
  - Chapter 19.81 Streamside Development Review
  - Chapter 19.96 Heritage Preservation
- Title 20 Hazardous Materials

### Specific Plans:

- Downtown Specific Plan
- El Camino Real Precise Plan
- Lockheed Site Master Use Permit
- Moffett Park Specific Plan
- 101 & Lawrence Site Specific Plan
- Southern Pacific Corridor Plan
- Lakeside Specific Plan
- Arques Campus Specific Plan

### Environmental Impact Reports:

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

### Maps:

- General Plan Map
- Zoning Map
- City of Sunnyvale Aerial Maps
- Flood Insurance Rate Maps (FEMA)
- Santa Clara County Assessor's Parcel
- Utility Maps
- Air Installations Compatible Use Zones (AICUZ) Study Map
- 2010 Noise Conditions Map

### Legislation / Acts / Bills / Resource Agency Codes and Permits:

- Subdivision Map Act
- San Francisco Bay Region
- Municipal Regional Stormwater NPDES Permit
- Santa Clara County Valley Water District Groundwater Protection Ordinance
- Section 404 of Clean Water Act

## ENVIRONMENTAL SOURCES

Initial Study Checklist  
Project Name: Anton Sunnyvale – 1101 N. Fair Oaks Ave.  
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### Lists / Inventories:

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory
- Hazardous Waste & Substances Sites List (State of California)
- List of Known Contaminants in Sunnyvale
- USFWS / CA Dept. F&G Endangered and Threatened Animals of California  
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf>
- The Leaking Underground Petroleum Storage Tank List  
[www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)
- The Federal EPA Superfund List  
[www.epa.gov/region9/cleanup/california.html](http://www.epa.gov/region9/cleanup/california.html)
- The Hazardous Waste and Substance Site List  
[www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)

### Guidelines and Best Management Practices

- Storm Water Quality Best Management Practices Guidelines Manual 2007
- Sunnyvale Citywide Design Guidelines
- Sunnyvale Industrial Guidelines
- Sunnyvale Single-Family Design Techniques
- Sunnyvale Eichler Guidelines
- Blueprint for a Clean Bay
- Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams
- The United States Secretary of the Interior's Guidelines for Rehabilitation
- Criteria of the National Register of Historic Places
- Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012)

### Transportation:

- California Department of Transportation Highway Design Manual
- California Department of Transportation Traffic Manual
- California Department of Transportation Standard Plans & Standard Specifications

- Highway Capacity Manual
- Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- Institute of Transportation Engineers - Traffic Engineering Handbook
- Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- Institute of Transportation Engineers - Transportation Planning Handbook
- Institute of Transportation Engineers - Manual of Traffic Signal Design
- Institute of Transportation Engineers - Transportation and Land Development
- U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- California Vehicle Code
- Santa Clara County Congestion Management Program and Technical Guidelines
- Santa Clara County Transportation Agency Short Range Transit Plan
- Santa Clara County Transportation Plan
- Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- Statewide Integrated Traffic Records System
- Sunnyvale Zoning Ordinance – including Titles 10 & 13
- City of Sunnyvale General Plan – land Use and Transportation Element
- City of Sunnyvale Bicycle Plan
- City of Sunnyvale Neighborhood Traffic Calming Program
- Valley Transportation Authority Bicycle Technical Guidelines
- Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
- Santa Clara County Sub-Regional Deficiency Plan
- City of Sunnyvale Deficiency Plan
- AASHTO: A Policy on Geometric Design of Highways and Streets

## ENVIRONMENTAL SOURCES

Initial Study Checklist  
Project Name: Anton Sunnyvale – 1101 N. Fair Oaks Ave.  
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### Public Works:

- Standard Specifications and Details of the Department of Public Works
- Storm Drain Master Plan
- Sanitary Sewer Master Plan
- Water Master Plan
- Solid Waste Management Plan of Santa Clara County
- Geotechnical Investigation Reports
- Engineering Division Project Files
- Subdivision and Parcel Map Files

- Title 19 California Code of Regulations
- National Fire Protection Association (NFPA) standards

### Miscellaneous Agency Plans:

- ABAG Projections 2010
- Bay Area Clean Air Plan
- BAAQMD CEQA Guidelines

### Building Safety:

- California Building Code,
- California Energy Code
- California Plumbing Code,
- California Mechanical Code,
- California Electrical Code
- California Fire Code
- Title 16.52 Sunnyvale Municipal Code
- Title 16.53 Sunnyvale Municipal Code
- Title 16.54 Sunnyvale Municipal Code

### Additional Project References:

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated \*\*/\*\*/\*\*
- Project Traffic Impact Analysis
- Project Noise Study
- Project Air Quality Analysis
- Field Inspection
- Project Site Plan dated \*\*/\*\*/\*\*
- Project construction schedule
- Project Draft Storm Water Management Plan
- Project Tree Inventory
- Project Tree Preservation Plan
- Project Green Building Checklist
- Project LEED Checklist

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### Other



## Sheet Index

### Architectural

T1.0	Title Sheet
A1.0	Site Plan and Project Data
A1.1	Site Context Photos
A1.2	Open Space and Landscape Exhibit
A1.3	Shadow Studies
A1.4	Trash Plan / Exhibit
A2.0	Level 1 & 2 Building Plans
A2.1	Level 3 & 4 Building Plans
A2.2	Roof Plan
A3.0	Building Elevations
A3.1	Building Elevations
A3.2	Fair Oaks Streetscene
A4.0	Architectural Renderings
A4.1	Architectural Renderings

A4.2	Architectural Renderings
A4.3	Architectural Renderings
A4.4	Architectural Renderings
A4.5	Architectural Renderings
A5.0	Architectural Details
A5.1	Architectural Details
A5.2	Architectural Details
A5.3	Architectural Details
A5.4	Architectural Details
A6.0	Amenity Plans
A7.0	Unit Plans
A7.1	Unit Plans
A7.2	Unit Plans
A8.0	Site Sections

### AB.1 Building Sections

### Landscape

LI.0	Preliminary Landscape Plan - Ground Level
LI.1	Preliminary Landscape Plan - Courtyard
LI.2	Contextual Landscape Imagery

### Civil

C1	Preliminary Grading and Drainage Plan
C2	Preliminary Utility Plan
C3	Preliminary Stormwater Quality Control Plan

### Photometric

PI.0	Photometric Plan
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Vicinity Map (n.t.s.)



ATTACHMENT D  
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TITLE SHEET

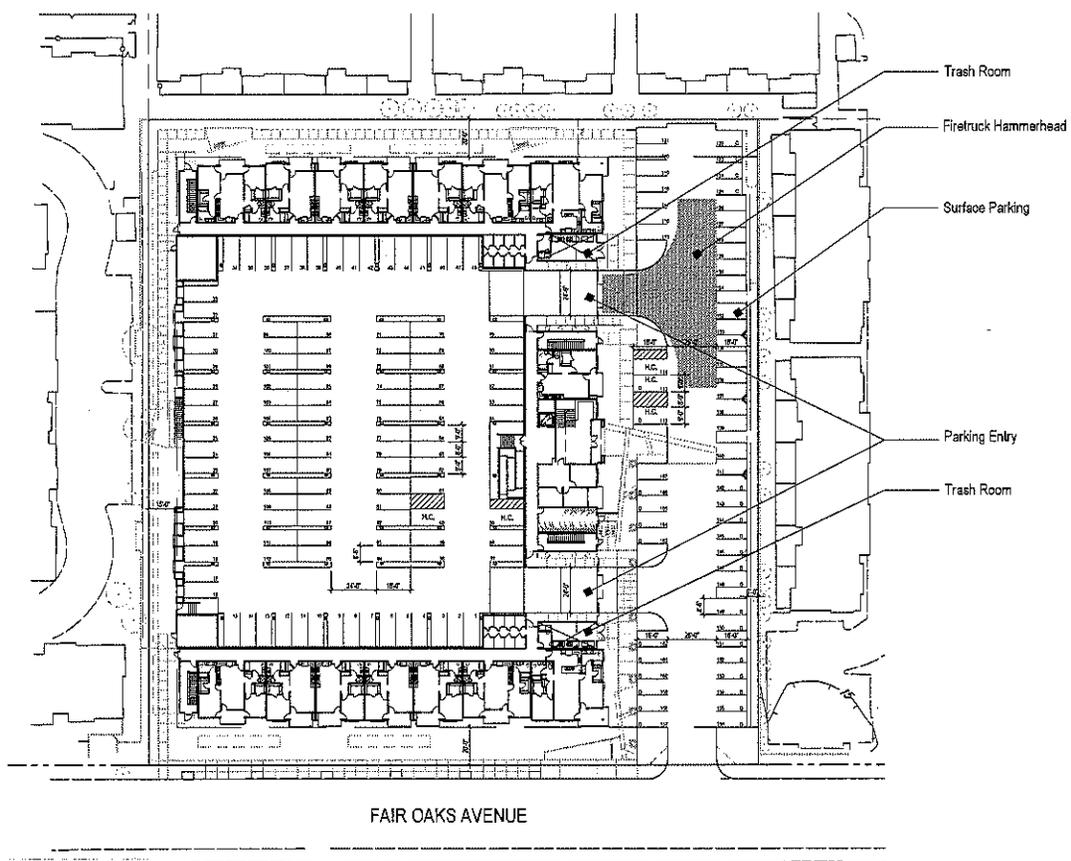
SUNNYVALE, CALIFORNIA  
10/11/11

08.01.2012

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Architecture+Planning  
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Irvine, CA 92614  
949.851.2133  
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T1.0



Open Site Area	2.68 AC				
Dwelling Units	97 DU				
Density	36 DU/AC				

Plan Summary	Ud			Total Net S.F.	Avg. Net S.F.
Studio	0	544	8	8.2%	
P1A	1	890	0	0.0%	
P1B	1	719	44	45.4%	
P1C	1	799	2	2.1%	
P2A	2	991	12	12.4%	
P2B	2	1055	21	21.8%	
P2C	2	1246	10	10.3%	
<b>Total</b>		<b>97</b>	<b>100.0%</b>	<b>84,113</b>	<b>867.1</b>

Type	No. Units	Mix		
Studio Total	8	8.2%		
1 bedroom Total	46	47.4%		
2 bedroom Total	43	44.3%		
<b>Total</b>	<b>97</b>	<b>100.0%</b>		

Parking Summary	No. Units	Spaces Required	Spaces Unit
<b>Parking required</b>			
Studio	8	12	1.5
1 bed	46	63	1.4
2 bed	43	86	2.0
<b>Total</b>	<b>97</b>	<b>161</b>	<b>1.72</b>
<b>Parking provided</b>		<b>Spaces Provided</b>	<b>Spaces Unit</b>
On Site Spaces		55	
Garage Spaces		117	
<b>Total parking spaces</b>		<b>167</b>	<b>1.72</b>

Accessible Parking Required	Visitor Spaces Required	Resident Spaces Required	Spaces Provided
2% of Res. 3% of Guest	27 x .25 = 6.75	143 x .02 = 2.86	8 N.C. Spaces

Open Space Summary	No. Units	O.S. Required	O.S./Unit
<b>Private Open Space required</b>			
Total Units	97	2,700	28
Common Open Space required	No. Units	O.S. Required	O.S./Unit
Total Units	97	29,100	300
<b>Total</b>		<b>31,800</b>	<b>328</b>
<b>Private Open Space Provided</b>		<b>O.S. Provided</b>	<b>O.S./Unit</b>
Total Units	97	8,419	87
Common Open Space Provided	No. Units	O.S. Provided	O.S./Unit
Total Units	97	23,391	240
<b>Total</b>		<b>31,810</b>	<b>327</b>

Landscape Area Summary	No. Units	L.A. Required	L.A./Unit
<b>Landscape Area Required</b>			
Total Units	97	38,375	395
<b>Landscape Area Provided</b>		<b>L.A. Provided</b>	<b>L.A./Unit</b>
Total Units	97	38,375	395

Building Summary	Building Gross S.F.	Garage Gross S.F.	Total Gross S.F.
First Floor	22,838	49,306	72,144
Second Floor	46,911		46,911
Third Floor	46,302		46,302
Fourth Floor	15,499		15,499
<b>Total</b>	<b>131,550</b>	<b>49,306</b>	<b>180,856</b>

Storage Summary	Storage Units Provided	Storage Units Required	Storage C.F. Unit	Total Provided C.F.
First Floor	16	300	300	4,800
2nd - 4th Floor	25 ea.	300	300	25,200
<b>Total</b>	<b>100</b>	<b>97</b>		<b>30,000</b>

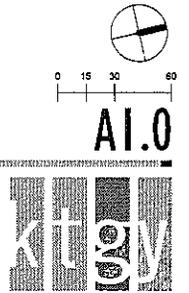
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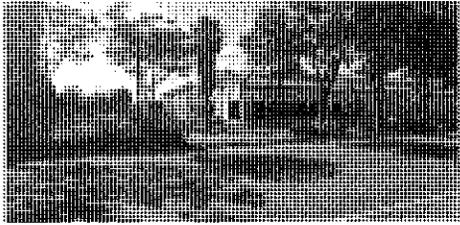
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SITE PLAN

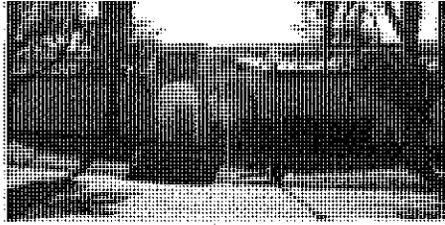
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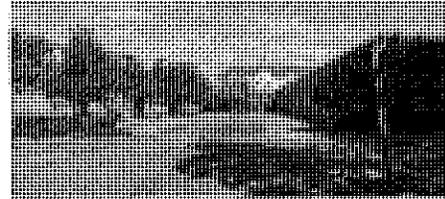




1 - VIEW ACROSS FAIR OAKS AVE.



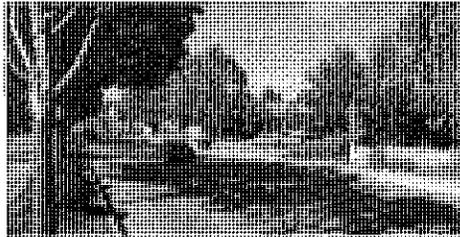
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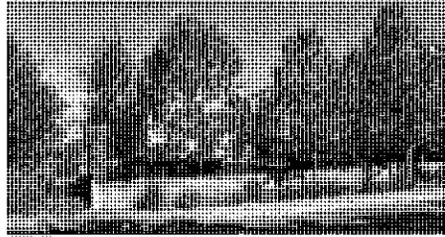
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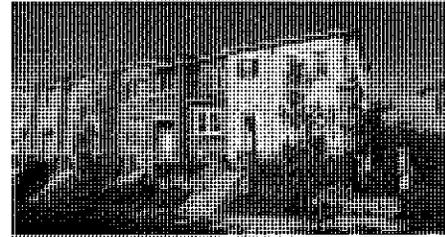
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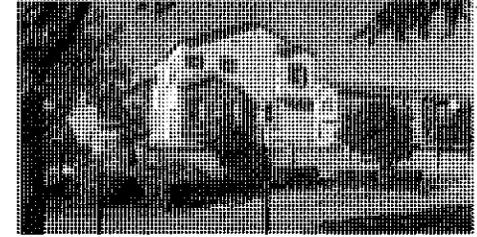
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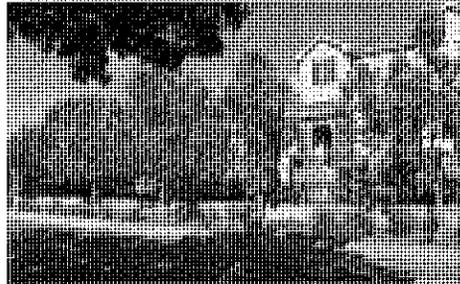
6 - VIEW ACROSS FAIR OAKS AVE.



11 - VIEW OF ADJACENT BUILDING SOUTH OF SITE



12 - VIEW OF ADJACENT BUILDING SOUTH OF SITE



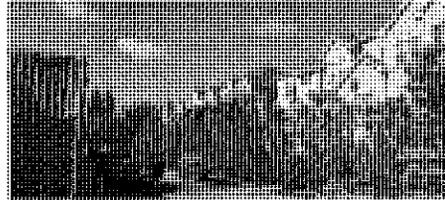
9 - VIEW OF ADJACENT BUILDING NORTH OF SITE



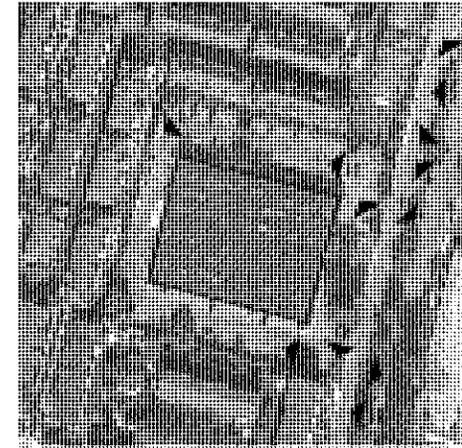
10 - VIEW OF ADJACENT BUILDING EAST OF SITE



7 - VIEW OF ADJACENT BUILDING NORTH OF SITE



8 - VIEW OF ADJACENT BUILDING EAST OF SITE



13 - PROJECT MAP

ATTACHMENT D  
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ANTON SUNNYVALE



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SITE CONTEXT PHOTOS

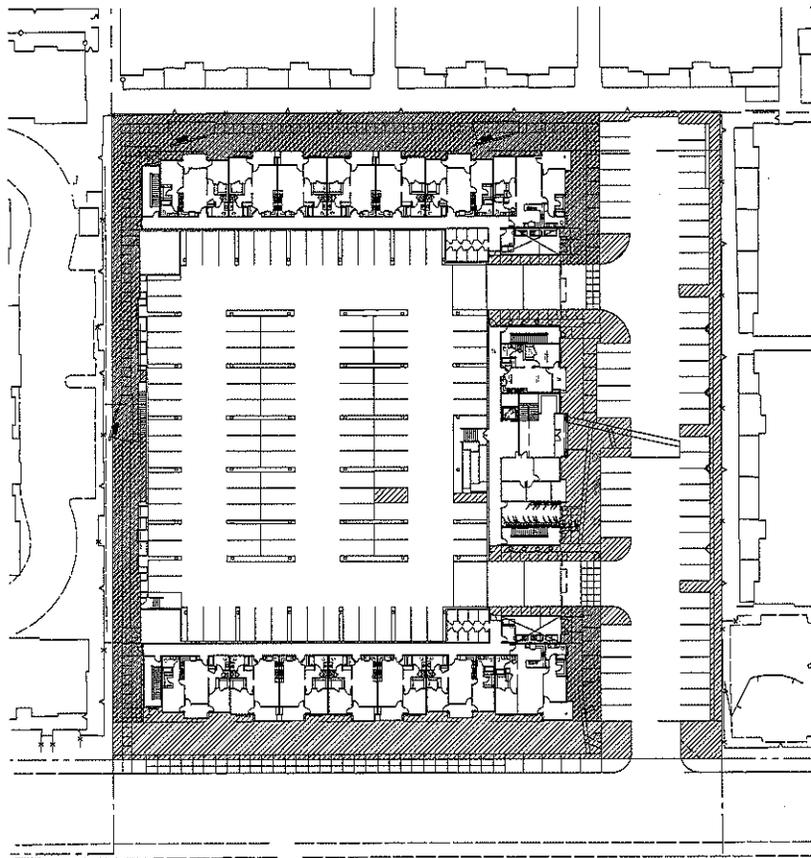
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08.02.2012

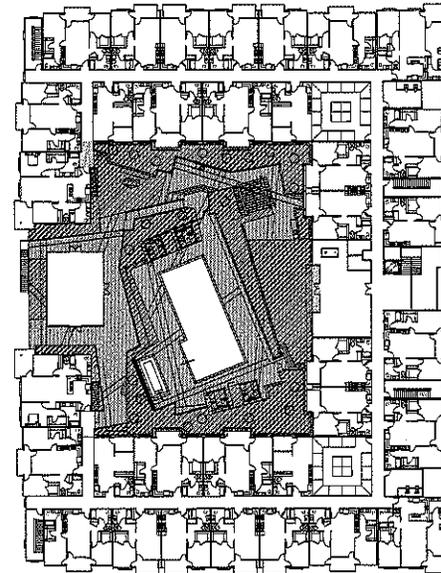
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AI.1



**FIRST FLOOR**  
 Common Open Space: 12,540 sf  
(Note: Does not include Private Open Space)  
 Landscape Area: 26,891 sf



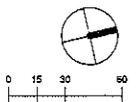
**SECOND FLOOR**  
 Common Open Space: 17,294 sf  
(Note: Does not include Private Open Space)  
 Landscape Area: 9,740 sf

**LEGEND**

-  Open Space
-  Landscape Area
-  Both Open Space & Landscape Area

note: Private Open Space - 6061 / unit

ATTACHMENT  D   
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**A1.2**

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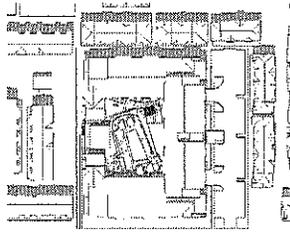
**OPEN SPACE & LANDSCAPE EXHIBIT**

SUNNYVALE, CALIFORNIA  
 KTY # 2012-0180

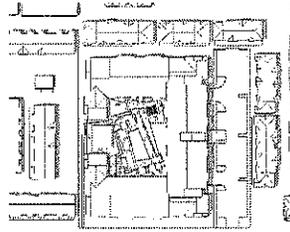
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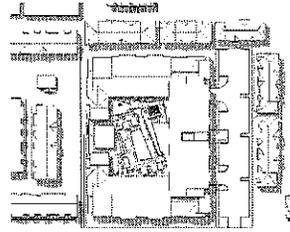




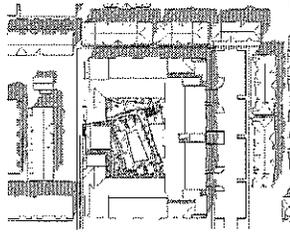
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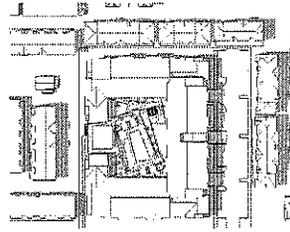
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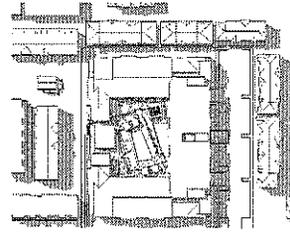
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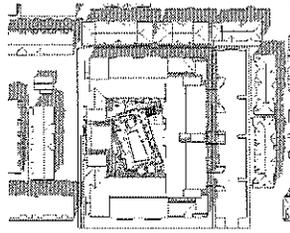
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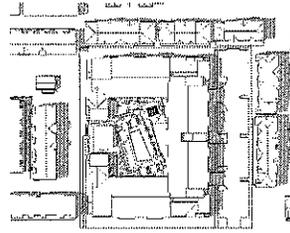
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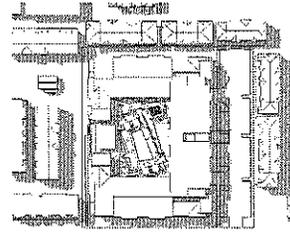
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DEC - 10:00 AM



DEC - 12:00 PM



DEC - 2:00 PM

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SHADOW STUDY

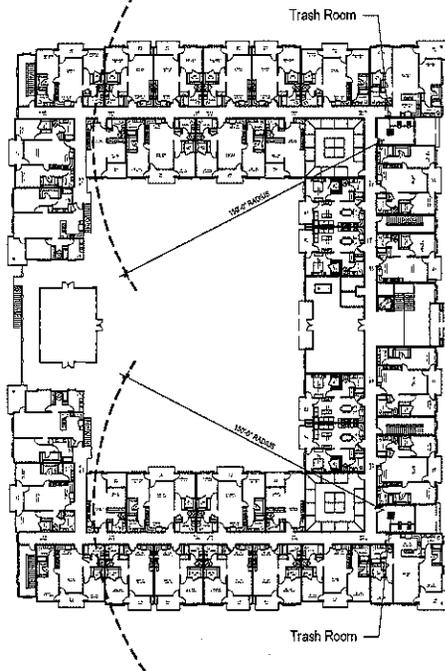
SUNNYVALE, CALIFORNIA

KTGY # 2013-0180

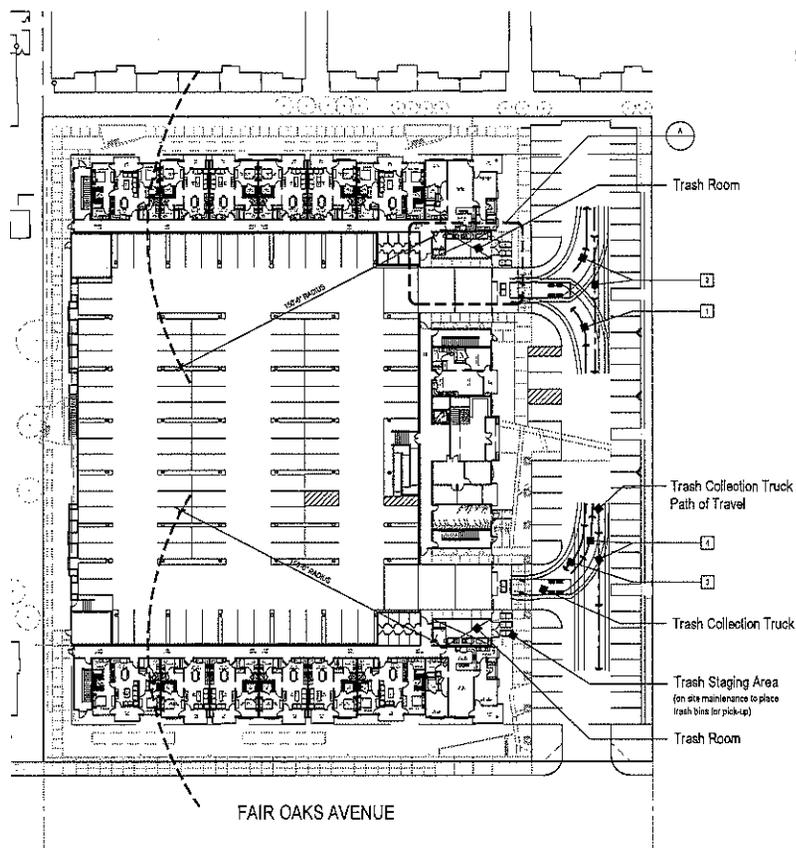
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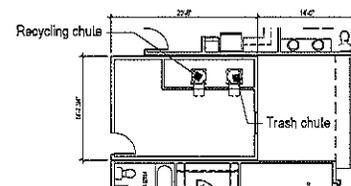
TYPICAL UPPER LEVELS



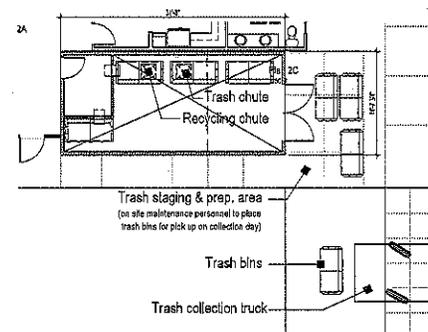
GROUND LEVEL

Note: Turning Radii per Department of Public Works'HEIL' Turning Diagram (825409)

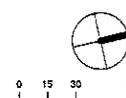
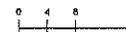
- Trash Collection Truck - Route of Travel
- 1 Truck to pull in forward to serve 1st trash enclosure.
  - 2 After serving trash enclosure, truck to back out and proceed to 2nd trash enclosure.
  - 3 Truck to pull in forward to service 2nd trash enclosure.
  - 4 Truck to back out and pull forward to Fair Oaks Ave.



ENLARGED TRASH ROOM FLOOR PLAN  
 TYPICAL UPPER LEVELS



A ENLARGED TRASH ROOM FLOOR PLAN  
 GROUND LEVEL



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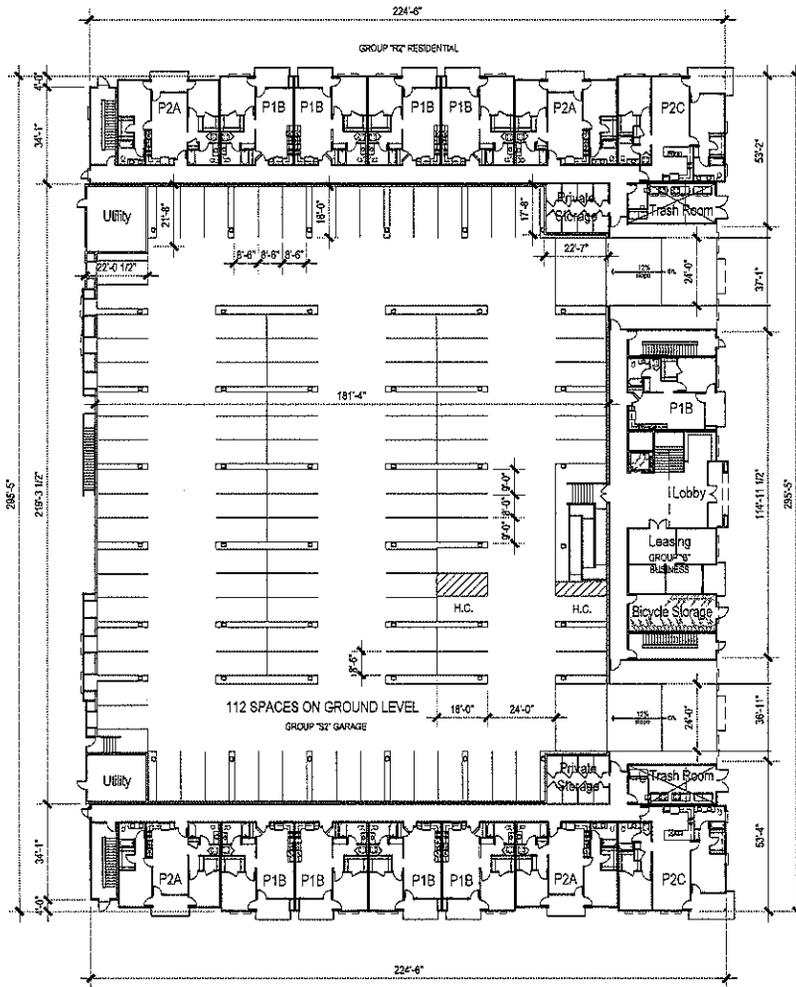
TRASH PLAN / EXHIBIT

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 KTG # 2002-0180 08.02.2012

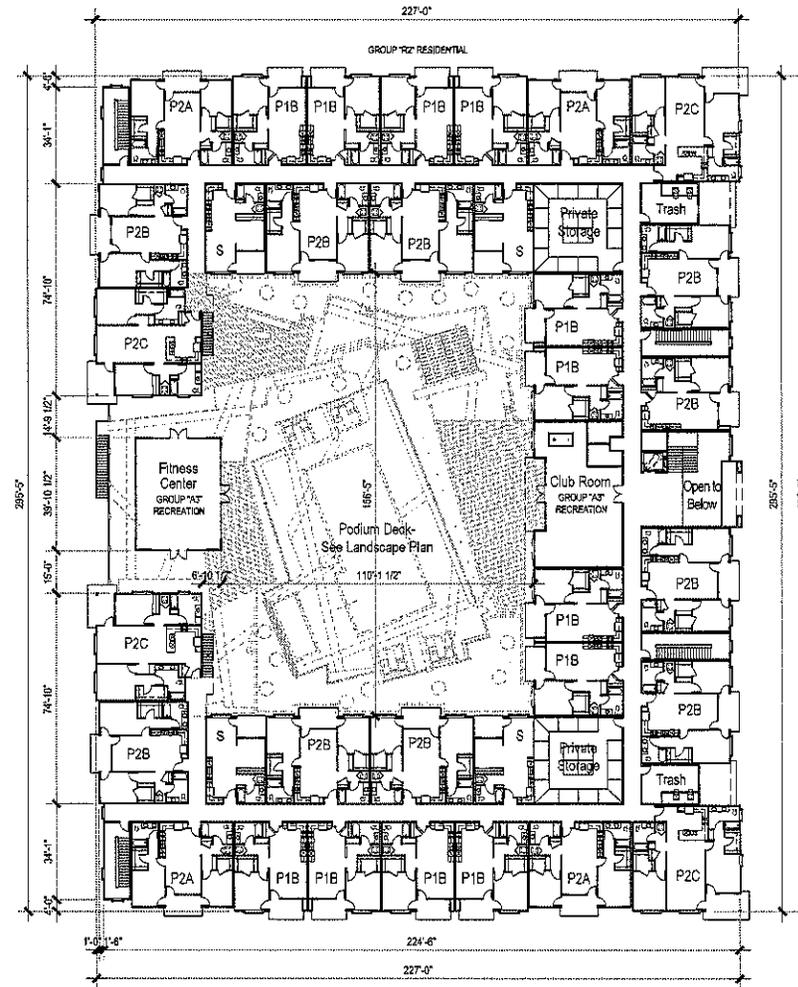
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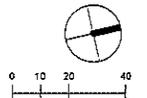
A1.4



FIRST FLOOR  
Groups A-3, B, R-2, & S-2 Mixed Occupancy



SECOND FLOOR  
Groups A-3 & R-2 Mixed Occupancy



A2.0

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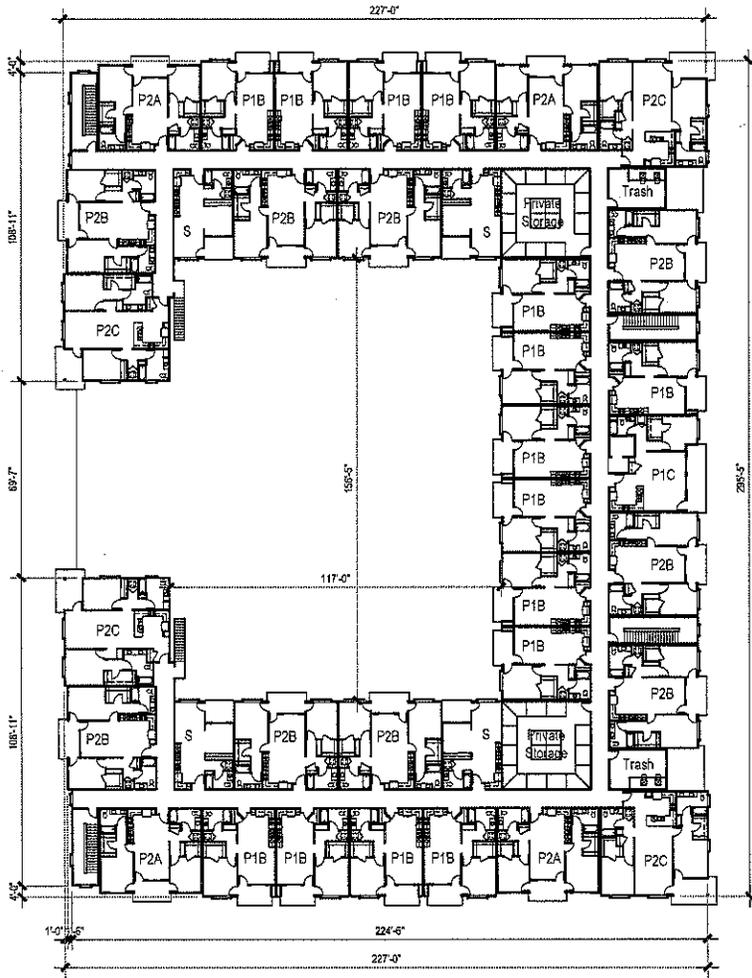
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BUILDING PLANS

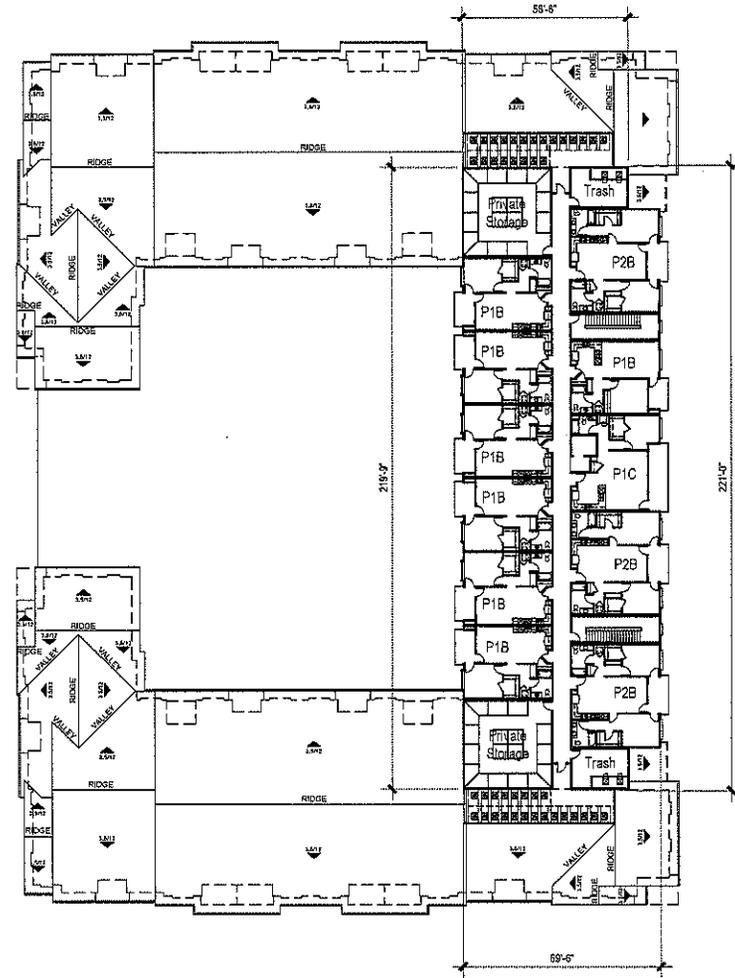
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THIRD FLOOR  
GROUPS R-2 OCCUPANCY



FOURTH FLOOR  
GROUPS R-2 OCCUPANCY

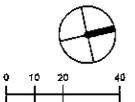
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BUILDING PLANS

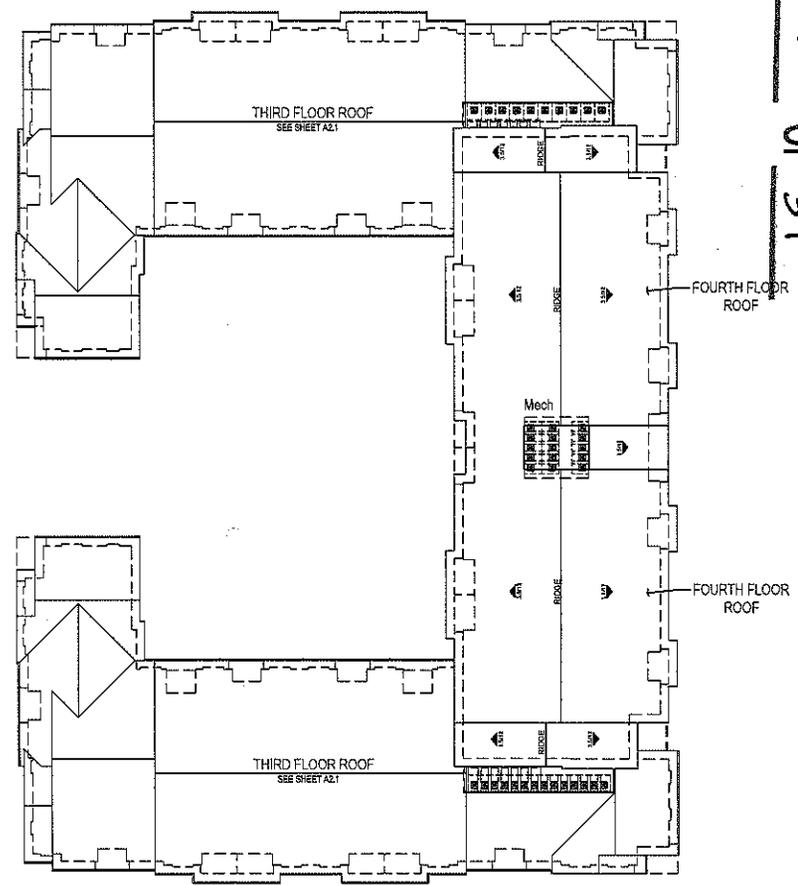
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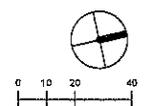


A2.1





ROOF PLAN



A2.2

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ROOF PLAN

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Front (Fair Oaks)

MATERIAL KEYNOTES	
1	STUCCO
2	WOOD-LIKE TRIM
3	VINYL WINDOW
4	PROJECT SIGNAGE
5	METAL RAILING
6	WOOD KICKER
7	CONCRETE ROOF TILE
8	STONE CLADDING
9	METAL PANELS
10	STOREFRONT
11	LIGHT FIXTURE



Right (North)

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BUILDING ELEVATIONS

SUNNYVALE, CALIFORNIA  
 KTG # 2012-0160

08.02.2012

0 5 10 20

A3.0

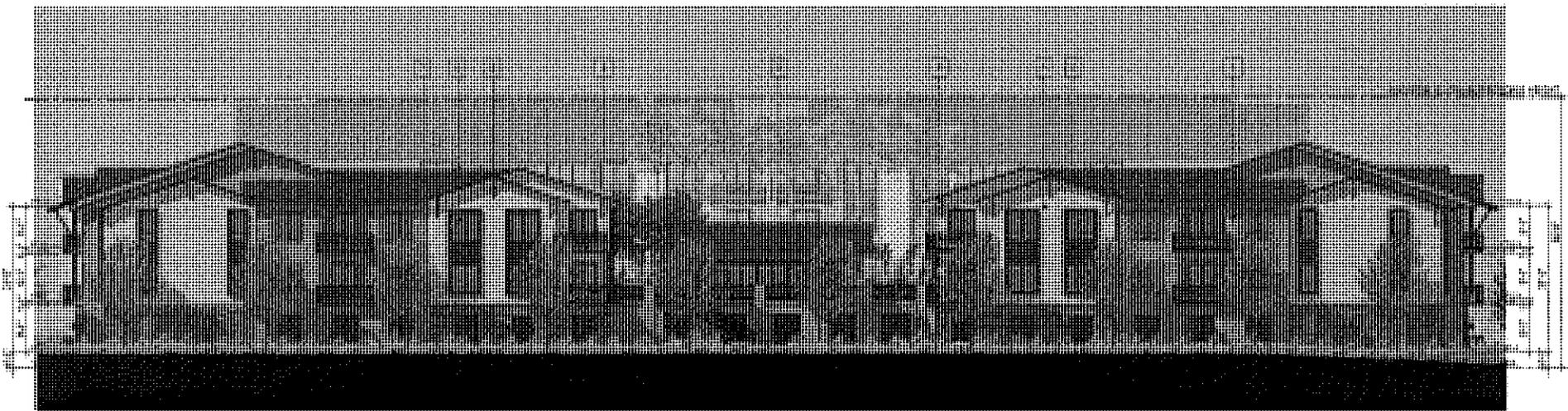
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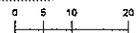


Back (West)

MATERIAL KEYNOTES	
1	STUCCO
2	WOOD TRIM
3	VINYL WINDOW
4	PROJECT SIGNAGE
5	METAL RAILING
6	WOOD KICKER
7	CONCRETE ROOF TILE
8	STONE CLADDING
9	METAL PANELS
10	STOREFRONT
11	LIGHT FIXTURE



Left (South)



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BUILDING ELEVATIONS

SUNNYVALE, CALIFORNIA

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A3.1



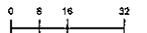
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**FAIR OAKS STREETSCENE**

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RDR # 2012-0100      CR.02.2012

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**A3.2**





## FAIR OAKS STREETSCENE

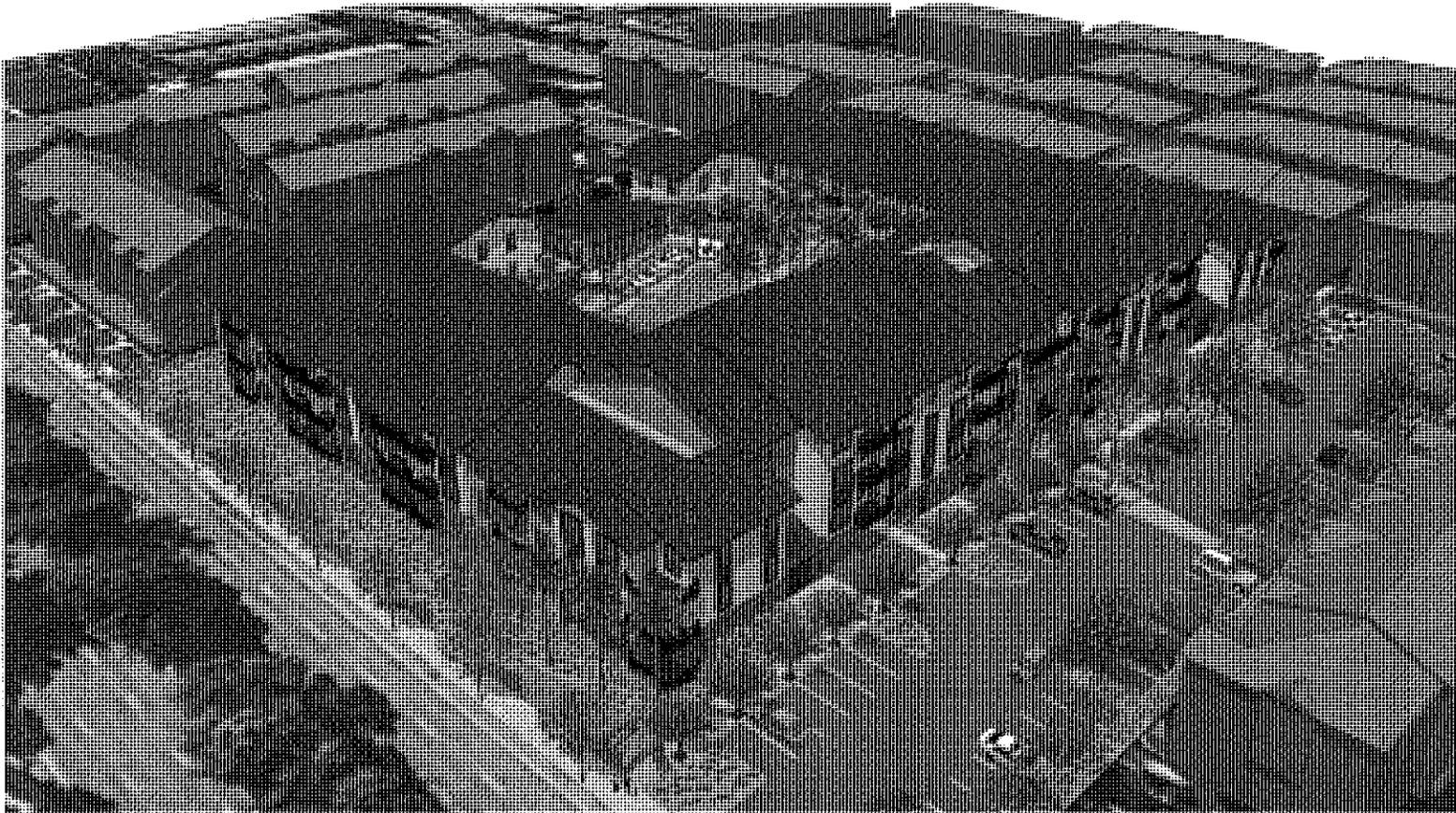
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KTGY # 2017-0186

04.28.2017

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KTGY (C)  
Architects  
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Bird's Eye Looking Southwest

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RENDERINGS

SUNNYVALE, CALIFORNIA  
KIG # 2012-0180 08.01.2012

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A4.0



View From Park Drive

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**RENDERINGS**

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A4.1



View of North Facade

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**RENDERINGS**

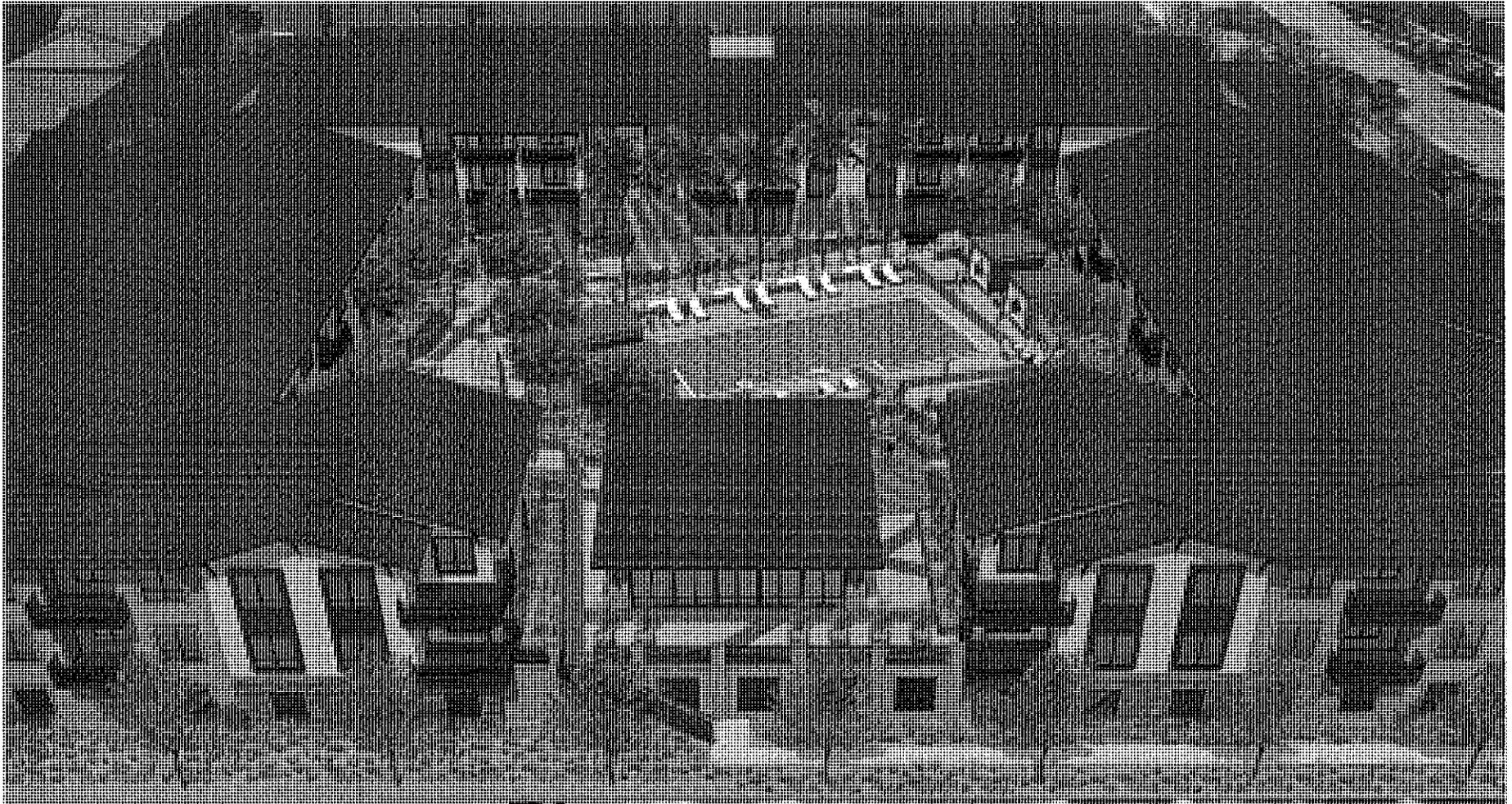
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A4.2



From the Eye of Postcard Court

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**RENDERINGS**

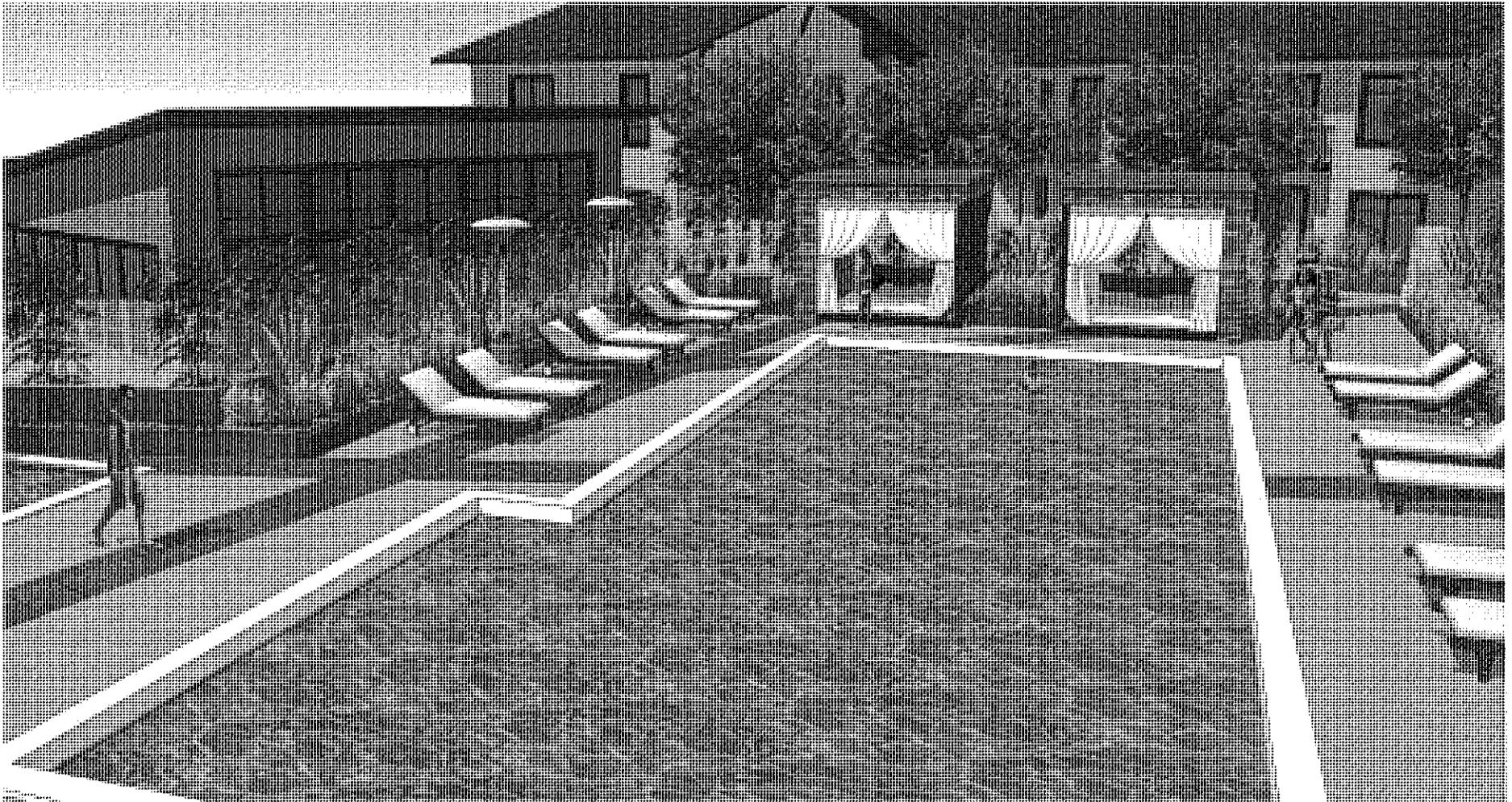
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A4.3



Pool Area and Fitness Room

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A4.4



Pedestrian Lobby

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RENDERINGS

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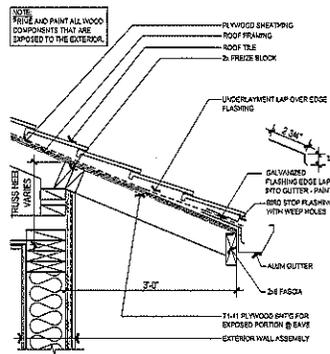
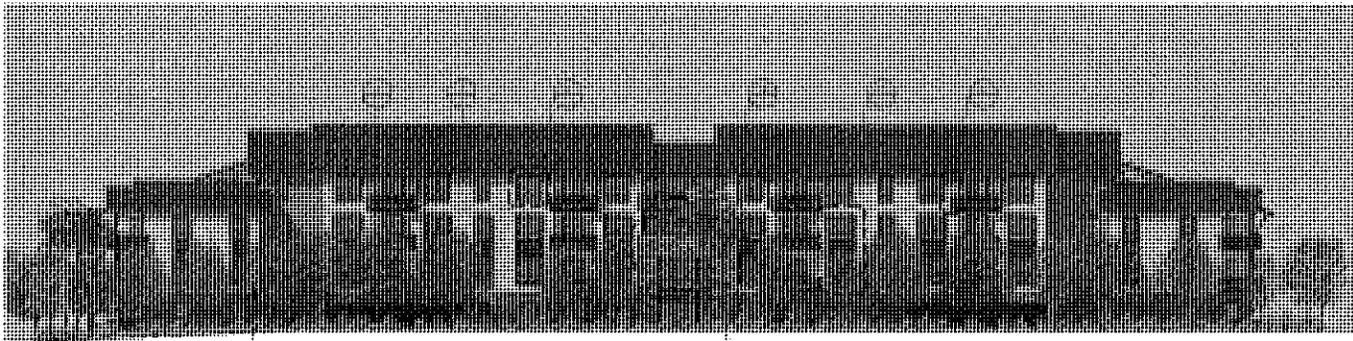
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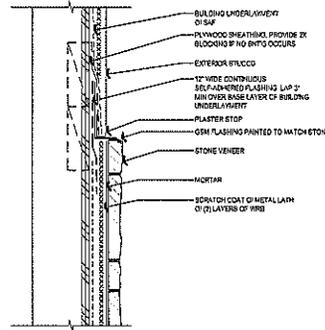
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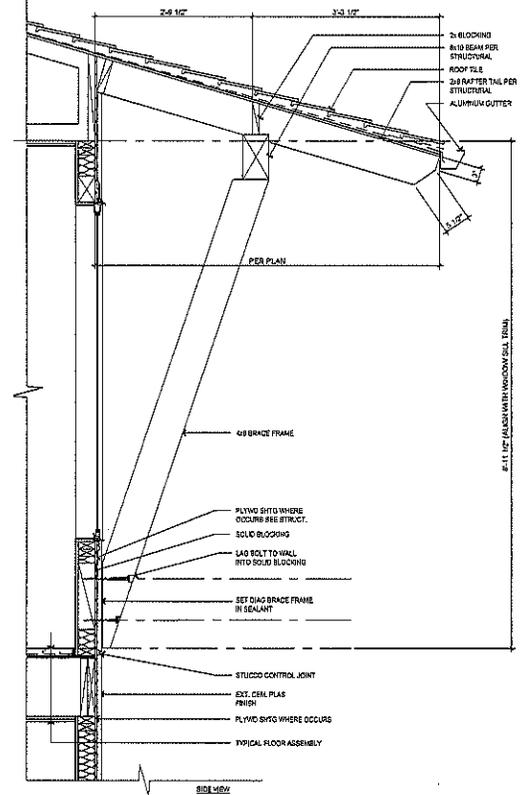
A4.5



1 TYPICAL EAVE WITH HEEL



2 STONE / STUCCO TRANSITION



3 WOOD KICKER AT EAVE

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ARCHITECTURAL DETAILS

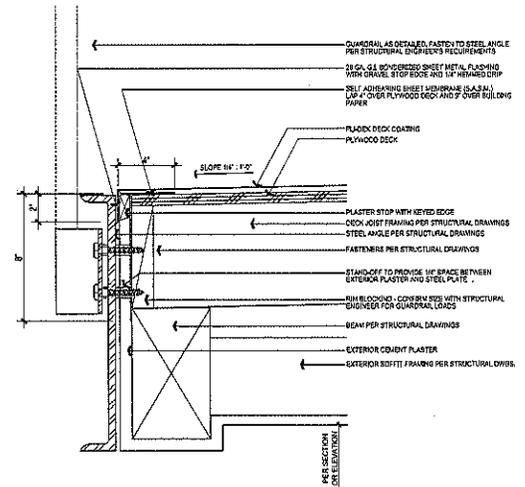
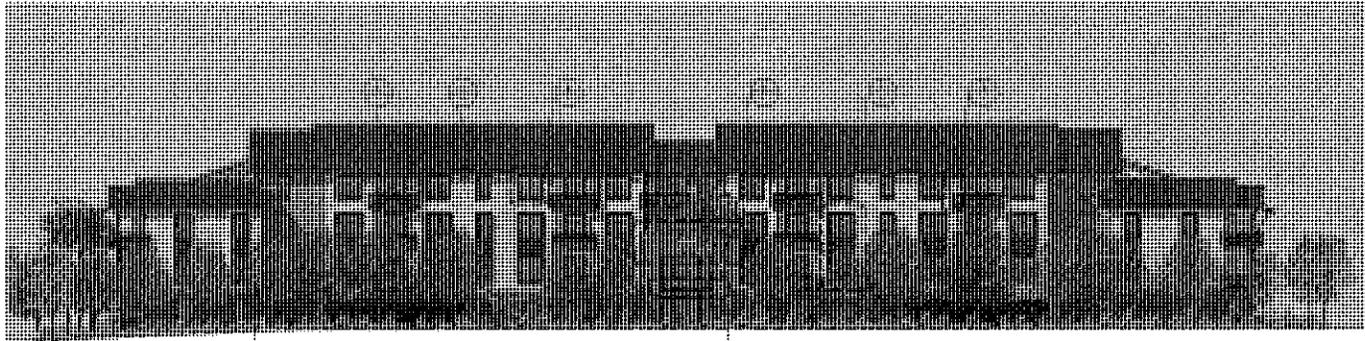
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KTGY # 2012-0160 06.03.2012

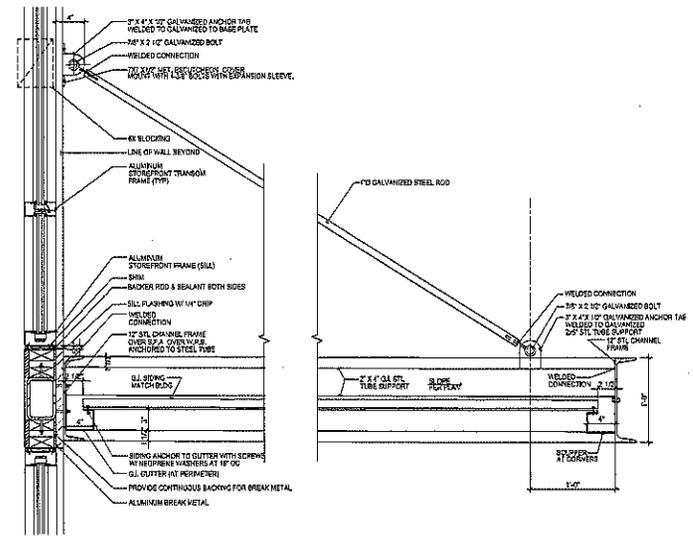
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4 TYPICAL METAL BALCONY RAILING



5 METAL CANOPY AT PROJECT ENTRY

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ARCHITECTURAL DETAILS

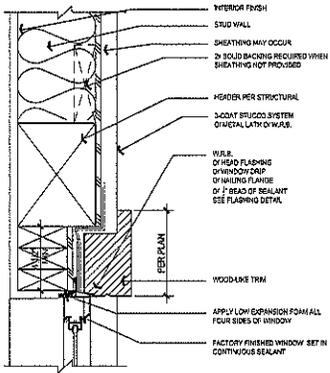
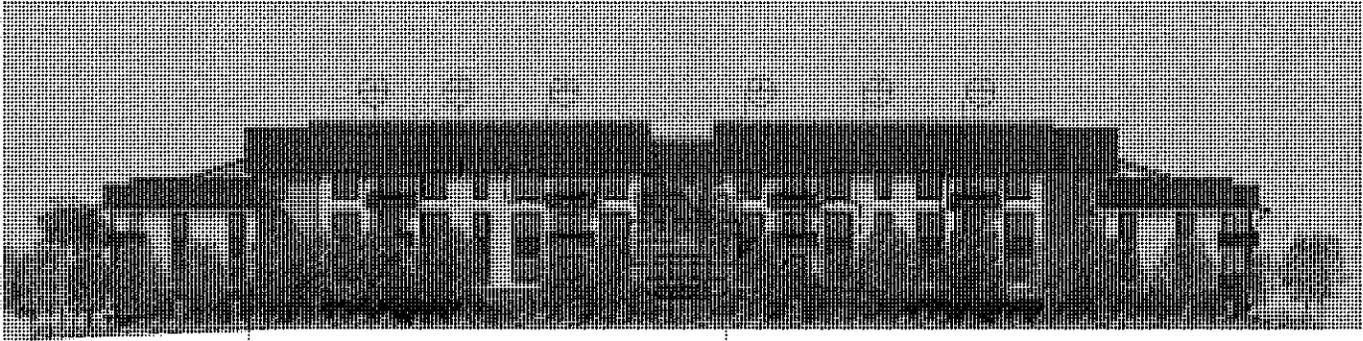
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ISSUE # 2013-0100 08.02.2012

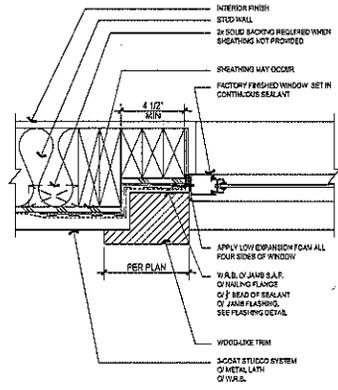
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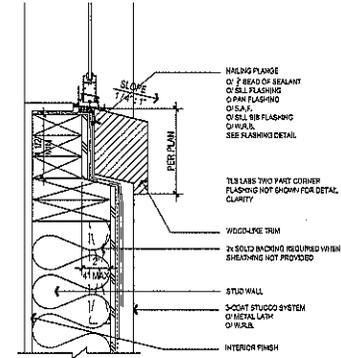
A5.1



**6** 2" RECESSED WINDOW HEAD



**6** 2" RECESSED WINDOW JAMB



**6** 2" RECESSED WINDOW SILL

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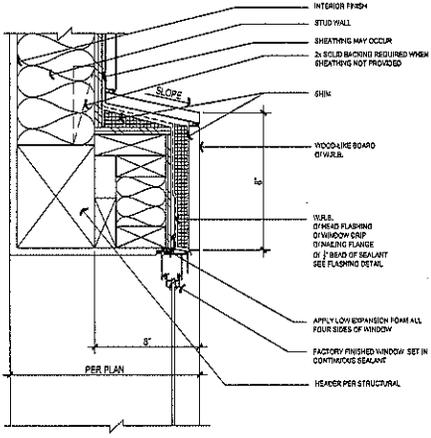
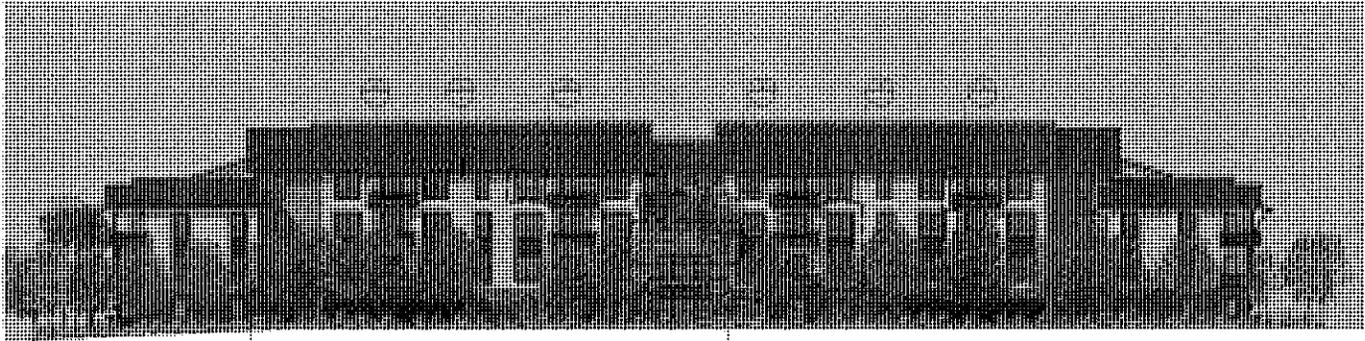
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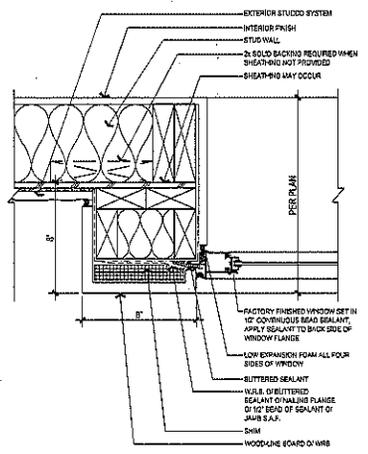
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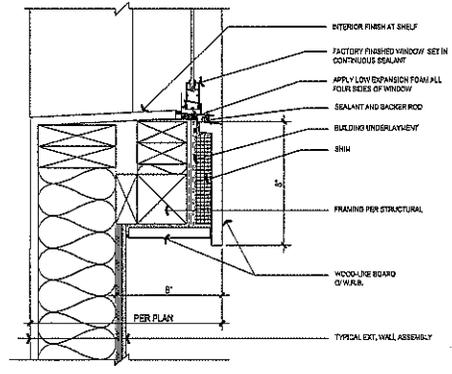




7 WINDOW AT EXT. PROJECTION - HEAD



7 WINDOW AT EXT. PROJECTION - JAMB



7 WINDOW AT EXT. PROJECTION - SILL

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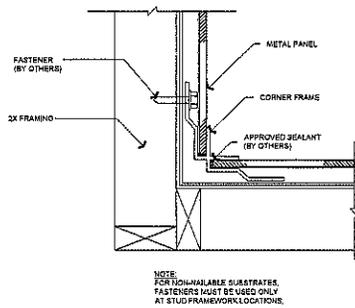
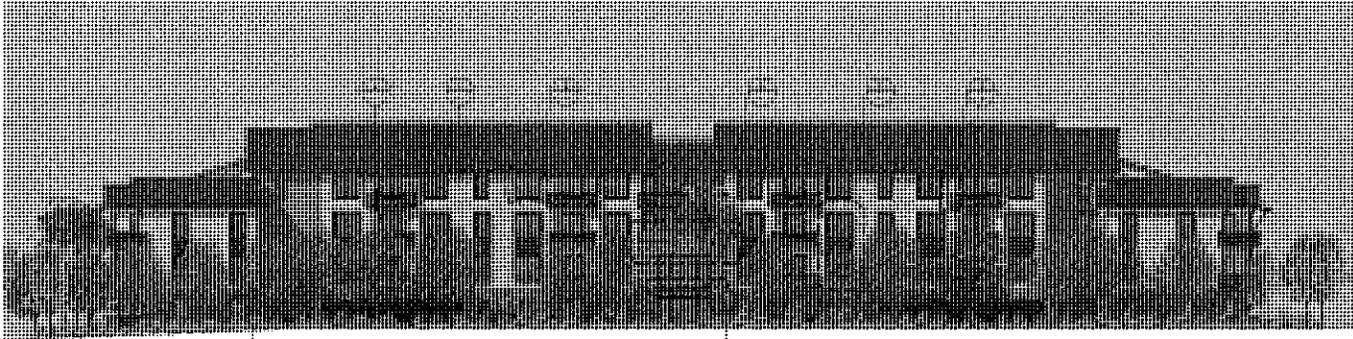
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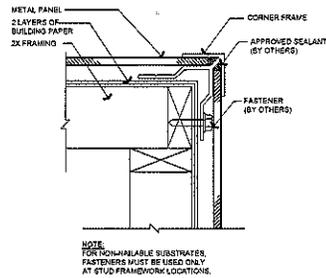
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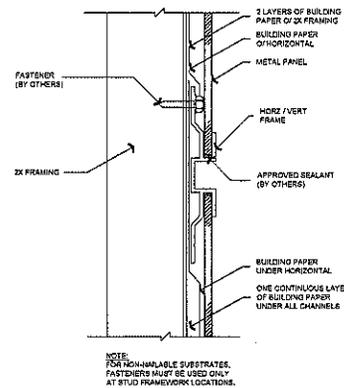




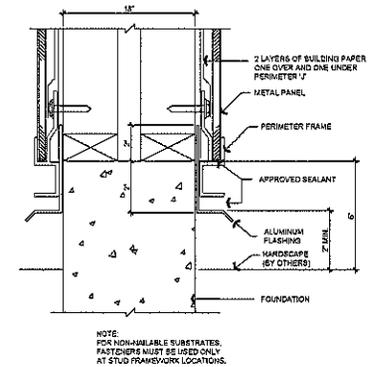
8 METAL PANEL SYSTEM - INSIDE CORNER



8 METAL PANEL SYSTEM - OUTSIDE CORNER



8 METAL PANEL SYSTEM - HORIZ./VERT.



8 METAL PANEL SYSTEM - BASE/FOUNDATION

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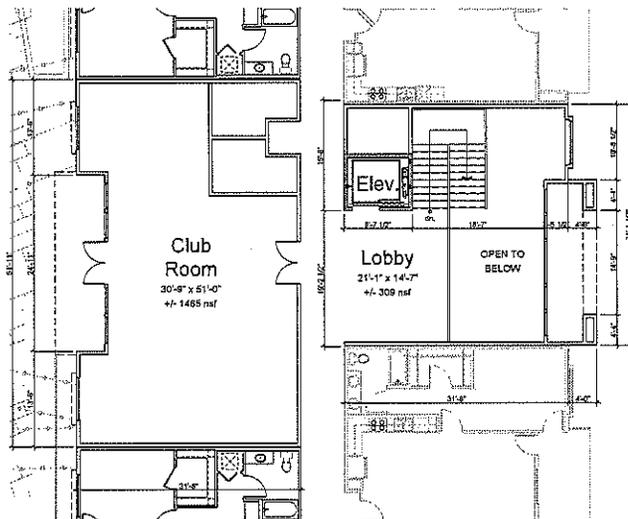
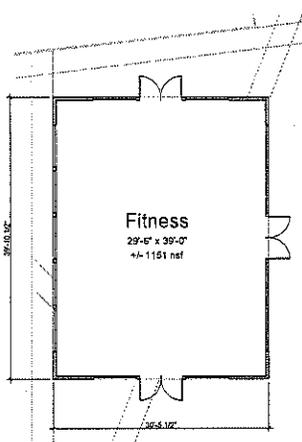
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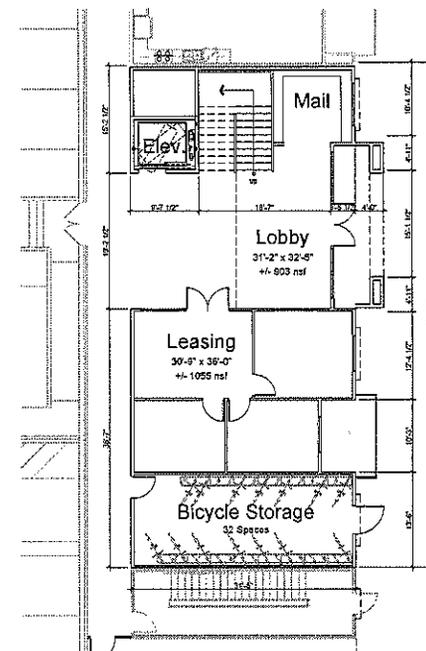
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PODIUM LEVEL



GROUND LEVEL

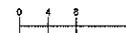
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**St·Anton** PARTNERS  
 St Anton Partners  
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 Sacramento, California 95811  
 916.400.2072

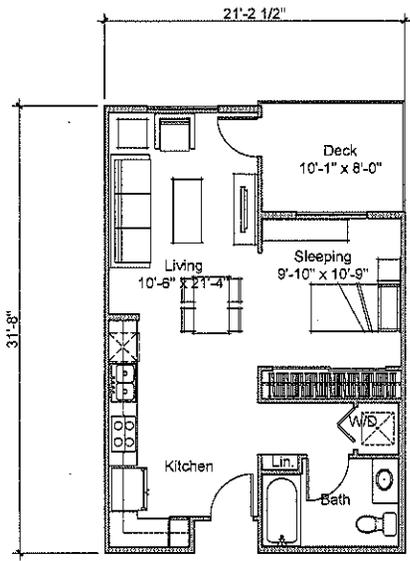
**AMENITY PLANS**

SUNNYVALE, CALIFORNIA  
 KTG # 2012-0180 09.02.2012

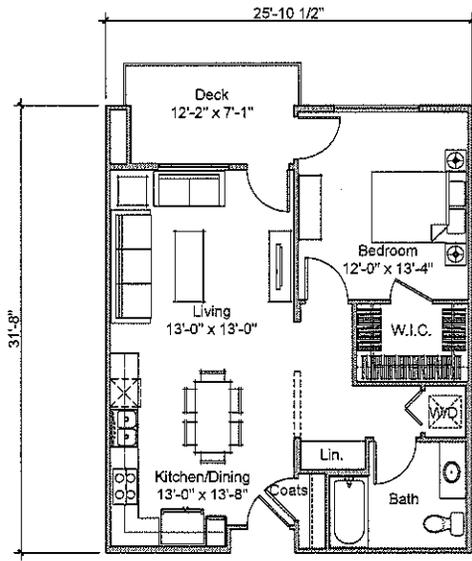
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 949.851.2133  
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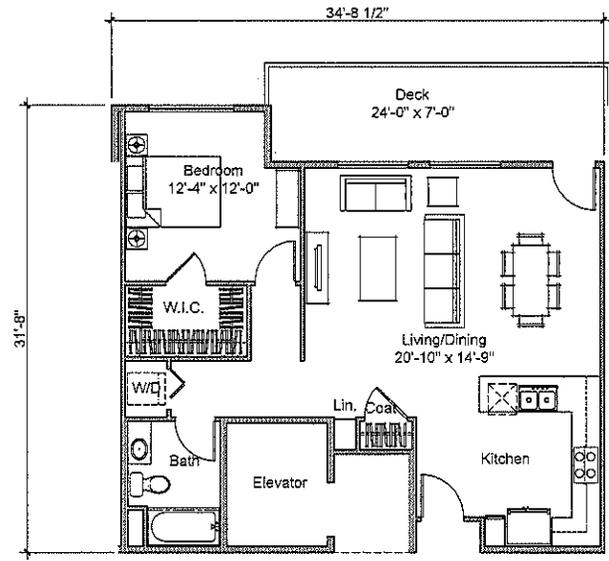
**A6.0**



**STUDIO**  
 +/- 544 sf  
 Balcony 81 sf



**UNIT PIB**  
 IBD/I BA  
 +/- 719 sf  
 Balcony 85 sf



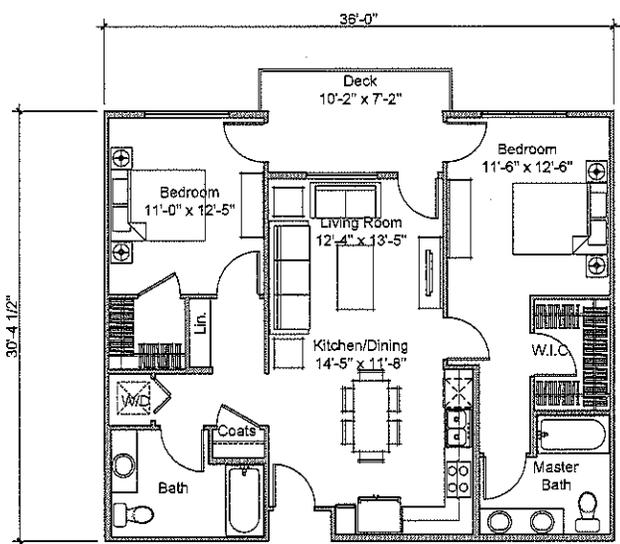
**UNIT PIC**  
 IBD/I BA  
 +/- 799 sf  
 Balcony 167 sf

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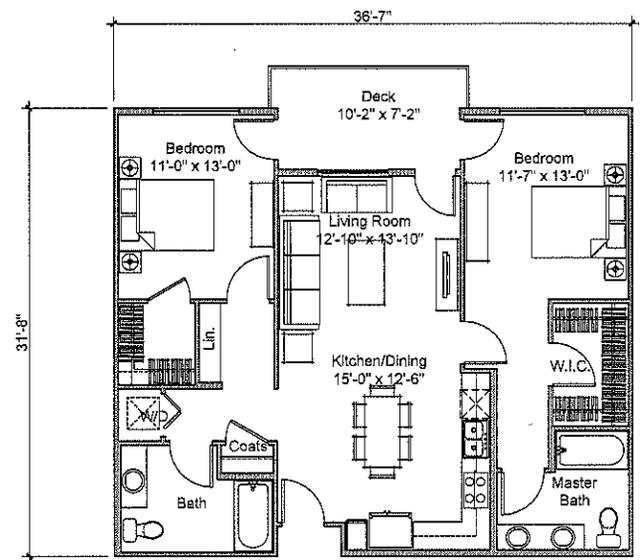
**UNIT PLANS**  
 SUNNYVALE, CALIFORNIA  
 WOP # 2012-0190 08.02.2012

**KTGY Group, Inc.**  
 Architecture+Planning  
 17922 Fitch  
 Irvine, CA 92614  
 949.851.2133  
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**UNIT P2A**  
 2BD/2BA  
 +/- 991 sf  
 Balcony 80 sf



**UNIT P2B**  
 2BD/2BA  
 +/- 1055 sf  
 Balcony 81 sf

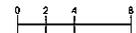
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UNIT PLANS

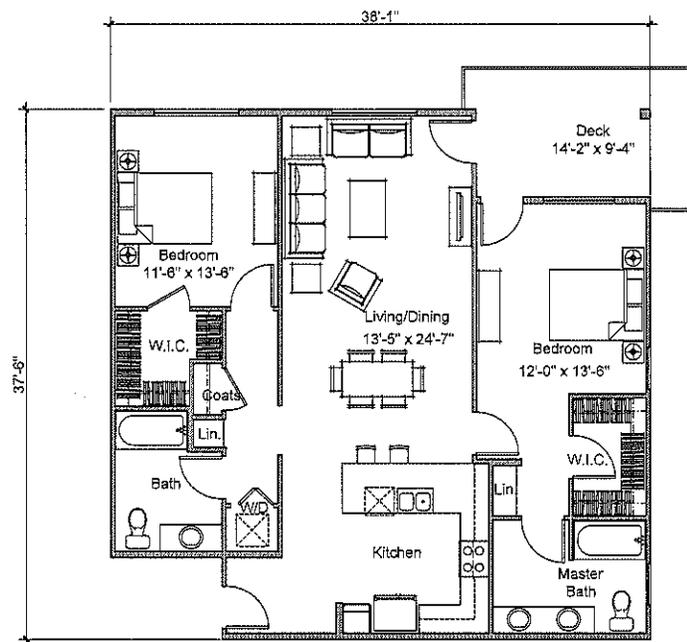
SUNNYVALE, CALIFORNIA  
 KTG # 2013-080 08.02.2012

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A7.1





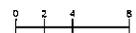
**UNIT P2C**  
 2BD/2BA  
 +/- 1248 sf  
 Balcony 137 sf

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**UNIT PLANS**

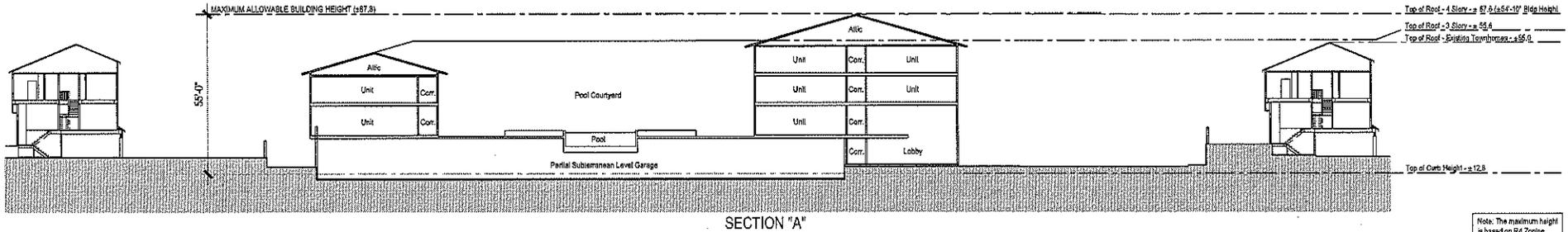
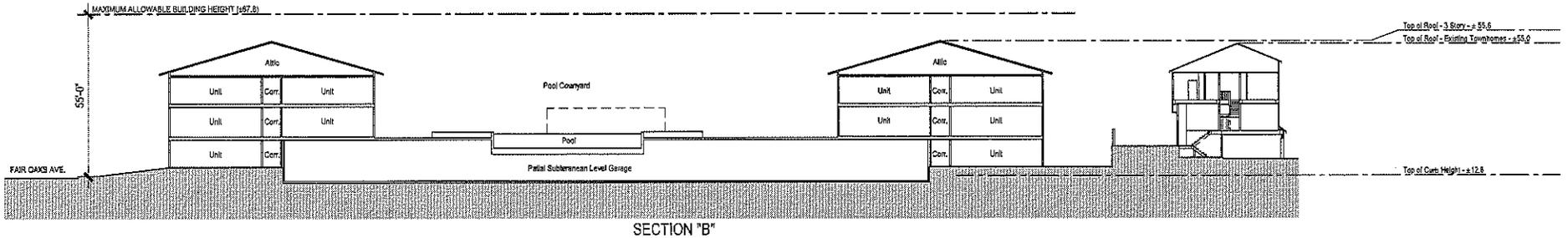
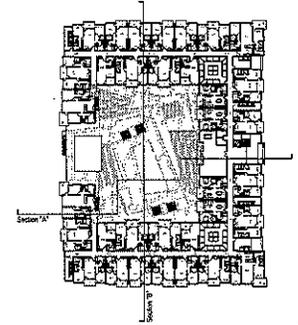
SUNNYVALE, CALIFORNIA  
 KIT # 2013-0190 08.02.2012



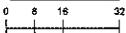
**A7.2**

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Note: The maximum height is based on R4 Zoning.



A8.0

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 PARTNERS

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SITE SECTIONS

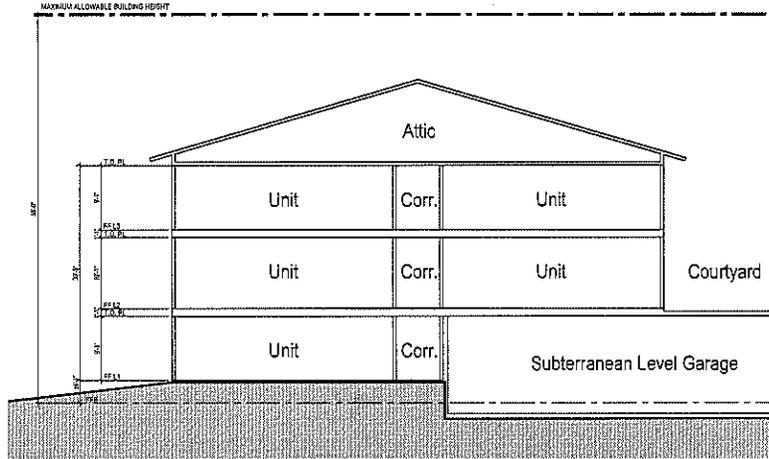
SUNNYVALE, CALIFORNIA

17/01 # 2012-0109

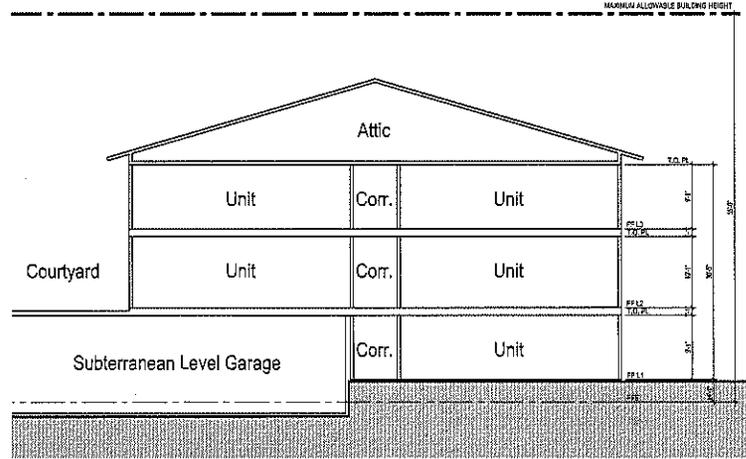
08.01.2012

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 949.851.2133  
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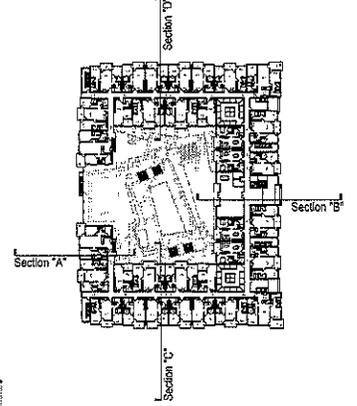




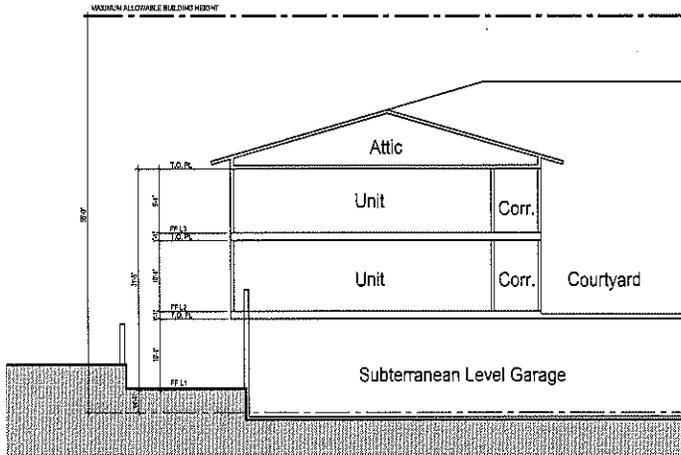
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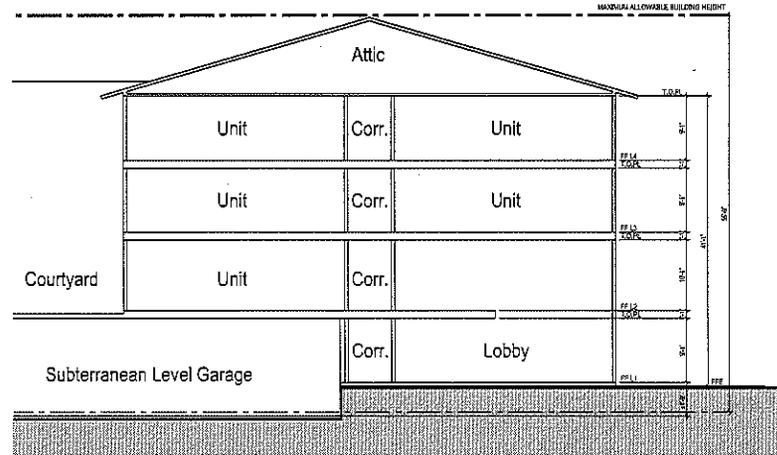
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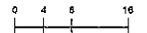
ATTACHMENT D  
 Page 30 of 37



SECTION "A"



SECTION "B"



**ANTON SUNNYVALE**



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 1801 I Street, Suite 200  
 Sacramento, California 95811  
 916.400.2072

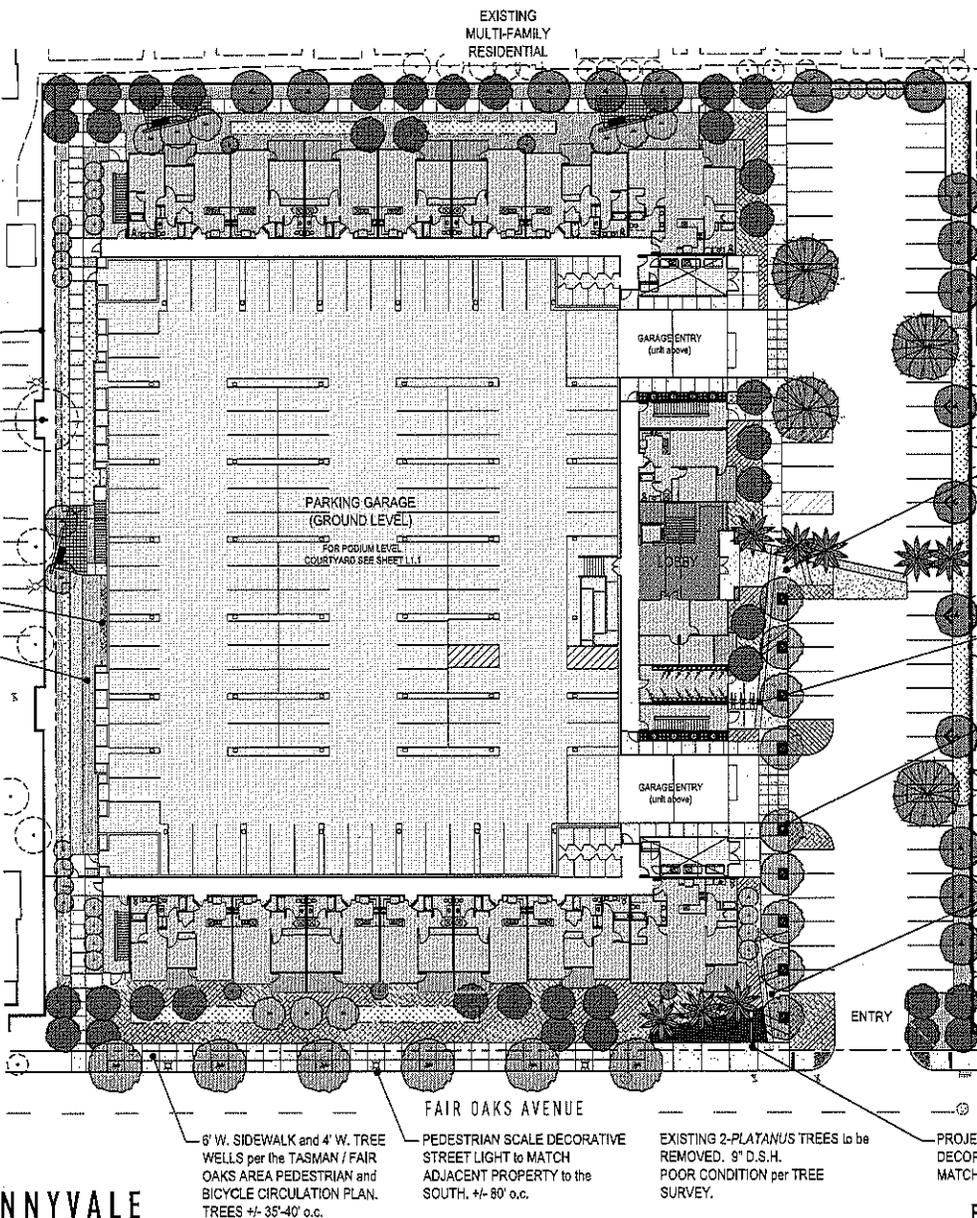
**BUILDING SECTIONS**

SUNNYVALE, CALIFORNIA  
 0707 # 2013-0180 08.02.2012

**KTGY Group, Inc.**  
 Architecture+Planning  
 17922 Fitch  
 Irvine, CA 92614  
 949.851.2133  
 ktgy.com



**A8.1**



**FIRE PREVENTION NOTES:**

1. PLAN WILL COMPLY WITH THE REQUIREMENTS CONTAINED IN THE SUNNYVALE MUNICIPAL CODE, CALIFORNIA FIRE CODE, TITLE 19 CALIFORNIA CODE OF REGULATIONS and SUNNYVALE FIRE PREVENTION REQUIREMENTS.
2. KNOX BOXES AT GATES ARE REQUIRED IN ACCORDANCE WITH SUNNYVALE FIRE PREVENTION GUIDELINES.

**PRELIMINARY PLANT PALETTE - HYDROZONE 'A' SHADE EXPOSURE**

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	WATER USE	BOTANICAL NAME / COMMON NAME	WATER USE
<b>TREES:</b>					
●	ADONIS BELLIDA AUSTRALIAN WILLOW - STANDARD	36" BOX	LOW	<b>SHRUBS:</b>	
●	BRACHYOTYCH POPULINUS BOTTLE TREE	24" BOX	LOW	●	LARGE SHRUBS (8 GAL. MIN. SIZE @ 3' o.c.)
●	TRISTANIA CONFERTA BRESKIN BOX - LOW BRANCH	36" BOX	MED	●	MEDIUM SHRUBS (5 GAL. MIN. SIZE @ 3' o.c.)
●	TABERNAEM PRICK TRUMPET TREE (16" X 4" TREE GRATES)	36" BOX	MED	●	SMALL SHRUBS (1 GAL. MIN. SIZE @ 24" o.c.)
●	MADHOLA GRANDIFLORA LITTLE GEM MADHOLA - STD.	36" BOX	MED	●	POTTERY
●	PRUNUS CAROLINANA BRIGHT & TIGHT CAROLINA CHERRY - COLUMN	24" BOX	MED	●	LARGE POTTERY (15 GAL. MIN. SIZE)

\* CITY WATERING TREES TO BE PLANTED WITHIN 10' OF LATERALS WHEN THE CITY MAINTAINS SANITARY SEWER MAIN AND LATERALS UP TO THE PROPERTY LINE.

**PRELIMINARY PLANT PALETTE - HYDROZONE 'B' SUN EXPOSURE**

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	WATER USE	BOTANICAL NAME / COMMON NAME	WATER USE
<b>TREES/PALMS:</b>					
●	ADONIS BELLIDA AUSTRALIAN WILLOW - STD	36" BOX	MED	<b>SHRUBS:</b>	
●	RHIZO LANCEA AFRICAN BUIK - STANDARD	24" BOX	LOW	●	LARGE SHRUBS (8 GAL. MIN. SIZE @ 3' o.c.)
●	ROEBELIETIA BIPINNATA CHINESE PLANE TREE - STANDARD	24" BOX	MED	●	MEDIUM SHRUBS (5 GAL. MIN. SIZE @ 3' o.c.)
●	TRISTANIA CONFERTA BRESKIN BOX - LOW BRANCH	36" BOX	MED	●	SMALL SHRUBS (1 GAL. MIN. SIZE @ 24" o.c.)
●	LAGERSTROMIA & FAULPUS YUSSAGIANA COPEE WYTTLE - MULT	24" BOX	MED	●	POTTERY
●	PARKERBONIA & DESERT MUSEUM HILL VERDE - MULTI	36" BOX	VERY LOW	●	LARGE POTTERY (15 GALLON MINIMUM SIZE)
●	OLEA EUROPAEA 'SMALL HILL' SMALL HILL FRUITLESS OLIVE - MULTI	36" BOX	LOW	●	OTHER SHRUBS
●	RHOENIX DACTYLOPERA DATE PALM - MATCHING HEIGHTS	20" B.T.H.	LOW	●	ACCENT POTTERY (15 GALLON MINIMUM SIZE)
●	YAUSTRICOLA YAUSTRIC FAXI PALM (SHINE)	MATCHING 18" B.T.H.	LOW	<b>PLANT PALETTE NOTES:</b>	

1. PROPOSED PLANTS ARE REPRESENTATIVE CLIMATE ADAPTED  
 2. ALL QUANTITIES OF PLANTS ARE LOW WATER USE  
 3. ALL PLANTS ARE COMPATIBLE TO LOCAL CLIMATE AND SOIL TYPE  
 4. SOURCE OF WATER USED IS WOODS  
 5. MATCHING TO BE PERFORMED BY TREE SURVEY. PLANT PALETTE IS INTENDED TO REPRESENT A TYPICAL SAMPLE OF THE PROPOSED PLANTS BUT DOES NOT INDICATE THE EXACT SPECIES WHICH WILL BE DEVELOPED BY THE DESIGNER.

**PLANTING CONCEPT STATEMENT:**

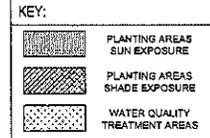
PLANT MATERIALS IS SELECTED FOR THEIR WATER CONSERVATION QUALITIES, LOW MAINTENANCE AND ADAPTED TO THE LOCAL CLIMATE.

THE PRELIMINARY LANDSCAPE PLANS INDICATE TWO HYDROZONES BASED ON EXPOSURES: SUN AND SHADE. FURTHER DETAILED PLANTING PLANS WILL BE REFINED AND EXPANDED BASED ON NUANCES IN THE BUILDING DESIGN AND EXPOSURES.

THE PLANTING SCHEME EMPHASIZES FORM, LEAF TEXTURE AND FOLIAGE COLOR. TEMPORARY ARRANGEMENT OF LARGE BROAD MASSINGS, PLANT SPECIES WITH UNIQUE CHARACTERISTICS USED SINGULARLY WILL CREATE FOCAL POINTS AND POINTS OF INTEREST.

**WATER EFFICIENT LANDSCAPING - SUNNYVALE M.C. 19.37**

The irrigation system shall meet the requirements of the City of Sunnyvale Municipal Code 19.37 water efficient landscape ordinance. All irrigation shall be per the City of Sunnyvale Water Efficiency Requirements Landscape and other applicable City Landscape Guidelines.



**IRRIGATION WATER CONSERVATION FEATURES**

THE FOLLOWING MEASURES WILL BE INCORPORATED INTO THE PROJECT TO CONSERVE WATER:

1. Installation of automatic 'smart' irrigation controller with rain-sensor and weather track.
2. The use of low precipitation/low angle irrigation spray heads.
3. The use of low water consuming plants.
4. Soil amendment to achieve good soil moisture retention.
5. Mulching to reduce evapotranspiration from the root zone.

NOTE: INSTALL RADIO-READ WATER METER AND BACKFLOW PREVENTOR FOR IRRIGATION SERVICE per CITY REQUIREMENTS.

**TREE SURVEY**

TREE SURVEY PERFORMED BY A CERTIFIED ARBORIST WITH ARBOR ENTITIES (819) 718-1335 ON MAY 30, 2012.

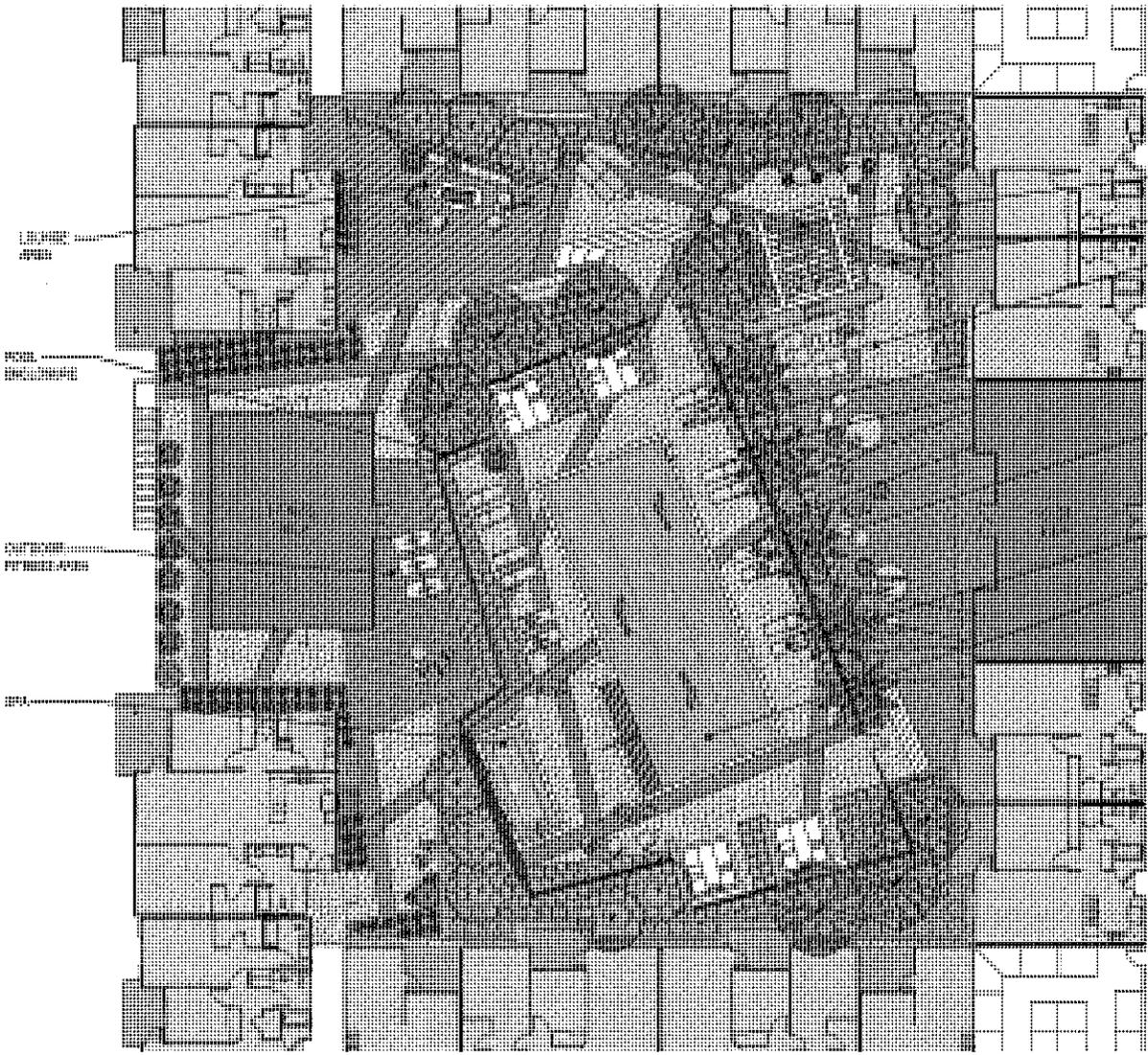
NO TREES ON SITE TO BE PROTECTED-IN-PLACE.

6" W. SIDEWALK and 4" W. TREE WELLS per the TASMAN / FAIR OAKS AREA PEDESTRIAN and BICYCLE CIRCULATION PLAN. TREES +/- 35'-40' o.c.

PEDESTRIAN SCALE DECORATIVE STREET LIGHT TO MATCH ADJACENT PROPERTY TO THE SOUTH. +/- 80' o.c.

EXISTING 2-PLATANUS TREES to be REMOVED. 9" D.S.H. POOR CONDITION per TREE SURVEY.

PROJECT MONUMENT SIGN on DECORATIVE COBBLE and MATCHING PALMS



PRELIMINARY PLANT PALETTE - HYDROZONE 'A' SHADE EXPOSURE						
SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	WATER USE	BOTANICAL NAME	COMMON NAME	WATER USE
<b>TREES</b>						
⊙	BRADYCHITON POPULNEUS BOTTLE TREE	24" BOX	LOW	<b>SHRUBS</b>		
⊙	MAGNOLIA GRANDIFLORA LITTLE OEM	36" BOX	MED	LARGE SHRUBS (5 GAL. MIN. SIZE #1 6-8)	ULMUS PARVIFLORUS WAX LEAF YEW	LOW
⊙	MAGNOLIA - LOW BRANCHING	36" BOX	MED	SMALL SHRUBS (2 GAL. MIN. SIZE #1 2-4)	PHLOX DENDRICA MORNING GLORY	MED
⊙	TRISTANIA CONFERTA	36" BOX	MED	MEDIUM SHRUBS (3 GAL. MIN. SIZE #1 3-6)	SHRUBS LAVENDER ROSE HYDRANGEA AZALEA LILAC SPICE MATRIMONY	MED
⊙	BRISBANE BOX - LOW BRANCH	36" BOX	MED	SMALL SHRUBS (1 GAL. MIN. SIZE #1 2-4)	SHRUBS LAVENDER ROSE HYDRANGEA AZALEA LILAC SPICE MATRIMONY	MED
⊙	MAYTENUS SPANIA GREEN SHOWER	36" BOX	MED	<b>POTTERY</b>		
⊙	MAYTENUS TREES	36" BOX	MED	LARGE POTTERY (15 GAL. MIN. SIZE)	WICKERS & UTENSILS WICKERS - FIB. WOODEN POTTERY WOODEN POTTERY WOODEN POTTERY WOODEN POTTERY	MED
⊙	STRELITZIA NICOLAI SWAY BIRD OF PARADISE	24" BOX	MED			

PRELIMINARY PLANT PALETTE - HYDROZONE 'B' SUN EXPOSURE						
SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	WATER USE	BOTANICAL NAME	COMMON NAME	WATER USE
<b>TREES/PALMS</b>						
⊙	ARALISIA SPANNA HYBRID STAGBERRY TREE - STD	36" BOX	MED	<b>SHRUBS</b>		
⊙	LAGERSTROEMIA & PALMIEI	24" BOX	MED	LARGE SHRUBS (5 GAL. MIN. SIZE #1 6-8)	SHRUBS LAVENDER ROSE HYDRANGEA AZALEA LILAC SPICE MATRIMONY	LOW
⊙	TUSCARORA CREPE MYRTLE - MULTI	24" BOX	MED	MEDIUM SHRUBS (3 GAL. MIN. SIZE #1 3-6)	SHRUBS LAVENDER ROSE HYDRANGEA AZALEA LILAC SPICE MATRIMONY	MED
⊙	RIEUS LINDLEYI LIPSONIA BUNANG - STANDARD	24" BOX	LOW	SMALL SHRUBS (1 GAL. MIN. SIZE #1 2-4)	SHRUBS LAVENDER ROSE HYDRANGEA AZALEA LILAC SPICE MATRIMONY	MED
⊙	TRISTANIA CONFERTA	36" BOX	MED	<b>POTTERY</b>		
⊙	BRISBANE BOX - LOW BRANCH	36" BOX	MED	LARGE POTTERY (15 GALLON MINIMUM SIZE)	WICKERS & UTENSILS WICKERS - FIB. WOODEN POTTERY WOODEN POTTERY WOODEN POTTERY	MED
⊙	KOELREUTERIA BIRGINATA CHINESE PLUM TREE - STANDARD	24" BOX	MED			
⊙	PANDANUS & "DESERT SANDWICH" PALM VERDE - MULTI	36" BOX	VERY LOW			
⊙	OLEA EUROPAEA "SWAN HILL" BROWN HILL FRUITLESS OLIVE - MULTI	36" BOX	LOW			
⊙	PHOENIX DACTYLIFERA "MEDJOL" DATE PALM - MATCHING HEIGHTS	20" B.T.H.	LOW			
⊙	TRACHYCARPUS FORTUNEI WINDMILL PALM - BONDED	MIN. 5" MAX. 12"	MED			
⊙	WASHINGTONIA HYBRID PAM PALM (BONDED)	MIN. 18" MAX. 24"	LOW			

ATTACHMENT  
 Page 32 of 37  
 D

**PLANTER KEY:**

30" H. RAISED PLANTERS with  
 TREES in 48" H. COR-TEN "POTS"

**POOL PERMIT:**

APPROVAL FROM THE SANTA CLARA COUNTY ENVIRONMENTAL HEALTH DEPT. IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE POOL AREA.

**FIRE PREVENTION NOTES:**

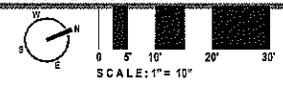
1. PLAN WILL COMPLY with the REQUIREMENTS CONTAINED in the SUNNYVALE MUNICIPAL CODE, CALIFORNIA FIRE CODE, TITLE 19 CALIFORNIA CODE OF REGULATIONS and SUNNYVALE FIRE PREVENTION REQUIREMENTS.
2. KNOX BOXES at GATES ARE REQUIRED in ACCORDANCE with SUNNYVALE FIRE PREVENTION GUIDELINES.

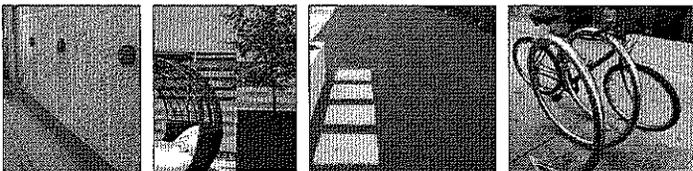
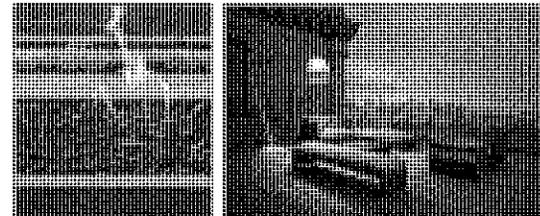
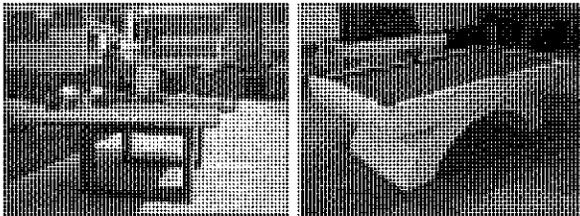
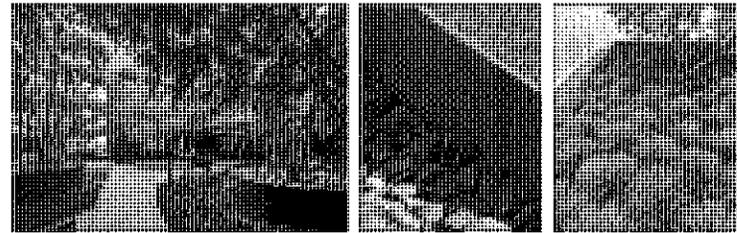
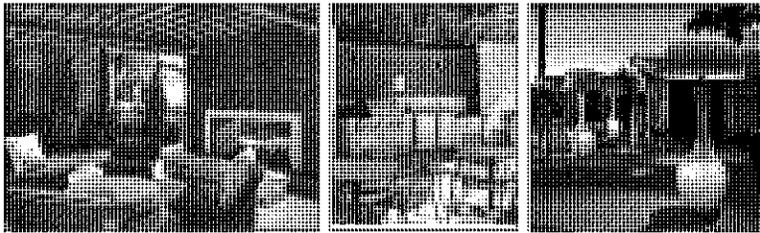
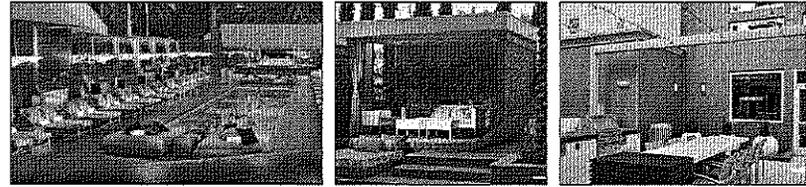
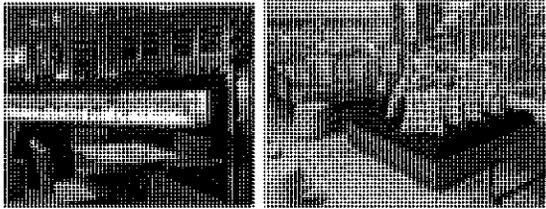
**ANTON SUNNYVALE**

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 PARTNERS  
 St. Anton Partners  
 1801 I Street, Suite 200  
 Sacramento, California 95811  
 916.400.2072

**PRELIMINARY LANDSCAPE PLAN - COURTYARD L1.1**

SUNNYVALE, CALIFORNIA  
 revised: JULY 17, 2012  
 MJS Design Group  
 Cannery Lofts  
 507 20th Street  
 Newport Beach, CA 92663  
 (949) 875-9964





ATTACHMENT D  
 Page 33 of 37

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 St. Anton Partners  
 1801 I Street, Suite 200  
 Sacramento, California 95811  
 916.400.2072

SUNNYVALE, CALIFORNIA

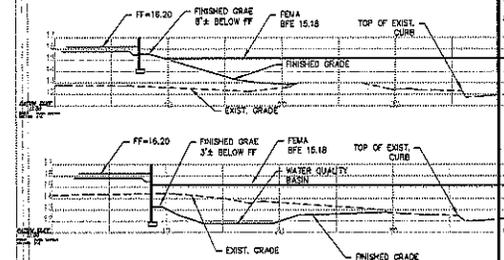
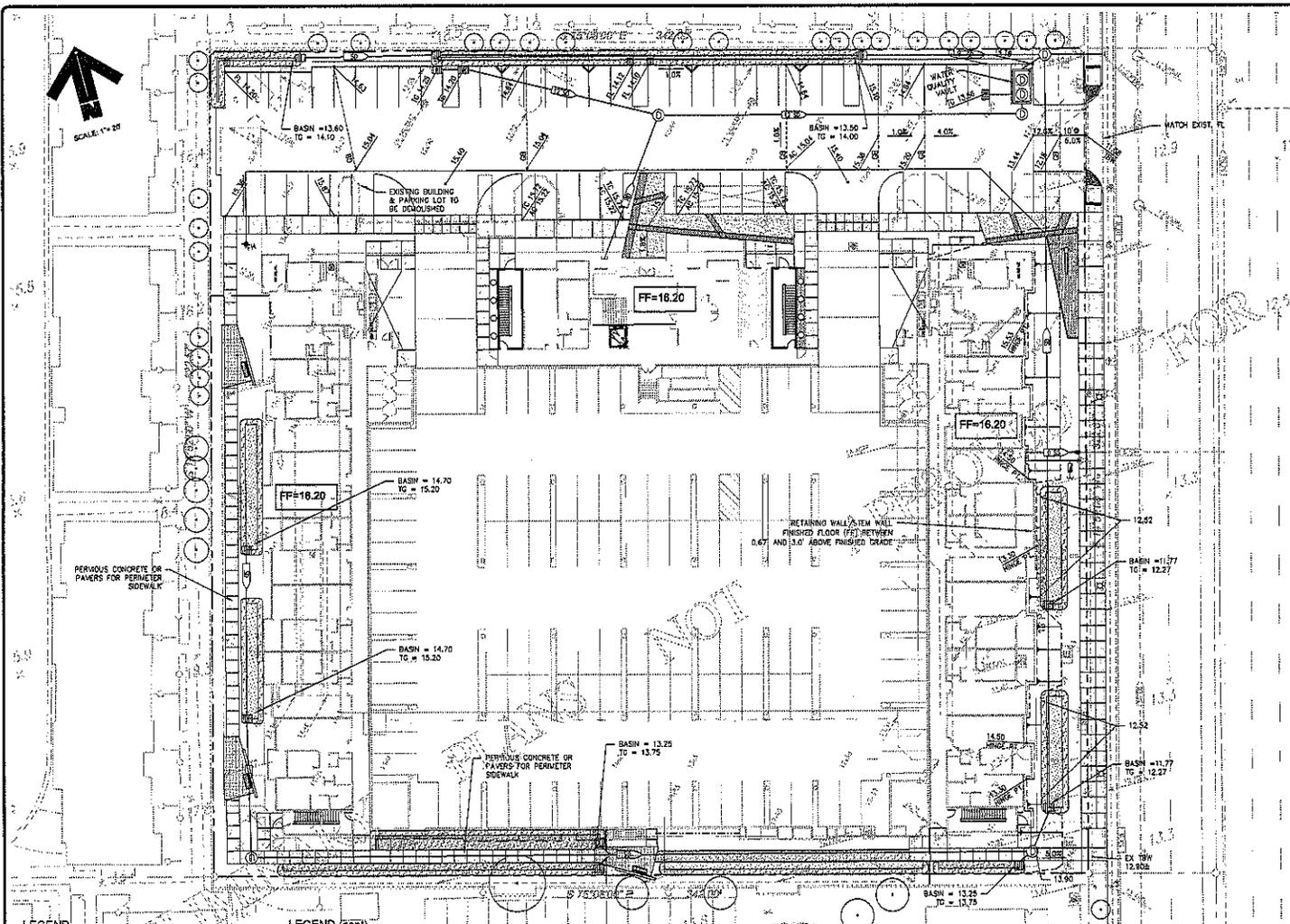
revised: JUNE 27, 2012

CONTEXTUAL LANDSCAPE IMAGERY L1.2

MJS Design Group  
 Canby Lofts  
 507 30th Street  
 Newport Beach, CA 92663  
 (949) 875-6964



NOT FOR CONSTRUCTION



**LEGEND**

EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION
01	01	DRAIN MANHOLE	01	01	SLOPE DIRECTION & %
02	02	DRAIN INLET	02	02	OVERLAND RELEASE PATH
03	03	DRAIN LINE AND SIZE	03	03	CONTOUR LINE
04	04	CURB CUT & ROCK SLOPE PROTECTION	04	04	PROPERTY LINE
05	05	SIDEWALK UNDERDRAIN & ROCK SLOPE PROTECTION	05	05	WATER QUALITY BASIN

**LEGEND (cont)**

FEMA PROJECT IS WITHIN FEMA FLOODPLAIN. FEMA WATER SURFACE ELEVATION IS 15' BASED UPON 1988 DATUM. THE ADJUSTMENT TO THE 1988 DATUM IS 2.62'. THEREFORE THE FEMA WATER SURFACE ELEVATION IS 12.38' BASED UPON THE 1928 DATUM.

PROJECT WILL RAISE THE PAD ELEVATION TO KEEP THE FINISHED FLOOR ABOVE THE BASE FLOOD ELEVATION AND OBTAIN A LOW-F

DESIGNED BY AK	DATE 6-27-2012	APPROVED BY AK	DATE 6-27-2012
DESIGNED BY AK	DATE 6-27-2012	APPROVED BY AK	DATE 6-27-2012
DESIGNED BY AK	DATE 6-27-2012	APPROVED BY AK	DATE 6-27-2012

BENCHMARK: CITY OF SUNNYVALE  
 BENCHMARK 42  
 ELEV. 15.875 FEET  
 DATUM: NAVD 1928

DESCRIPTION:  
 A BRASS DISC IN TOP OF CURB NEXT TO A CATCH BASIN AT THE NW CORNER OF LOT AT THE INTERSECTION OF FAIR OAKS AVE. & E. WEDDELL AVE.

**TIA**  
 ENGINEERING & PLANNING  
 1031 BUREN ROAD, SUITE 100  
 ROSELVILLE, CA 95661 916.786.0885



DESIGNED UNDER THE SUPERVISION OF:  
 PATRICK J. LONGTIN  
 P.E. CS2256  
 DATE

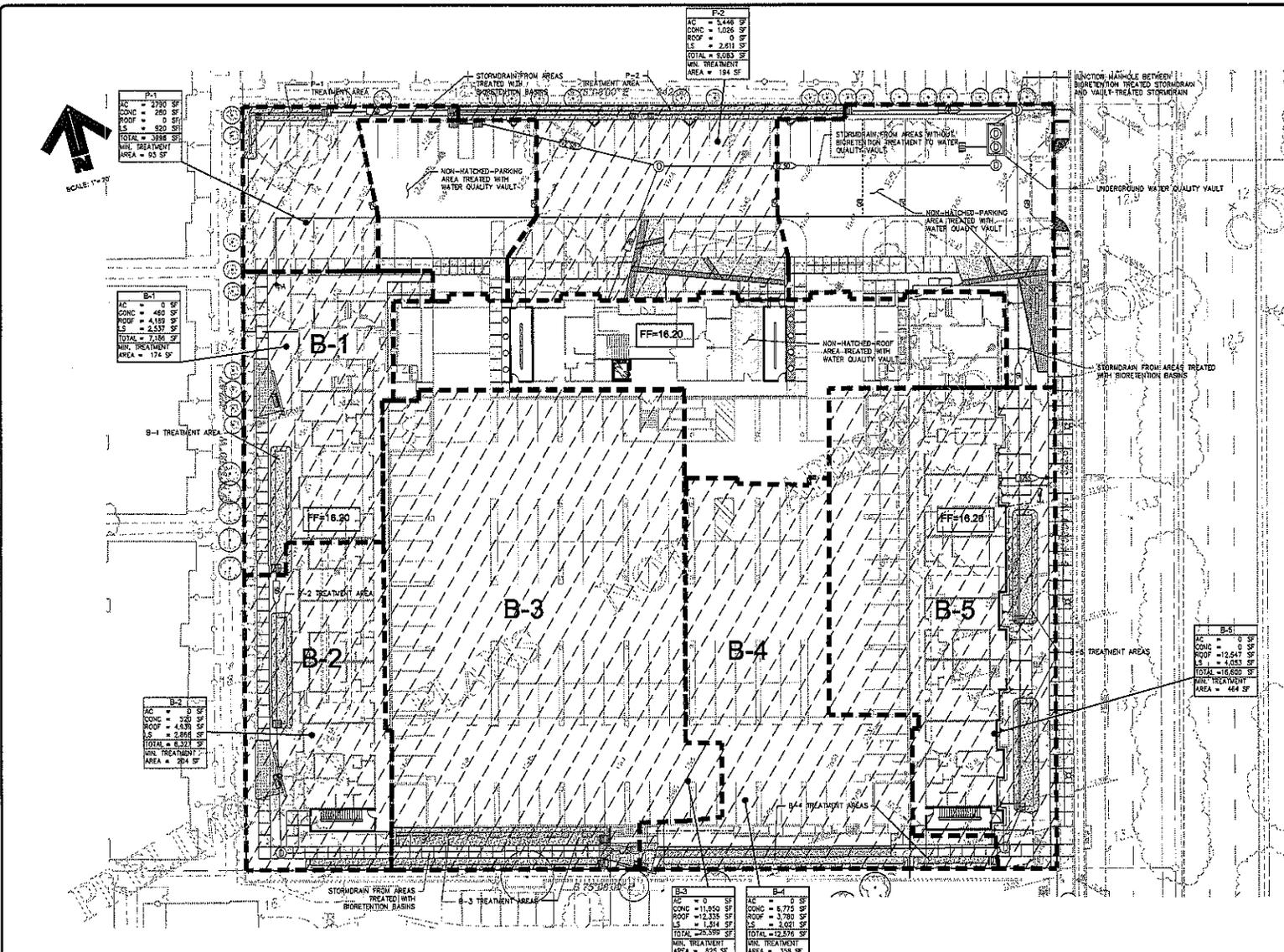
FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES  
 HORIZ. SCALE: 1" = 20'  
 VERT. SCALE: 1" = 5'  
 (ELEVATIONS IN FEET)

**ANTON SUNNYVALE APARTMENTS**  
 PRELIMINARY GRADING PLANS  
 GRADING PLAN  
 SHEET C.1 of

CITY OF SUNNYVALE CALIFORNIA

RECORD DRAWING: ALL REVISIONS SHOWN ON THESE PLANS HAVE BEEN PREPARED BY OR UNDER THE SUPERVISION OF THE UNINCORPORATED ENGINEER. ANY CHANGES TO THESE PLANS IN THE FIELD SHALL BE MADE BY THE ENGINEER. THE CITY OF SUNNYVALE WILL NOT BE RESPONSIBLE FOR ANY CHANGES TO THESE PLANS MADE BY ANY OTHER PARTY. DATE: ENGINEER'S INITIALS:





**LEGEND**

- [Hatched Box] AREA TREATED WITH BIORETENTION
- [Dashed Box] WATER QUALITY BIORETENTION BASIN TREATMENT AREA
- [Solid Line] SLOPE, 3:1 OR FLATTER

FEMA PROJECT IS WITHIN FEMA FLOODPLAIN. FEMA WATER SURFACE ELEVATION IS 15' BASED UPON 1988 DATUM. THE ADJUSTMENT TO THE 1929 DATUM IS 2.82. THEREFORE THE FEMA WATER SURFACE ELEVATION IS 15.18 BASED UPON THE 1929 DATUM.

**AREA SUMMARY**

BIORETENTION TREATMENT	
AC PAVING	6,238 SF
CONCRETE	25,011 SF
ROOF	37,700 SF
LANDSCAPE	16,330 SF
<b>SUB-TOTAL</b>	<b>85,279 SF (1726 SQ. YD.)</b>

VAULT TREATMENT	
AC PAVING	10,054 SF
CONCRETE	2,078 SF
ROOF	15,944 SF
LANDSCAPE	2,885 SF
<b>SUB-TOTAL</b>	<b>31,961 SF (1598 SQ. YD.)</b>

**B-1**

AC	0 SF
CONC	280 SF
ROOF	0 SF
LS	0 SF
<b>TOTAL</b>	<b>280 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>0 SF</b>

**B-1**

AC	0 SF
CONC	460 SF
ROOF	4,189 SF
LS	2,537 SF
<b>TOTAL</b>	<b>7,186 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>174 SF</b>

**B-2**

AC	0 SF
CONC	0 SF
ROOF	4,526 SF
LS	2,866 SF
<b>TOTAL</b>	<b>7,392 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>204 SF</b>

**P-2**

AC	3,448 SF
CONC	1,026 SF
ROOF	0 SF
LS	2,611 SF
<b>TOTAL</b>	<b>7,085 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>194 SF</b>

**B-3**

AC	0 SF
CONC	11,550 SF
ROOF	12,356 SF
LS	1,514 SF
<b>TOTAL</b>	<b>25,399 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>822 SF</b>

**B-4**

AC	0 SF
CONC	6,775 SF
ROOF	3,760 SF
LS	2,001 SF
<b>TOTAL</b>	<b>12,536 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>358 SF</b>

**B-5**

AC	0 SF
CONC	0 SF
ROOF	10,547 SF
LS	4,053 SF
<b>TOTAL</b>	<b>14,600 SF</b>
<b>MIN. TREATMENT AREA</b>	<b>464 SF</b>

NO.	BY	DATE	APP'D	DATE	REVISIONS

BENCHMARK: CITY OF SUNNYVALE  
 BENCHMARK #2  
 ELEV. 16,875 FEET  
 DATUM: MARS 1928

DESCRIPTION:  
 A BRASS DISK IN TOP OF CURB NEXT TO A CATCH BASIN AT THE INTERSECTION OF FAIR OAKS AVE. & E. WEDDELL AVE.

**TLA**  
 ENGINEERING & PLANNING  
 1039 BUREKA ROAD, SUITE 100  
 ROSSVILLE, CA 95061 916.782.6885



DESIGNED UNDER THE SUPERVISION OF:  
 PATRICK J. LONGTIN  
 P.E. 03516  
 DATE: 6-27-2012

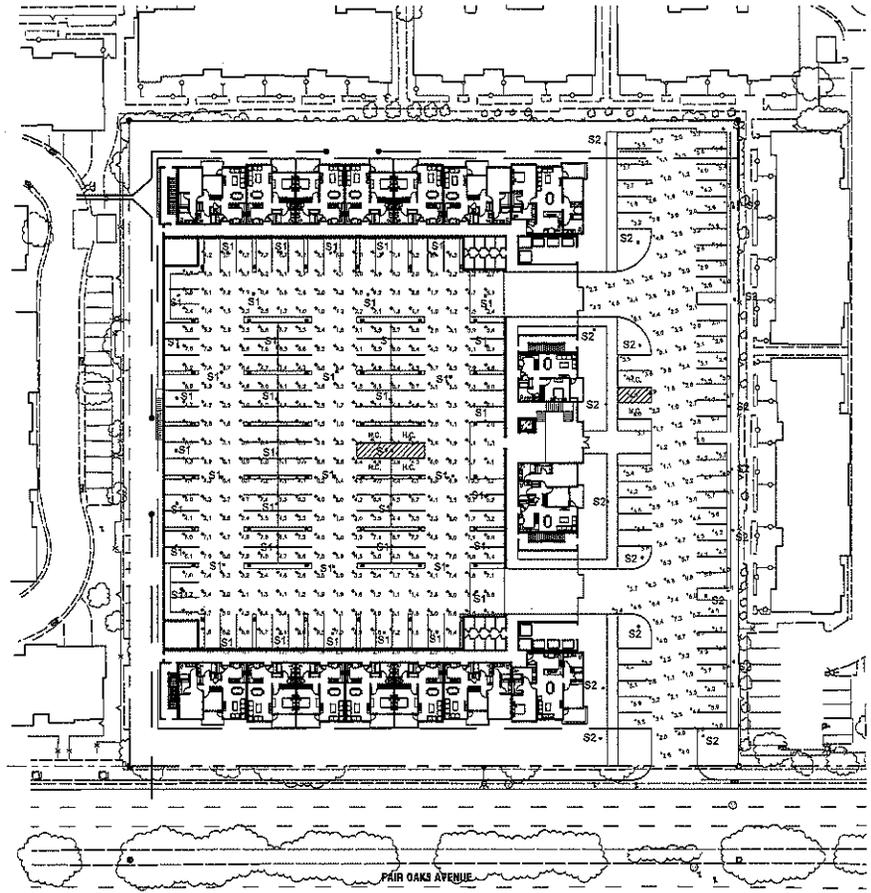
FOR REDUCED PLANS  
 ORIGINAL SCALE IS IN INCHES  
 HORIZ. SCALE: 1" = 20'  
 VERT. SCALE: 1" = 4'  
 RECONTOUR INTERVAL: 5' MAJOR 1' MINOR

**ANTON SUNNYVALE APARTMENTS**  
 CITY OF SUNNYVALE CALIFORNIA

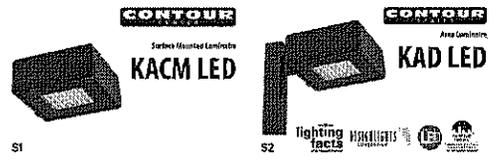
PRELIMINARY GRADING PLANS  
 PRELIMINARY STORMWATER QUALITY CONTROL PLAN

SHEET C.3 OF

RECORD DRAWING: ALL REVISIONS SHOWN ON THESE PLANS HAVE BEEN PREPARED BY OR UNDER THE SUPERVISION OF THE REGISTERED ENGINEER. AGREEMENTS MADE IN THE FIELD OR OTHER OPERATIONS ARE NOTED THEREON. THESE PLANS, DRAWINGS, SPECIFICATIONS AND CONTRACT DOCUMENTS ARE THE PROPERTY OF THE ENGINEER AND WILL BE RETURNED TO THE ENGINEER UPON COMPLETION OF THE PROJECT. NO PART OF THESE PLANS, DRAWINGS, SPECIFICATIONS AND CONTRACT DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. DATE: \_\_\_\_\_ ENGINEER'S INITIALS: \_\_\_\_\_



Symbol	Label	Qty	Category Number	Description	Lamp	Fixture	Lumens	LLF	Watts
[Symbol]	S1	44	KACM LED 1	KACM LED WITH HLM MODULE, 40 LUMENS PER SQUARE FOOT, DOWN LIGHT, COOL WHITE, TYPE 1 LAMP	ONE 6W/2700K LED PAR/DOWN FIX.	KACM LED 1	400lm	1.00	24.7
[Symbol]	S2	17	KAD LED 1	KAD LED WITH HLM MODULE, 40 LUMENS PER SQUARE FOOT, DOWN LIGHT, COOL WHITE, TYPE 1 LAMP	ONE 6W/2700K LED DOWNLIGHT FIX.	KAD LED 1	400lm	1.00	24.7



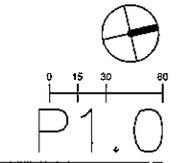
ANTON SUNNYVALE

PHOTOMETRIC PLAN

**St. Anton PARTNERS**  
 St. Anton Partners  
 1801 I Street, Suite 200  
 Sacramento, California 95811  
 916.400.2072

SUNNYVALE, CALIFORNIA  
 KTG # 2012-0180 06.12.2012

KTGY Group, Inc.  
 Architecture+Planning  
 17922 Fitch  
 Irvine, CA 92614  
 949.851.2133  
 ktgy.com



Jeff Hulse Design Build

Jill Provencal  
574 Leyte Terrace  
Sunnyvale, CA 94089

August 30, 2012

The Sunnyvale City Council  
Sunnyvale, CA

To the Sunnyvale City Council:

The Danbury Place HOA board has reviewed St. Anton Partners' plan to build a multi-family rental building on the lot adjacent to Danbury Place at 1100 North Fair Oaks Avenue and approves of the project. We understand that the proposed project would be a rectangular three and four story building of podium construction with parking under the living units which would include 97 studio, one, and two bedroom apartments and a large courtyard in the center with a swimming pool and other amenities. We are aware that the planned property is a Residential-4 (R4) which allows up to 35 units per acre and that the existing zoning calls for R3 which allows up to 26 units per acre.

The HOA board has reviewed the detailed plans, construction, and rendered drawings for the property and we do not believe that it will have any negative impact on Danbury Place. In fact we welcome the project as a major improvement over the existing old and somewhat unsightly light industrial building that often emits noise during the day and into the night. The new building also conforms closely to and compliments the Danbury Place architecture and should complete the upgrades to this section of Tasman Crossing.

In evaluating the project, the HOA board paid particular attention to the density of the proposed project and to the parking situation. We are satisfied that the number of units would not overcrowd the available space and that the density is compatible with the surrounding developments. Most importantly, we believe that adequate parking for the type and size of the units is included in the plan.

From a higher level, the additional residential units will help provide living space for employees of the commercial projects that have been approved and built in recent years including Moffett Towers, the expansions at Net App and Juniper Networks, and other yet-to-be occupied buildings in the Moffett Park area. These commercial projects will continue to provide new jobs and the employees would benefit from additional conveniently located accommodation.

Sincerely,

  
Jill Provencal  
President, Danbury Place Homeowners Association

Morse Park Neighborhood Association

August 31, 2012

The Honorable Mayor and Members of the Sunnyvale City Council  
456 West Olive Avenue  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Re: Morse Park Neighborhood Association - Support for 1101 North Fair Oaks

Dear Mayor and Councilmembers:

As Chairman of the Morse Park Neighborhood Association, I write to express our Board's **SUPPORT** for the proposed 97-unit "Anton 1101" Residential Apartment Community at 1101 North Fair Oaks Avenue.

The site currently has an underused and blighted light industrial building on it, but is surrounded by high density housing on three sides and North Fair Oaks on the remaining side. The parcel is the final remaining piece of the City's successful Industrial to Residential ("ITR") zoning and planning effort.

The builder is requesting a zoning increase to an R-4 designation with Green Building features, thus permitting 97 units on the site. These 97 units will be approximately 800 feet from the Fair Oaks Light Rail station; which is an ideal location for transit oriented development. In addition, the builder designed the project so that its architecture is similar to the neighborhood and its height is consistent with the adjacent neighbors' homes.

As you may be aware, the Danbury Place HOA recently endorsed this project as well. Our Board of Directors has been working closely with the builder, St. Anton Partners, from the early stages of the project's conceptual development. It is clear to us that as long term owners, St. Anton's relationship with their neighbors is important to them. We welcome that approach and respectfully urge your support of this project.

If you have any questions or suggestions, please contact me at [Robert@bjro.net](mailto:Robert@bjro.net) or (650) 248-5782.

Sincerely,



8-31-2012

Robert Biro, Chairman  
Morse Park Neighborhood Association

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTIES LOCATED AT 1101 NORTH FAIR OAKS AVENUE FROM M-S/ITR/R-3/PD (INDUSTRIAL AND SERVICE INDUSTRIAL TO RESIDENTIAL MEDIUM DENSITY RESIDENTIAL AND PLANNED DEVELOPMENT) TO R-4/PD (HIGH DENSITY RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties located at 1101 North Fair Oaks Avenue within the R-4/PD (High Density Residential Planned Development) Zoning District, which properties are presently zoned M-S/ITR/R-3/PD (Industrial and Service Industrial to Residential Medium Density Residential And Planned Development) Zoning District. The location of the properties is set forth on the scale drawing attached as Exhibit A.

SECTION 2. CEQA-MITIGATED NEGATIVE DECLARATION. The City Council hereby determines that the Mitigated Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

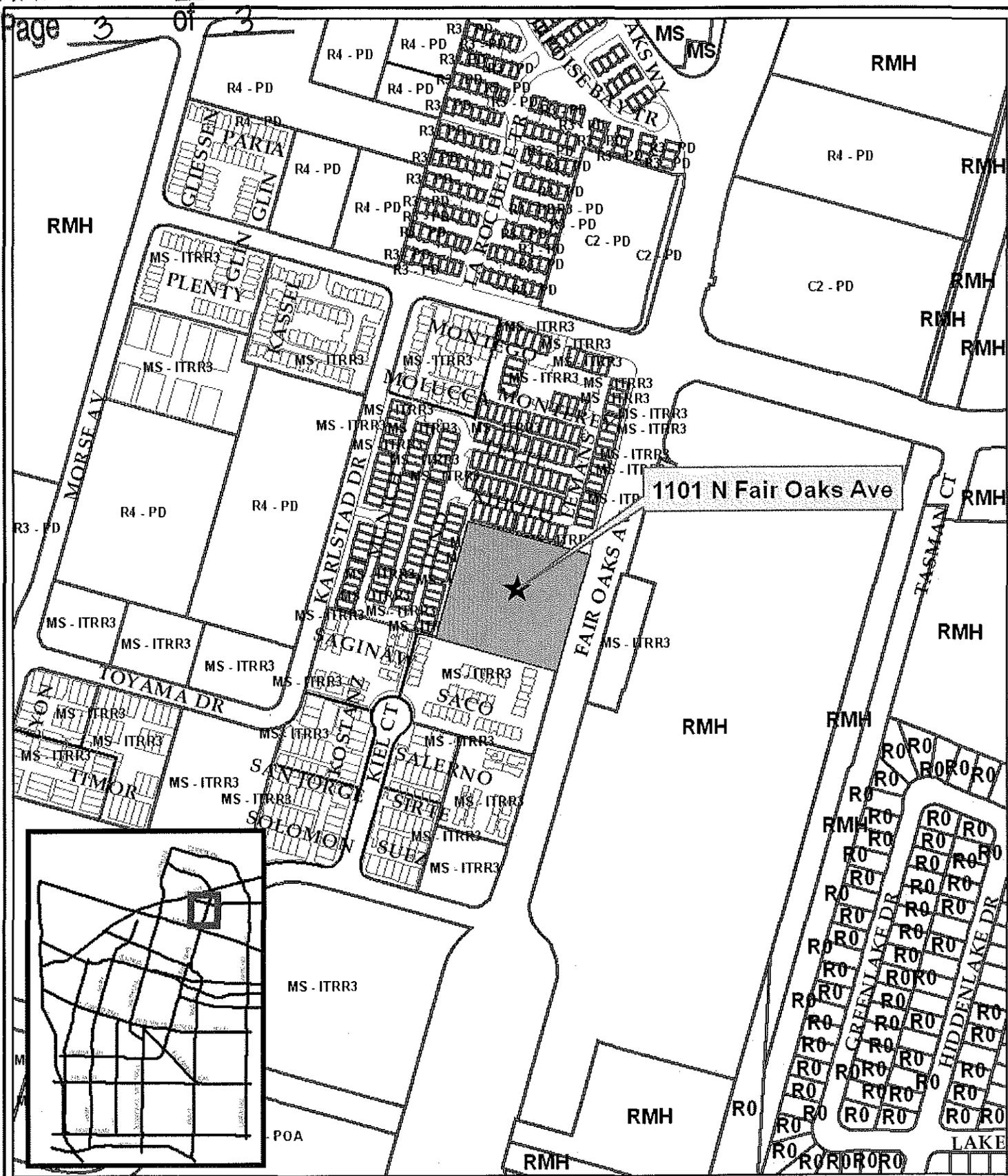
APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_  
SEAL

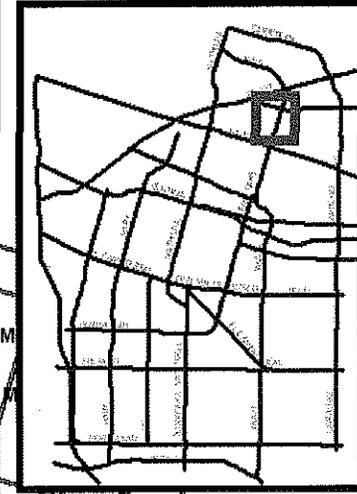
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Michael D. Martello, Interim City Attorney



1101 N Fair Oaks Ave



1101 N. FAIR OAKS AVE. (APN:110-14-176)  
 REZONE FROM MS/ITR/R3/PD TO R4/PD

