

**REPORT TO PLANNING COMMISSION****Hearing Date:** October 28, 2013

**File #:** 2013-7171  
**Location:** 455 and 465-481 S. Mathilda Avenue (APN: 165-03-004 and 165-03-005) in the Downtown Specific Plan (DSP/Block 14)  
**Proposed Project:** **SPECIAL DEVELOPMENT PERMIT** to allow 105 residential dwelling units with underground parking. **VESTING TENTATIVE MAP** for condominium purposes.  
**Applicant/Owner** Summerhill Apartment Communities / Judith O Burns Trustee  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Gerri Caruso, (408) 730-7591, gcaruso@sunnyvale.ca.gov

**REPORT IN BRIEF:**

**Existing Site Conditions** Multi-story office buildings and general commercial facing Mathilda  
**Surrounding Land Uses**  
North Finance Institution  
South Finance Institution  
East Finance Institutions/Retail  
West Professional Office, Community Garden (across Charles Street)  
**Issues** Appropriate architecture and site design for DSP Block 14  
**Environmental Status** A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.  
**Staff Recommendation** Approve with Conditions

**PROJECT DESCRIPTION:**

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**Special Development Permit**

The project is located in Block 14 of the Downtown Specific Plan (DSP). The applicant has requested approval for site and architectural review for a 105 unit apartment development including 5 very low income units in accordance with the state density bonus law (Government Code Section 65915). The project is designed at a density in accordance with the DSP with a density bonus mandated by state law for providing very low income units. The applicant is also utilizing reduced parking ratios, also in line with state law.

The project would include 4-story apartment buildings facing Mathilda Avenue that step down to two story townhome style units facing Charles Street. All parking would be provided underground. Access to the parking garage would be from Charles Street. Open space and landscaping are provided on the podium above the garage in a courtyard formed by the project buildings and within of the setbacks on all sides of the site.

The proposed project is designed to be transit-oriented and pedestrian friendly. The project is located approximately ½ mile from the Sunnyvale Downtown CalTrain station and is also located near VTA bus routes on Mathilda Avenue and El Camino Real. A planned bicycle lane will serve the site on Mathilda Avenue. Wider sidewalks will be installed with the project.

Planned outdoor amenities include a spa, two outdoor seating areas with fireplaces and fountains and a fully landscaped courtyard. Other amenities include a clubroom with a kitchen that opens to the outdoor central courtyard and a fitness room.

**Vesting Tentative Map**

The applicant has requested approval of a vesting Tentative Map for condominium purposes. The map would combine the two existing parcels to allow development of the apartment rental project as well as allow the property owner to convert to condominium ownership units in the future subject to the requirements in the City's conversion regulations.

The purpose of the Vesting Tentative Map is to entitle the project shown on the site plans, by displaying the location of lot lines for buildings, streets (public or private), etc. The Vesting Tentative Map vests the developer's right to build the project for the life of the map. It also secures the approved project against future SMC changes by the City that might otherwise affect the project.

**Project Density**

The applicant's site consists of two parcels totaling 1.61 acres and is in Block 14 of the DSP which allows very high density residential development and a maximum of 173 units for the entire block. The applicant's share is 87 units in accordance with the DSP.

The applicant is providing 5% of the units for very low income households. Under state law doing so allows them a 20% density bonus of 18 units (rounded up to a total of 105 units). This bonus is required to be applied even above the DSP maximum of 87 units for the site.

**BACKGROUND:**

Related to this project was a separate DSP Amendment study that evaluated the DSP requirement for a separated frontage road along Mathilda Avenue on DSP Blocks 14, 15 and 16. The City Council held a hearing on the frontage road on October 22, 2013. The City Council considered the staff recommendation as well as recommendations by the Planning Commission and Bicycle and Pedestrian Advisory Commission. The Council adopted a modification to the DSP to eliminate the median-separated frontage road requirement and related 33 foot property dedication and in its place adopted a new Mathilda cross section with a buffered bike lane and wider pedestrian sidewalks that require a 15-foot dedication. The Council also adopted a modification to the setback requirements on Mathilda to a minimum of 5 feet and an average of 10 feet.

Unlike the frontage road study, unless the decision on this development project is appealed, it does not require City Council approval and the decision will be final with the Planning Commission.

**DISCUSSION:**

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**Architecture & Site Design**

Design Review of this project is considered through the SDP. The architecture and site design of this project are subject to the General Design Guidelines of the DSP. Evaluation for the project and the applicable Guidelines are found in Attachment C (Findings).

The project would consist of 105 apartment dwelling units built over underground parking. The project would have two components – a four story building with apartment flats that faces onto Mathilda Avenue and a row of townhouse-style apartments that steps down to two stories in height facing Charles Street (Attachment E - Site Plan and Elevations).

The buildings form a large, interior, landscaped courtyard with amenities such as a spa and an adjacent clubroom. The courtyard in combination with some private patios and balconies provides usable open space for the project. Other exterior pedestrian paths are proposed around the perimeter of the project. It should be noted that in the DSP area, only 50 s.f. of usable open space per unit is required and is not intended to be of the same character as other high density development as in the R-4 and R-5 zoning districts which require 380 s.f. per unit.

One level of underground parking would be accessed from Charles Street. The applicant proposes to provide guest parking as well as resident parking which

would be gate controlled. Individual resident storage units as well as Class I bicycle lockers would be located in the parking area.

Both project frontages maintain a strong street edge by bringing the buildings forward towards the street. Landscape area between the sidewalk and the buildings enhance the pedestrian experience (6-10 feet on Mathilda). The Charles Street units have individual stoops with porches and the Mathilda Avenue frontage has defined pedestrian entrances for the lobby and leasing office. Both building frontages run north/south, roughly parallel to the street.

#### Mathilda Avenue Architecture

The Mathilda Avenue frontage features contemporary architecture. It is similar to styles used for the new apartments on the former Town and Country site as well as new office buildings on the east side of Mathilda. It would help define a distinctive “entrance” and sense of arrival to the Downtown. (Attachment E - Site and Architectural Plans).

On the Mathilda Avenue frontage, the building is 4 stories. The architectural details highlight break up the elevation horizontally with a variety of distinct elements and material changes. At street level the building is broken vertically approximately every 10 feet by plaster pilasters and along with other plane changes, providing an interesting experience at the pedestrian level. This elevation is also defined with a brick base, horizontal balcony features in the middle and individual window awnings defining the upper level windows. All the various elements of the Mathilda Avenue elevation are further defined by different colors and plaster finishes.

Along Mathilda the building faced provides interest with various vertical plane breaks and the use of color blocking and multiple plaster textures to further articulate the building. The lobby entrance for the apartment building is located mid-block on Block 14 and is featured within a prominent tower element.

The upper floor on the Mathilda Avenue elevation is defined by use of color, individual awnings and individual unit windows and doors - some with balcony railings. It is further articulated as it sits above the top of a set of vertical pilasters. The upper floor has a cornice cap.

#### Charles Street Architecture

The Charles Street frontage features architecture with more traditional residential forms, similar to the lower density residential neighborhood on Charles Street; but the architectural elements, colors and materials tie the design to the contemporary four-story building portion of the project.

Along the Charles Street elevation there is the appearance of two buildings. The roof line is broken up by gables, stair towers and four distinct roof levels. The front elevations of these townhouse-style units are varied by individual entrances featuring step-up porches approximately every 30 feet. The Charles

Street façade is defined by stoops, brick porch bases and entrances at the bottom, porch roofs in the middle, and balconies and gable projections at the top.

### Visual Impacts

The project is designed to standards adopted in the DSP in 2003. This is the first project to develop on the west side of Mathilda Avenue in accordance with the DSP. Note that there are no residential properties immediately across Mathilda Avenue from the project which is opposite retail and financial buildings.

From Mathilda Avenue the project will establish a contemporary architectural precedence and be the first project on the west side to utilize the reduced setbacks and the four-story height limits allowed in the DSP. Until other projects on the west side of Mathilda are developed, the project will be architecturally unique in character and appear larger than surrounding development. New streetscape standards will be utilized to develop a wider sidewalk with tree wells and street lights in accordance with Downtown design standards.

From Charles Street the project will be only two stories in height and a maximum of 30 ft. as allowed in low density residential zoning districts. Immediately across Charles Street is the community garden and low garden office buildings (owned by the City). The general neighborhood along the rest of Charles and in the adjacent blocks and neighboring streets is a mix of single family homes, small lot single family projects, duplexes and some multi-family projects (none higher than two stories).

The project will utilize the same contemporary character (colors and materials) that it features on Mathilda but it will be blended with traditional residential architectural forms like pitched roofs and individual raised porch entrances.

The buildings will be closer to the street on Charles than other buildings in the existing neighborhood. The front wall of these units will be approximately 13 feet from the back of sidewalk and the stoops and porches will come into this setback separated by a 1 foot wide, narrow band of landscaping. The standard front setback for residential buildings on the opposite side of Charles is 20 feet. The DSP allows a 10 foot building setback on Charles.

The project will be the first on this block of Charles Street to establish the new pedestrian friendly streetscape promoted in the DSP with buildings closer to the sidewalk, a wider sidewalk and new street tree planting. This project will be precedent setting on Charles Street and will appear unique until other new higher density residential development occurs on Blocks 14, 15 and 16 in accordance with the DSP.

### **Key Code Provisions and Guidelines**

The proposed project generally complies with all of the applicable code requirements as set forth in the Sunnyvale Municipal Code, the Downtown Specific Plan and state law. Following is a discussion of site development issues that may be of interest to the Planning Commission. It should be noted

that in accordance with state law (Government Code Section 5915(d)(e)) the applicant may request one concession such as an exception to development standards for projects that include at least 5 percent of the units for very low income households. This project did not require a concession. All code SMC requirements (using an incentive through the Green Building program) are met or state law has provided a mandated provision for a deviation to the City's code.

- **Building Height/Stories**

The project is designed with four stories facing Mathilda Avenue and two stories facing Charles Street. The project is designed to meet the height limit of 50 feet on Mathilda Avenue and 30 feet on Charles Street. Two architectural elements of the project exceed the height limit by less than five feet. The lobby tower facing Mathilda Avenue in the center of the elevation and the stairwell tower on Charles Street located at the south end of the project are 54' 1" and 33' 2" high respectively. All heights are measured from the top of the adjacent curb.

As a Green Building incentive, multi-family projects that achieve 110 points may increase height by five feet. The project is targeting 123 points. No concession or deviation is required to exceed the height limit by 5 feet.

- **Parking**

Utilizing the parking ratios allowed by State law for projects that provide affordable housing, the applicant is allowed to park at a rate of 1 space per studio and 1-bedroom unit and 2 spaces per two-bedroom unit for a total of 139 spaces. The applicant is providing 148 spaces – 9 more than required.

The applicant is proposing to use 15 tandem spaces. Not including the extra 9 spaces in the project, there would be 6 required spaces that would be tandem (4% of required spaces). The applicant has submitted a draft parking management plan that would assign these spaces to the same tenant. A final parking management plan will be required as a Condition of Approval.

State law preempts the City's code for projects that are utilizing the state density bonus through provision of affordable housing. State law states a development may provide "onsite parking" though tandem parking or uncovered parking, but not through on-street parking. For the Summerhill project, no concession or deviation is required for the use of tandem parking.

- **Landscaping and Tree Preservation**

Due to the use of underground parking, site preparation for development would include the removal of 43 trees (all the trees on site). An arborist report was prepared for this project and utilized to prepare the Initial Study for CEQA purposes. The report found approximately 12 of the existing trees

(28%) were found to be in good condition. Good condition indicates trees with good health and structural stability that have potential for longevity at the site. The remaining 31 trees (72%) were in fair or poor condition. None are native species. Of the trees to be removed 20 (47%) are protected trees by Sunnyvale code standards.

The proposal includes approximately 80 new trees – more than double the amount of existing trees. Street trees along the frontage of Charles Street and South Mathilda Avenue would be provided. Tree replacement proposed by the project would offset the loss of the trees to be removed, and would be consistent with the City's tree preservation regulations. A recommended condition of approval requires that all existing protected trees be replaced with 36-inch box trees.

- **Trash and Recycling Access**

The applicant proposes to provide a trash staging area and solid waste truck service area off of Charles Street adjacent to the project underground garage entrance. The on-site management would consolidate the solid waste in the stage area from other areas on-site such as the trash room on the ground level. A draft solid waste management plan has been reviewed by the City. A final plan will be required as a Condition of Approval.

### **Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines (Attachment F - Mitigated Negative Declaration and Initial Study). The Initial Study has determined that the proposed project would require environmental mitigation for the following areas. All mitigation measures have been incorporated into the recommended Conditions of Approval.

Noise: Through the City's implementation of the current Municipal Code construction regulations, as well as the mitigation listed in the Initial Study, construction-period noise and vibration will be lessened to a less than significant level.

Biological Resources: Disturbance of nests of common bird species likely to inhabit the site would not be a significant impact under CEQA, however the implementation of mitigation listed in the Initial Study will ensure the project complies with the Migratory Bird Treaty Act and California Fish and Game Code, thereby reducing potential biological impacts to less than significant levels.

Archaeological Resources: There is a moderate possibility of buried Native American archaeological resources and a low possibility of buried historic period archaeological resources in the project area. Mitigation measures included in the Initial Study will reduce or avoid potential impacts to these resources should they be encountered during construction.

Air Quality: The Air Quality and Greenhouse Gas Emissions Assessment prepared for the project found operations of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. However, the assessment recommended that the BAAQMD air quality and dust control measures be followed to ensure that the health risks associate with fine particulate matter and diesel emissions remain at less than significant levels.

Geology and Soils: A Geotechnical Exploration was prepared for the project. The study indicated that the site is suitable for the proposed development with regard to geological and geotechnical issues, provided the recommendations and guidelines contained in the geotechnical study are incorporated into the project.

Hazardous Materials: A Phase 1 Environmental Site Assessment was conducted for the site. The assessment found no recognized environmental conditions on the site itself, nor past uses of the site that constitute a hazard to future residential uses. It indicated that prior to construction additional site assessment surveys will be required and if hazardous materials are present then they would need to be removed prior to demolition or handled and disposed of properly during demolition, consistent with state and Federal requirements.

Traffic Impacts: A project specific Transportation Impact Analysis was not required for this project. As noted in the environmental Initial Study, this project will generate fewer p.m. peak hour trips (59 trips) than the existing office development (108 trips) on site so the impact of the project on peak hour traffic is less and not a significant environmental impact on traffic volumes.

The project proposal includes sole access to the underground garage to be off of Charles Street. This is the project's only vehicle access point for 105 residents and guests and is also the access point for solid waste trucks.

As part of the related study to eliminate the DSP frontage road (recommended for approval by Planning Commission on September 23, 2013 and Approved by Council on October 22, 2013), an analysis was conducted to evaluate the impacts of traffic distribution without a frontage road, assuming Charles Street access for projects in Block 14. This assumption was made because this project was known at the time of the study. The study also assumed that developments at the ends of the blocks would have some access available from Olive and Iowa.

The findings of the frontage road study indicated that 60% of the project traffic would choose a route north on Charles Street out of the neighborhood and 40% would go south to Olive Avenue based on existing traffic patterns. Project traffic to and from the north resulted in approximately 40 vehicles maximum in the peak hour of traffic and would likely be imperceptible to residents along Charles to the north. It

should be noted that the office/commercial buildings existing on the project site have multi-driveway parking lot access off of Charles Street.

## **FISCAL IMPACT**

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No fiscal impacts other than normal fees and taxes. Additional fees include Park In-lieu as noted in the Conditions of Approval (see Attachment D). The peak hour trips generated by the proposed residential project are less than those generated by the existing office building. No Transportation Impact Fee is required.

## **PUBLIC CONTACT**

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The applicant held a neighborhood meeting on August 8, 2013. Two members of the public attended and expressed concerns with spillover parking onto Charles Street and potential impacts to children walking to school from additional vehicle trips.

<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>• 626 notices mailed to the property owners and residents within a minimum of 500 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>

## **CONCLUSION**

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Staff finds that the project is consistent with the goals and policies of the Downtown Specific Plan as recently amended. The project provides high quality precedence for future developments along the west side of Mathilda Avenue in Downtown.

**Findings and General Plan Goals:** Staff was able to make the required Findings as demonstrated in Attachment C.

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

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## **ALTERNATIVES**

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

## **RECOMMENDATION**

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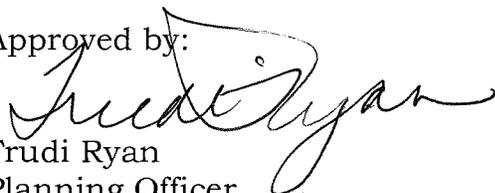
Alternative 1 in accordance with the Findings in Attachment C and Conditions of Approval in Attachment D.

Prepared by:



Gerri Caruso  
Project Planner

Approved by:

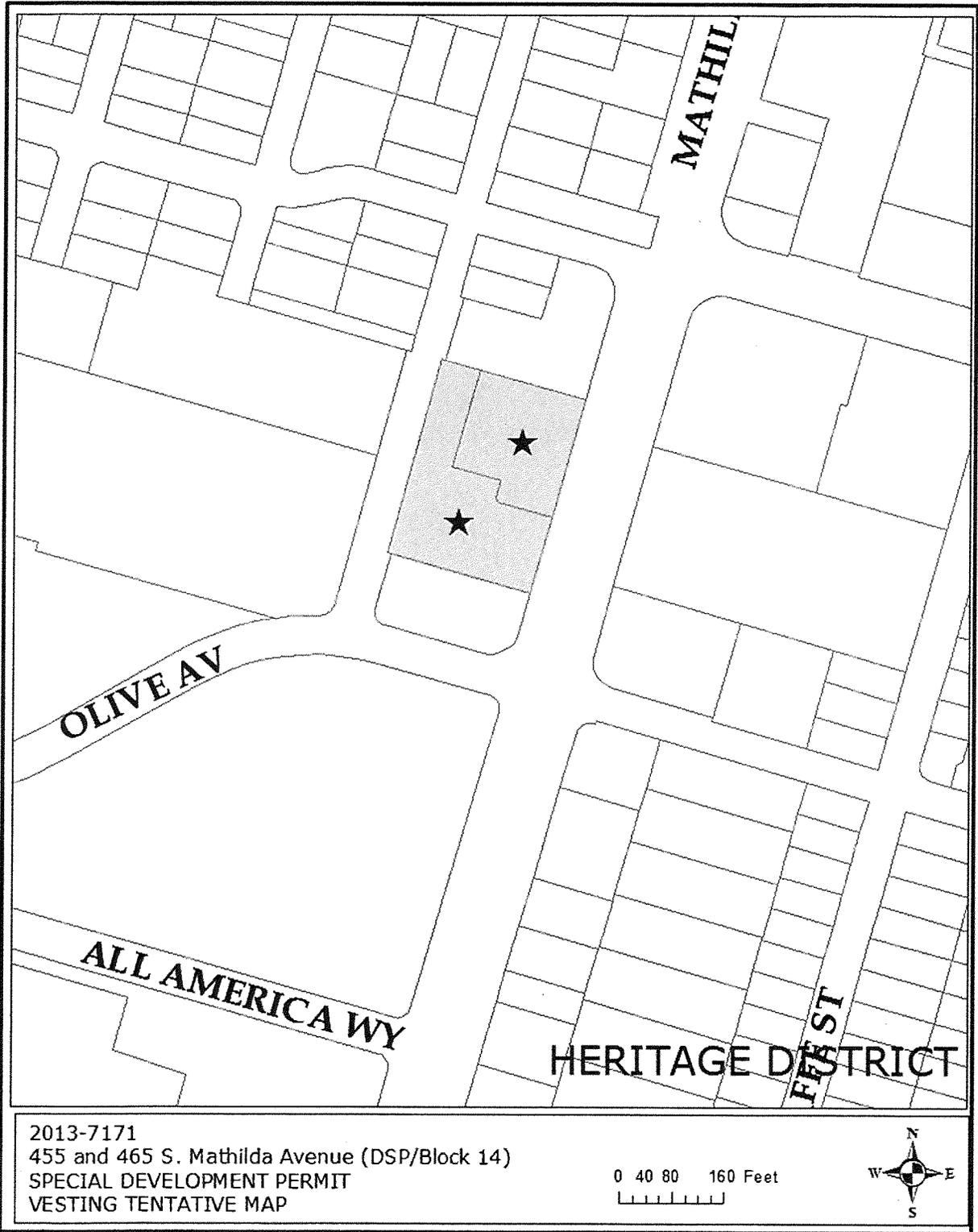


Trudi Ryan  
Planning Officer

Attachments:

- A. Vicinity Map
- B. Data Table
- C. Recommended Findings
- D. Recommended Conditions of Approval
- E. Site and Architectural Plans, Vesting Tentative Map
- F. Negative Declaration and Initial Study
- G. Letters from Silicon Valley Leadership Group & SCC Housing Action Coalition
- H. Map of Public Noticing

VICINITY MAP



2013-7171  
455 and 465 S. Mathilda Avenue (DSP/Block 14)  
SPECIAL DEVELOPMENT PERMIT  
VESTING TENTATIVE MAP

0 40 80 160 Feet  
[Scale bar with four segments]



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Downtown Specific Plan	Same	Downtown Specific Plan
<b>Zoning District</b>	DSP Block 14	Same	DSP Block 14
<b>Lot Size (s.f.)</b>	69,957	Same	32,670 min.
<b>Gross Floor Area</b>	26,000	192,700	N/A
<b>Lot Coverage (%)</b>	unknown	88%	Per SDP
<b>Floor Area Ratio (FAR)</b>	.37	2.76	N/A
<b>No. of Units</b>	N/A	105	105 max. With density bonus
<b>Density (units/acre)</b>	N/A	65	173 units in Block 14
<b>Meets 75% min?</b>	N/A	Yes	65 min.
<b>Bedrooms/Unit</b>	N/A	26 Studio 45 1-Bdrm 34 2-Bdrm	N/A
<b>Unit Sizes (s.f.)</b>	N/A	560-1280 s.f.	N/A
<b>Lockable Storage/Unit</b>	N/A	300 cu. ft.	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	3	3	---
<b>Distance Between Buildings</b>	unknown		min.
<b>Building Height (ft.)</b>	unknown	50 ft. Mathilda (54' 1" at lobby tower) 30 ft. Charles (33' 2" at stairwell tower)	50 Mathilda max. 30 Charles max.
<b>No. of Stories</b>	1-4	4 Mathilda 2 Charles	4 Mathilda 2 Charles
<b>Setbacks (Facing Property)</b>			
<b>Front (ft.) Mathilda</b>	unknown	6' 5" – 13' 9" from back of sidewalk	5' min. – 10' average from back of sidewalk
<b>Front (ft.) Charles</b>	unknown	13' from ROW easement to unit wall (unit steps and porches come into this setback)	10'
<b>South Side (ft.)</b>	unknown	10' 5"	6 min.
<b>North Side (ft.)</b>	unknown	10'	6 min.

<b>Landscaping (sq. ft.)</b>	unknown	24,718 s.f.	13,214 s.f.
<b>Landscaping/Unit</b>	N/A	N/A	N/A
<b>Usable Open Space/Unit</b>	N/A	77 s.f.	50 s.f. min.
<b>Landscaping Buffer (ft.)</b>	N/A	N/A	N/A
<b>% Based on Parking Lot</b>	unknown	Underground parking provided	N/A
<b>Parking Lot Area Shading (%)</b>	unknown	Underground parking provided	N/A
<b>Water Conserving Plants (%)</b>	N/A		70% min.
<b>Parking</b>			
<b>Total Spaces</b>	unknown	148	139 min.
<b>Standard Spaces</b>	unknown	96	90 min.
<b>Compact Spaces/ % of Total</b>	unknown	22%	35% max.
<b>Accessible Spaces</b>	unknown	4	Per Building Code.
<b>Covered Spaces</b>	unknown	148	0 min.
<b>Aisle Width (ft.)</b>	unknown	24	24 min.
<b>Bicycle Parking</b>	unknown	36 Class I 8 Class II	min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**RECOMMENDED FINDINGS**

**Design Review**

The proposed project is desirable in that the project’s design and architecture conform with the policies and principles of the Downtown Specific Plan General Design Guidelines.

<b>Applicable DSP General Design Guidelines</b>	<b>Comments</b>
<b>Site Design and Organization</b>	
<i>A.2. Locate private on-site parking below grade or behind active uses. Public parking such as surface lots and on-street parking may be permitted with applicable streetscape design.</i>	The on-site parking for the apartment building is located below grade.
<i>A.5. Locate retail entrances, displays and special design features at building corner. Locate less active uses, such as lobby entrances to upper level spaces, at mid-block.</i>	The lobby entrance for the apartment building is located mid-block on Block 14.
<b>Architecture and Design Details</b>	
<i>B.1. Use variable heights and roof forms to break up the building mass. Do not present a uniform block of building built to the maximum height.</i>	Facing the project Mathilda Avenue frontage, the building varies in height at four levels. Facing the Charles Street elevation, the buildings form two separate roof planes broken up by gables, stair towers and four varied levels.
<i>B.2. Interrupt ground floor facades about every 30 ft. with various architectural elements such as trellises, balconies, steps, opening etc.</i>	On Mathilda Avenue, the street façade is broken approximately every 10 feet by plaster pilasters and other plane changes. On Charles Street, the two-story units are varied by unit entrances featuring individual steps and porch elements approximately every 30 feet.
<i>B.5. Buildings within Sunnyvale’s downtown may be contemporary in their form if architectural detailing is compatible with surrounding architectural styles.</i>	The Mathilda Avenue frontage features contemporary architecture. It is similar to styles used new apartments on the former Town and Country site as well as new office buildings on the east side of Mathilda. The Charles Street frontage features architecture with more traditional

	residential forms similar to the residential neighborhood on Charles Street.
<i>B.7. Try to maintain a well-defined street edge. Recesses for entries and to create an interesting pedestrian environment are acceptable.</i>	Both project frontages maintain a strong street edge and use narrow bands of landscaping to enhance the pedestrian experience. The Charles Street units have individual stoops with porches and the Mathilda Avenue frontage has defined pedestrian entrances for the lobby and leasing office.
<i>B.8. Place building frontages parallel to the street, recognize street corners with corner tower elements, and recessed or chamfered entry elements.</i>	Both street frontages are parallel to the street.
<i>B.9. Define buildings with three distinct components: base, middle and top. Each components shall have horizontal and vertical articulation</i>	The Mathilda façade is defined with a brick base, horizontal balcony features in the middle and individual window awnings define the upper level windows. The levels are further defined by different colors and plaster finishes. The Charles Street façade are defined by stoops, brick porch bases and entrances at the bottom, porch roofs in the middle, and balconies and gable projections at the top. The planes of the building vary vertically and features color blocking and varied plaster textures to further articulate the building.
<i>B. 13. For upper floors, articulation is the most important quality. Continuous flat facades should be avoided through recessed windows, awnings, French balconies, bay windows and vertical elements.</i>	The upper floor on the Mathilda Avenue elevation is articulated by use of varied planes, individual awnings and individual unit windows and doors - some with balcony railings. It is further defined as it sits above the top of a set of vertical pilasters. The upper floor has a cornice cap.
<i>B. 14. Articulate entrances as special design elements. Give corner entries special design treatments using recesses or chamfers.</i>	The lobby entrance of Mathilda Avenue is featured within a prominent tower element.

## **Special Development Permit**

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Goals and Policies that relate to this project are:

### **Downtown Specific Plan:**

**Goal A** - *Develop land uses set forth in the General plan as amended by the City Council in June 2003 in an attractive and cohesive physical form that clearly identifies Sunnyvale's downtown.*

**Goal B** - *Establish the Downtown as the cultural, retail. Financial and entertainment center of the community, complemented by employment, housing and transit opportunities.*

**Goal C** - *Promote a balanced street system that serves all users well regardless of their mode of travel.*

*Policy C.2. Encourage strong pedestrian and bicycle linkages through the downtown.*

*Policy C.3. Promote the use of public transit by intensifying land use and activities near transit cores.*

*Policy C.4. Encourage shared parking in the downtown to minimize the amount of land devoted for parking area and manage parking so it does not dominate mode choice decision or the built environment.*

**Goal D** - *Protect and enhance existing neighborhoods.*

*Policy D.1. Buffer single-family neighborhoods from higher density residential or commercial uses through the use of lower building heights and privacy measures such as increased landscaping and reduction in windows along elevations that directly face single-family properties.*

**Goal E** - *Improve street character.*

*Policy E.1. Create a sense of arrival and address through the improvement of major arterials to the downtown in accordance with the proposed streetscape designs.*

### **Required Design Features Blocks 14, 15, 16 and 17**

Parking and Access:

- Below grade structures are encouraged. Podium parking may be considered if structure is completely hidden from public view.

- Entrances to below-grade parking shall occur on side streets (Olive, Iowa, McKinley, and Washington) or if required, on the local lane (frontage road) adjacent Mathilda.
  - Access points on Charles shall be limited.
1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project addresses the goals of the Downtown Specific Plan. Specifically, the project would provide a transit and pedestrian oriented residential use that supports the office and commercial uses in Downtown. The site is located near transit, will facilitate installation of a bicycle lane and will initiate improvement of an enhanced pedestrian sidewalk on the west side of Mathilda Avenue.
  2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the location on Mathilda Avenue, and the quality architecture and site design that relate to the street and pedestrian realm, provide a sense of arrival into the Downtown area. The residential units the face Charles Street are designed with a scale and character that relates to adjacent mixed neighborhood of single-family homes, duplexes and low scale multi-unit rental properties.

Parking is provided below grade. As this project does not have access to side streets (Olive and Iowa) and the frontage road concept has been eliminated from the DSP, access is proposed from Charles Street. Policy does not prohibit access off of Charles but indicates that limiting access to Charles over the course of the DSP is desired. An analysis has indicated little traffic intrusion to the adjacent residential neighborhood from this project. The existing use already has multi-driveway access to Charles. Uses directly across Charles are a community garden and office buildings which will not be impacted by the project's access location.

## **Vesting Tentative Map**

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In order to approve the Vesting Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Vesting Tentative Map is in conformance with the General Plan because it is consistent with the Downtown Specific Plan.

However, if any of the following findings can be made, the Vesting Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

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

# ATTACHMENT D

## RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS OCTOBER 28, 2013

**Planning Application 2013-7171**  
455 and 465-481 S. Mathilda Avenue

Special Development Permit and Vesting Tentative Map for 105 Multi-Family Dwelling Units Including 5 Very Low Income Units

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

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

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

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:  
All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- GC-2. USE EXPIRATION:  
The approved Use Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

**GC-3. PERMIT EXPIRATION:**

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

**GC-4. INDEMNITY:**

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

**GC-5. CONVERSION OF RENTAL HOUSING**

Prior to recordation of a Final Map establishing condominium units, the developer shall comply with S.M.C. Chapter 19.70. CONVERSION OF RENTAL HOUSING TO COMMUNITY HOUSING PROJECTS. [SDR] [PLANNING]

**GC-6. BELOW MARKET RATE PROGRAM:**

Prior to recordation of a Final Map establishing condominium units, the developer shall comply with S.M.C. 19.67.080, by recording a BMR housing agreement with the City. The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines] [SDR] [PLANNING]

**GC-7. BMR DEVELOPER AGREEMENT:**

Before the project is converted to ownership units, the developer shall enter into a BMR Development Agreement with the City to establish the method by which the development will comply with the applicable BMR requirements. The form of the Developer Agreement will be provided by the City, with tables regarding unit characteristics and timing of completion to be completed by the Developer, and is subject

to the approval of the Community Development Director or his/her designee, consistent with the SMC. The completed Developer Agreement must be executed by both parties and recorded against the property, and will run with the land.

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

GC-8. BMR COMPLETION 60 ADVANCE DAY NOTICE:

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

GC-9. STORMWATER MANAGEMENT PLAN:

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

GC-10. PUBLIC IMPROVEMENTS:

The developer is required to install all public improvements, including but not limited to: curb and gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, streetlights, etc. as required by the Director of Public Works. All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and American with Disabilities act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. All public improvement plans shall be submitted to and

be approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-11. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-12. FINAL MAP RECORDATION:

This project is subject to, and contingent upon the approval of a vesting tentative map and recordation of a final map. The submittal, approval and recordation of the Final Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the tentative map are subject to City's technical review and approval during the final map process prior to any grading or building permit issuance. [COA] [PUBLIC WORKS]

GC-13. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all applicable mitigation and avoidance measures identified in the previously certified Environmental Impact Report (EIR) for the 2003 Downtown Specific Plan [COA] [PLANNING] Mitigation Measure [COA] [PLANNING]

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

PS-1. EXTERIOR MATERIALS REVIEW:

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

PS-2. PARKING AND CIRCULATION PLAN:

Submit a final parking management plan to address use of guest and resident parking spaces and assignment of tandem spaces subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. ENVIRONMENTAL MITIGATION MEASURES:

Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage [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:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

- BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:  
The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:
- a) Match the design, materials and color of the main building.
  - b) Be of masonry construction. [COA] [PLANNING]
- BP-6. RECYCLING AND SOLID WASTE CONTAINER:  
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-7. SOLID WASTE DISPOSAL AND RECYCLING DESIGN PLAN:  
A detailed recycling and solid waste disposal design 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 requirements and guidelines for multi-family projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-8. ROOF EQUIPMENT:  
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-9. FEES AND BONDS:  
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) PARK IN-LIEU - Pay Park In-lieu fees estimated at \$1,893,553.20 prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]
- BP-10. MECHANICAL EQUIPMENT (EXTERIOR):  
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]
- BP-11. AFFORDABLE HOUSING DENSITY BONUS DEVELOPER AGREEMENT:

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

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

BP-12. LANDSCAPE PLAN:

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

- a) All areas not required for parking, driveways or structures shall be landscaped.
- b) Ten percent of new trees on site (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- c) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a tree of at least 36-inch box size.
- d) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- e) Decorative paving as required by the Director of Community Development to distinguish building entries, pedestrian paths and common areas. [SDR] [PLANNING]

BP-13. LANDSCAPE MAINTENANCE PLAN:

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

**BP-14. 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 for nearby trees on adjacent sites. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection measures shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans.
- e) Provide authorization from adjacent property owners for removal of off-site trees if required. [COA] [PLANNING/CITY ARBORIST]

**BP-15. STORMWATER MANAGEMENT PLAN:**

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

**BP-16. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:**

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

**BP-17. BEST MANAGEMENT PRACTICES - STORMWATER:**

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**BP-18. CITY STREET TREES:**

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

**BP-19. CITY STREET TREES (SUBDIVISION):**

At the expense of the project developer, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.37) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

**BP-20. EXTERIOR LIGHTING PLAN:**

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

- a) Sodium vapor (or illumination with an equivalent energy savings).

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

BP-21. PHOTOMETRIC PLAN:

Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]

BP-22. LIGHTING POLE HEIGHTS:

Pole heights shall not to exceed 8 feet on the exterior of the site. Interior courtyard lighting poles may vary subject to approval of the Director of Community Development. [COA] [PLANNING]

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

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

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

BP-24. COMPACT SPACES:

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

BP-25. NOISE REDUCTION:

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

BP-26. DEMOLITION/CONSTRUCTION/RECYCLING REPORTING FORM:

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

BP-27. BICYCLE SPACES:

Provide a minimum of 27 secured bicycle parking spaces or as approved by the Director of Community Development. Bicycle parking shall be dispersed in several common areas throughout the site and shown on the plans submitted for building permits. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING/PUBLIC WORKS]

BP-28. WATER METERS:

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

BP-29. UNDERGROUND UTILITIES:

All proposed utilities shall be undergrounded. [SDR] [PLANNING]

BP-30. PROJECT REVIEW COMMITTEE COMMENTS:

Address general comments provided by the Fire Division and Building Division provided March 25, 2013. [SDR] [BUILDINGS/PUBLIC SAFETY]

BP-31. FIRE HYDRANT PLACEMENT:

The specific number, design and location of fire hydrants and standpipes shall be approved by the Department of Public Safety. [COA] [PUBLIC SAFETY]

**BP-32. BIOLOGICAL RESOURCES:**

Construction disturbance during the breeding season (February 1 through August 31, for most species in the area) could result in the incidental loss of eggs or nestlings of native birds, either directly through the destruction of active nests or indirectly by causing disturbance those results in the abandonment of nests. Incorporate these mitigation measures into the construction plans. Conditions will be applicable during the construction of the project. The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

- a) To the extent feasible, initial construction activities, including vegetation clearing, would be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in the Sunnyvale area extends from February 1 through August 31.
- b) If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds would be conducted by a qualified ornithologist to ensure that no nests will be disturbed during Project implementation. These surveys would be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in 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 will determine the extent of a construction-free buffer zone to be established around the nest, to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.
- c) If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation, as well as buildings) that are scheduled to be removed by the Project must be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests on these substrates, and minimize the potential for delay of the Project due to the presence of active nests in these substrates. [MITIGATION] [PLANNING]

**BP-33. ARCHAEOLOGICAL RESOURCES:**

Upon demolition of the existing buildings and removal of the concrete and asphalt on-site, a qualified archaeologist meeting the Secretary of the Interior's standards (CEQA Guideline 15064.5(f)), shall undertake

a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources. The testing program shall be implemented with the results presented in Presence/Absence Testing Report commensurate with the findings. The following conditions will be applicable during the construction of the project. The property owner and contractor will be responsible for implementation and maintenance of these mitigation measures. The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

- a) If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:
- Planning construction to avoid the archaeological site;
  - Incorporating the site within a park, green space, or other open space element;
  - Covering the site with a layer of chemically stable soil; or
  - Deeding the site into a permanent conservation easement.
- b) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.
- c) In the event prehistoric or historic cultural resources are otherwise encountered during approved ground-disturbing activities for project construction, all work within 25 feet of the discovery shall be stopped to allow for the identification and evaluation of the significance of the cultural materials by a qualified archaeologist. If the cultural materials are determined to be significant, the qualified archaeologist shall develop an appropriate treatment plan in consultation with the City's Planner to mitigate the discovery, according to the procedures described above. The plan could include avoidance and preservation measures to preserve the

materials in place; scientific collection and analysis; preparation of a professional report in accordance with current professional standards; and, professional museum curation of collected cultural materials and resource documentation.

- d) A pre-construction meeting shall be held with the contractor and other project personnel to discuss the requirements and potential for the exposure of archaeological materials during construction. Procedures for any unanticipated discoveries shall be discussed with the contractor and other pertinent parties.  
[MITIGATION][PLANNING]

BP-34. GEOLOGY AND SOILS:

- a) The project shall incorporate the recommendations of the Geotechnical Exploration report (ENGEO, May 2013) into the design and construction of the project.
- b) Conditions will be applicable during the construction of the project.
- c) The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.
- d) These measures shall be incorporated into the construction plans.  
[MITIGATION][PLANNING]

BP-35. HAZARDOUS MATERIALS

Conditions will be applicable during the construction of the project. The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures. The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

- a) Prior to the demolition of the property buildings, a comprehensive asbestos survey in compliance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and all State of California asbestos requirements will be conducted. All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards.
- b) If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal-OSHA Lead in Construction Standards. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste. [MITIGATION] [PLANNING]

BP-36. 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. The GreenPoint Rated Checklist shall be included on plans. A letter of verification by a Green Point Rater shall be provided that indicates the project has achieved the minimum points prior to occupancy/final inspection. [SDR] [PLANNING/BUILDING]

BP-37. INTERIOR NOISE:  
The building plans shall demonstrate the project meets the SMC interior noise standard by incorporating design recommendations as outlined in the Environmental Noise Study prepared by Charles M. Salter Associates, Inc. (June 26, 2013. including mechanical ventilation where necessary.[MITIGATION] [PLANNING/BUILDING]

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

EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:  
A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-2. DOWNTOWN SPECIFIC PLAN:  
This project is in the Downtown Specific Plan area; therefore, the developer shall comply with any applicable design requirements as identified in the Downtown Specific Plan or as amended and approved by the City. [COA] [PUBLIC WORKS]

EP-3. UTILITY CONNECTION:  
This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]

EP-4. UTILITY ABANDONMENT/RELOCATION:  
Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) 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. Existing public facilities within the street right-of-way shall

be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-5. DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-6. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:

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 sidewalk area, caused by the development. [COA] [PUBLIC WORKS]

EP-7. SEPARATE FIRE PROTECTION SERVICE LINE:

Provide separate fire protection service line from the domestic water service line with separate DCDA's behind the street right-of-way. [COA] [PUBLIC WORKS]

EP-8. WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) in private streets and private drives shall be privately owned and maintained. For water lines, install public master water meter(s) in the public right-of-way. For each public domestic master water meter installation, install a reduced pressure double check detector assembly per City standard detail 20B. For private sanitary sewer and storm, install a manhole or cleanout at the right-of-way line. The fire and domestic water systems shall be privately owned and maintained beyond the meter. All landscape and irrigation systems located in the public park strip areas shall be connected to the water system metered to the property owner. [COA] [PUBLIC WORKS]

EP-9. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]

EP-10. PUBLIC FIRE HYDRANTS:

Remove, replace and relocate the existing two fire hydrants barrel(s): one located at Mathilda Avenue and the other at Charles Street with

Clow Rich 75 Public fire hydrants shall be free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-11. DUAL CONNECTION WATER SERVICE SYSTEM:

Provide two domestic water and two fire service points of connections, in accordance with current City standards. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-12. WATER METER:

Install new radio-read domestic water meter(s) at each point of connection to the water main. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. [SDR] [PUBLIC WORKS]

EP-13. IRRIGATION BACKFLOW PREVENTORS:

Install new backflow prevention devices on the discharge side of irrigation line in accordance with the City's current standards and specifications. Install backflow preventer enclosure per City standards, if applicable. [SDR] [PUBLIC WORKS]

EP-14. SANITARY SEWER ANALYSIS:

Submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. [COA] [PUBLIC WORKS]

EP-15. STORM DRAIN TRIBUTARY PATTERN:

This project is required to follow the existing storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]

## EP-16. SEWER CLEANOUT:

Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

## EP-17. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site only shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

## EP-18. DRIVEWAY APPROACHES:

Replace existing driveway approaches with new driveway approaches per City standard details 5C-5 and specifications. All unused driveway approaches shall be replaced with City standard curb, gutter and sidewalk per current City standards. [COA] [PUBLIC WORKS]

## EP-19. STREETLIGHTS:

Remove existing street light pole and replace with new marbelite poles with new LED fixtures along Charles Street frontage. Install new downtown-style double-head streetlights along Mathilda Avenue frontage.

Provide photometric analysis to confirm if the street lighting along the project frontage is in accordance with the City's Roadway Lighting Design Criteria. The minimum average illuminance shall be 0.4fc and the uniformity ratio shall be 4.0. If new streetlights need to be installed to comply with City's design criteria, the following items are required:

- Replace existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.
- Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, location of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by Developer per latest City standard details and specifications. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

## EP-20. CURB, GUTTER AND PUBLIC SIDEWALK:

Install new curb and 2-foot gutter along Charles Street and new curb and 1-foot gutter along Mathilda Avenue along the project frontage. Remove existing sidewalk and install new 6-foot wide sidewalk with 4-foot wide landscape strip behind the curb along Charles Street. Remove existing sidewalk and install 12-foot wide sidewalk with 4-

foot by 5-foot tree wells (approximately 35 feet apart) along Mathilda Avenue. Construct a smooth curb, gutter and sidewalk transition into the new downtown sidewalk based upon applicable design standards. The transition shall occur only fronting the project site without impact to the frontage of the adjacent property. The bike lane will not be implemented as part of this project, therefore, provide a separate striping plan to demonstrate the lane limits with a no stopping zone per latest CA MUTCD. Install "NO STOPPING" signage along the property frontage. [COA] [PUBLIC WORKS]

EP-21. STREET PAVEMENT RESTORATION:

Developer shall be responsible to restore any street pavement damage fronting the project site along Mathilda Avenue and Charles Street to like or better condition as a result of any project construction to the satisfaction of the Director of Public Works. [COA] [PUBLIC WORKS]

EP-22. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan consistent with the latest edition of the CA MUTCD. The striping plans must follow the Geometric Plan Line Study dated 7/17/2013 as approved by the City along Mathilda Avenue [COA] [PUBLIC WORKS]

EP-23. CITY STREET TREES:

Submit landscape plans, including existing and proposed City street trees for review and approval by the City prior to issuance of encroachment permit. The street tree shall be 15 gallon (or 24 inch box) of Red Maple on Mathilda Avenue and Shumard Oak on Charles Street (approximately 35 feet apart) or as determined appropriate by the City Arborist. No street trees are to be planted within 10' of a sanitary sewer lateral. [SDR] [PUBLIC WORKS]

EP-24. ROOT BARRIER:

Install a continuous root barrier along Charles Street adjacent to City trees. Install root barrier along Mathilda Ave. per City Downtown Streetscape standard details and specifications. [SDR] [PUBLIC WORKS]

EP-25. UNDERGROUND UTILITIES:

Underground the existing overhead lines along Charles Street in accordance with the SMC 19.38.090 to 19.38.100. [SDR] [PUBLIC WORKS]

EP-26. CATCH BASIN BADGE AND STENCILING:

All catch basins and storm drain inlet facilities shall be stenciled and/or with the badge with the appropriate "NO DUMPING" message as supplied by the Public Works Department. [COA] [ENVIRONMENTAL SERVICES]

## EP-27. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction to City's satisfaction by the Director of Public Works. [COA] [PUBLIC WORKS]

## EP-28. RECORD DRAWINGS:

Record drawings, including all off-site improvements, shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]

## EP-29. VTA BUS STOP NOTIFICATION:

There is a VTA bus stop approximately 150 ft. north of the project site. The developer shall notify VTA of the upcoming work to confirm if a temporary bus stop is required by VTA. [COA] [PUBLIC WORKS]

**TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP WHEN THE PROJECT IS SUBDIVIDED FOR CONDOMINIUMS.**

## TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP:

The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved is subject to additional approval by the City and may require a public hearing. The existing buildings shall be demolished prior to final map recordation. [COA] [PLANNING/PUBLIC WORKS]

## TM-2. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&amp;RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the conversion of the project to condominium ownership are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs including all information required below shall be submitted to the Engineering Division of the Public Works Department for routing. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- a) Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- b) The owners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.

- 
- c) The developer shall maintain all private utilities and landscaping for a period of three (3) years following installation of such improvements or until the improvements are transferred to an owners association, following sale of at least 75% of the units, whichever comes first.
  - d) The Standard Development Requirements and Conditions of Approval included as part of the approved Planning Application, Permit # 2013-7171, and associated map shall be incorporated into the CC&Rs as an exhibit or attachment. The included map shall clearly indicate all public/private easements as disclosure for property owners. The CC&Rs shall include a list of all attachments and/or exhibits.
  - e) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
  - f) The CC&Rs shall contain the following provisions:
    - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
    - ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
  - g. The CC&Rs shall contain the following language:
    - i) "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each lot in the Project.
    - iii) It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health,

safety and general welfare, and to enforce it and the regulations and ordinances and other laws.

- iv) It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- v) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- vi) No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- vii) Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property." [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

- TM-3. COVENANTS, CONDITIONS AND RESTRICTIONS- PUBLIC WORKS:  
This project requires covenants, conditions and restrictions (CC&R's) to be recorded with provisions including, but not limited to, the following items:
- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
  - b) The owners association shall maintain landscaping in perpetuity along the public street fronting the project site except City trees.
  - c) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowner's Association following sale of at least 75% of the units, whichever comes first.

- d) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
- e) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management. [COA] [PUBLIC WORKS]

TM-4. HOA CREATION:

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

TM-5. HOA TRANSFER:

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

TM-6. TITLE 18 AND SUBDIVISION MAP ACT:

The submittal, approval and recordation of the final map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements. [COA] [PUBLIC WORKS]

TM-7. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be delineated on the map or recorded concurrently with the map with a separate instrument. Quitclaim deed is required for abandonment of private easements prior to map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]

TM-8. PUBLIC STREET DEDICATION:

This project requires 3'-wide dedication as a sidewalk easement on Charles Street and a street dedication of various widths as an easement along Mathilda Avenue for public purposes. All easements shall be kept open and free from buildings and structures of any kind

except those appurtenances associated with the defined easements.  
[COA] [PUBLIC WORKS]

TM-9. PUBLIC WORKS DEVELOPMENT FEES:

The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The incremental sewer connection fee is estimated at \$195,567.48 and the incremental water connection fee is estimated at \$33,567.48 based upon available project data and the fiscal year 2013-14 rate. [COA] [PUBLIC WORKS]

TM-10. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:

The developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

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

PF-1. LANDSCAPING AND IRRIGATION:

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

PF-2. COMPACT SPACES:

All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]

PF-3. PARKING LOT STRIPING:

All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING/ENGINEERING]

PF-4. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS) (RECORDATION):

When the project converts to condominium ownership the Developer/Owner shall submit a copy of the recorded CC&Rs and a letter from the Developer/Owner either indicating that the recorded CC&Rs are in conformance with the approved draft CC&Rs or summary of changes shall be provided to the Director of Community Development prior to release of utilities or certificate of occupancy. [COA] [PUBLIC WORKS/PLANNING/CITY ATTORNEY]

## PF-5. HOA ESTABLISHMENT:

When the project converts to condominium ownership the developer shall submit to the Planning Division the names, addresses and telephone numbers of the officers of the homeowners association, architectural review committee or similar committee, at the time the organization is granted autonomy. Until such information is supplied, the developer shall remain a Responsible Person for purposes of maintaining all common property. The chairperson, secretary or principal officer of any committee or association shall notify the City of any change in officers and provide the names, addresses and telephone numbers of the new officers within thirty (30) days after the change becomes effective. [COA] [PLANNING]

## PF-6. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements as required and in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]

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

## DC-1. BLUEPRINT FOR A CLEAN BAY:

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

## DC-2. TREE PROTECTION:

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

## DC-3. 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-4. CONSTRUCTION NOISE:

Adhere to the City's construction noise regulations, as well as the following measures to mitigate construction-period noise and vibration impacts:

- a) Per Chapter 16.08 of the Sunnyvale Administrative Code, construction activities shall be limited to the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday, and Saturday between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.
- b) Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
- c) Notify the City and neighbors in advance of the schedule for each major phase of construction and expected loud activities.
- d) When feasible, select "quiet" construction methods and equipment.
- e) Locate noisy stationary equipment (e.g., generators and compressors) and material unloading and staging areas away from the most sensitive adjacent uses.
- f) Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.
- g) Designate a construction noise coordinator. This coordinator would be available to respond to
- h) complaints from neighbors and take appropriate measures to reduce noise. [MITIGATION] [PLANNING]

DC-5. AIR QUALITY:

Implement the measures recommended by BAAQMD and listed below to reduce the air quality and fugitive dust-related impacts associated with grading and new construction to a less than significant. The contractor shall implement the following Best Management Practices that are required of all projects. The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures. Incorporate these measures into the construction plans. Conditions will be applicable during the construction of the project:

- 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 material 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 (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations. [MITIGATION][PLANNING]

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

- AT-1. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-2. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-3. 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-4.     **AWNINGS:**  
Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]
- AT-5.     **PARKING MANAGEMENT:**  
On-Site parking management shall conform with 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 guest, resident, tandem and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  - b)     Maintain all parking lot striping and marking.
  - c)     Assure that adequate lighting is available in parking garage to keep it safe and desirable for the use.
  - d)     Require signs to direct vehicles to additional parking spaces on-site, as needed.
  - e)     Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-7.     **VEHICLE SALES, LEASING AND RENTAL PROHIBITED:**  
The sales, leasing or rental of vehicles, trailers are prohibited on the subject property. [COA] [PLANNING]
- AT-8.     **OFF-STREET PARKING:**  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-9.     **RECREATIONAL VEHICLE STORAGE PROHIBITED:**  
Storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-10.    **HOA REVIEW AND APPROVAL:**  
In common interest developments, any future applications to the City for physical modifications on commonly owned property shall require consent of the board of directors of the homeowners association, architectural review committee or similar committee; applications for physical modifications on privately owned property shall require the

individual property owner's signature. Individual property owners submitting an application for physical modifications on private property shall comply with any approval processes outlined as such in the conditions, covenants & restrictions (CC&Rs) of their respective development. [COA] [PLANNING]

AT-11. HOA RESPONSIBILITIES:

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

AT-12. BMP MAINTENANCE:

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

AT-13. BMP RIGHT OF ENTRY:

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

Please see  
Planning Commission  
web page for  
Attachment E



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

File Number: 2013-7171  
No. 13-~~20~~

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

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

**PROJECT TITLE:**

Application for a Special Development Permit filed by Summerhill Apartment Communities for the Mathilda Apartments, 481 S. Mathilda Avenue, Sunnyvale.

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

The project consists of the demolition of three existing office buildings, site clearing and grading, and the construction of a two to four story residential building requiring the approval of a Special Development Permit that includes the approval of: 1) Use of density bonus; 2) Tree removal; 3) Parking reduction.

**WHERE TO VIEW THIS DOCUMENT:**

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on Monday, October 28, 2013. 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:**

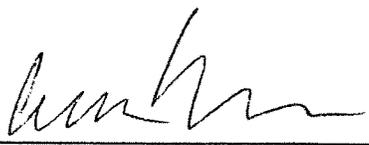
A public hearing on the project is scheduled for:

**Monday, October 28, 2013** at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

**TOXIC SITE INFORMATION:**

(No) listed toxic sites are present at the project location.

Circulated On October 4, 2013

Signed:   
Andrew Miner, Principal Planner

Initial Study  
455-481 S. Mathilda Avenue  
File 2013-7171  
Page 1 of 30

Project Title	<b>Mathilda Apartments:</b> Application (2013-7171) for a Site Development Permit to allow the construction of 105 residential dwelling units within Block 14 of the Downtown Specific Plan area.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Gerri Caruso, Principal Planner
Phone Number	408-730-7257
Project Location	455-481 South Mathilda Avenue, between West Olive Avenue and West Iowa Avenue
Applicant's Name	Summerhill Apartment Communities
Project Address	481 W. South Mathilda Avenue Sunnyvale, CA 94088
Zoning	Block 14, Downtown Specific Plan
General Plan	Downtown Specific Plan
Other Public Agencies whose approval is required	None

**DESCRIPTION OF THE PROJECT:**

The project consists of the demolition of three existing office buildings, site clearing and grading, and the construction of a two to four story residential building requiring the approval of a Special Development Permit that includes the approval of:

- Use of density bonus
- Tree removal
- Parking reduction

**DETAILED PROJECT DESCRIPTION:**

On-site Development:

The 1.6 acre project site is currently developed with three office buildings (two single story buildings and one three story building), and a paved surface parking lot. The proposed project would demolish the existing buildings and construct a new building with 105 residential units arranged in a two- to four-story structure over a subterranean parking garage. A main pedestrian entryway would be located on South Mathilda Avenue for use by both residents and visitors, with a second pedestrian access point for residents located on Charles Street. A garage entry on Charles Street at the southwest corner of the site would provide vehicle access to the parking garage beneath the building. The building would range in height from a maximum of 30 feet at the two-story Charles Street frontage, to a maximum of 50 feet along the four-story portion facing South Mathilda Avenue. A central courtyard with a water feature, landscaping, spa, gas fireplace and seating would be located at ground level (above the parking garage podium). The single-story subterranean parking garage would contain 148 vehicle parking stalls and 36 bicycle lockers. Additional storage for all 105 units would be located in the garage and throughout the building.

The building would be set back approximately ten feet from the back of the sidewalk on Charles Street, approximately 5 to 12 feet from the back of sidewalk on South Mathilda Avenue property line, and approximately 22 feet and 16 feet from the south and north property lines, respectively. The setback area at Charles Street would include landscaping and steps from the sidewalk to the private patios of adjacent units. The Mathilda Avenue setback would include a landscaped area ranging from approximately 5-12 feet from the building to the sidewalk.

Site preparation for development would include the removal of 38 trees (37 on site and one adjacent to the site located on the south property line), none of which are native species. The project would plant approximately 80 new trees, including street trees along Charles Street and South Mathilda Avenue.

The project would implement development for a portion of Block 14 of the Downtown Specific Plan area. The project would have a residential density of 65 dwelling units per acre, consistent with the *Downtown Specific Plan* General Plan designation for the site, which allows residential density up to 78 units per acre. The project would be built to achieve a minimum of 80 points under the Green Point Rated green building rating system, consistent with the City of Sunnyvale Green Building standards.

The project site plan assumes that the Mathilda Avenue frontage road originally identified in the Downtown Specific Plan would not be implemented, as the City is considering modifying the Plan to remove the frontage road on the west side of Mathilda Avenue between Washington Avenue and Olive Avenue. The project design assumes land area along the Mathilda Avenue frontage that would have been dedicated for frontage road right-of-way (approximately 33 feet on the west side of Mathilda Avenue) would be reduced but would be available for street improvements identified in the Downtown Specific Plan or approved modifications and the proposed the development project.

#### Construction Activities and Schedule:

Construction of the proposed project is estimated to occur over a period of 22 months. The most intensive site work, such as demolition of existing buildings, excavation for the underground garage, trenching and other grading would take approximately six months to complete. Construction of the garage and residences would take approximately 20 months, during which offsite improvements (described below) would also occur.

Demolition of existing buildings, excavation and grading would be necessary for site preparation and construction of the proposed project. Demolition of existing buildings is expected to generate approximately 9,100 cubic yards of demolition debris. Excavation for the project would reach approximately twelve feet below existing grade and is expected to generate approximately 2,700 cubic yards of soil to be exported from the site.

#### Surrounding Uses and Setting:

The proposed development is located at 488-451 South Mathilda Avenue between West Olive Street and West Iowa Avenue (APN 165-03-004 and 165-03-005). The project site is bounded by South Mathilda Avenue to the east, Charles Street to the west, commercial development (a bank) to the south and a mix of commercial development and single family homes to the north. Across Charles Street from the site is the Sunnyvale Teaching and Demonstration Garden.

#### Off-site Improvements:

The project would construct new sewer, water, gas, electrical, and storm sewer connections to existing service located beneath South Mathilda Avenue. An existing water connection at Charles Street would be maintained. New sidewalks, streetlights and curb and gutter would be constructed, and new landscaping and street trees planted along the rights-of-way of Charles Street and South Mathilda Avenue adjacent to the site.

**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.

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

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**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.

Gerri Caruso

Date: 10.4.13

Title: Principal 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://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Sunnyvale Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Sunnyvale General Plan Map, <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Community Character and Land Use Chapters of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>
3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 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"/>	Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Housing Chapter, Land Use and Transportation Chapter of the Sunnyvale General Plan and General Plan Map <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.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"/>	Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Housing Chapter, Land Use and Transportation Chapter of the General Plan <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"/>	Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Sunnyvale General Plan Map <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Land Use and Transportation Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Title 19 (Zoning) of the Sunnyvale Municipal Code <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
10. For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field Air Installations Compatible Use Zones (AICUZ), Santa Clara County ALUC Moffett Field CLUP, Sunnyvale Zoning Map, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Sunnyvale General Plan Map <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.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, Santa Clara County ALUC Moffett Field CLUP
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> SMC 19.42 Noise Ordinance <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Noise Report
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> SMC 19.42 Noise Ordinance <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description Project Noise Report

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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> Project Noise Report
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"/>	Project Description, Project Biological Resources Report
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"/>	Project Description, Project Biological Resources Report
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description, Project Biological Resources Report
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, Project Arborist's Report
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Project Biological Resources Report
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, <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places Project Historical and Architectural

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Evaluation
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project description, Project archeological study and cultural resource survey, Records Research Results-California Historical Resource Information System
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. See discussion for information about school impacts.
25. Air Quality - Conflict with or obstruct implementation of the <u>BAAQMD</u> air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, Sunnyvale General Plan Map, Environmental Management Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.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, Project Greenhouse Gas and Air Quality Analysis
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, AB 32, Project Greenhouse Gas and Air Quality Analysis
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, Environmental Management Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Project Greenhouse Gas and Air Quality Analysis
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 checked="" type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines, Environmental Management Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Project Greenhouse Gas and Air Quality Analysis
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines, Environmental Management Chapter of the General Plan

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					<a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Project Greenhouse Gas and Air Quality Analysis
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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>
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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>
33. Seismic Safety-Strong seismic ground shaking?	<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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>

**Less Than Significant Impacts**

**2. Aesthetics - Substantially degrade the existing visual character or quality of the site? (Less Than Significant Impact)**

**3. Aesthetics - Create a new source of substantial light or glare? (Less Than Significant Impact)**

The proposed project will result in the transition of the site from commercial to residential. The project has been designed to comply with the General Design Guidelines of the Sunnyvale Downtown Plan. The project would use varying building heights to reflect a balance between low-scale development to the west and more intense development planned for Downtown Specific Plan areas to the east. The site design emphasizes pedestrian access points and includes pedestrian-scale features at ground level. The City's implementation of the General Design Guidelines of the Downtown Specific Plan and staff's review of final development plans, including the exterior lighting plan, and architectural materials and details, 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.

**9. Transportation and Traffic - Result in inadequate parking capacity? (Less Than Significant Impact)**

The project would include a subterranean parking garage with 148 vehicle parking stalls, and 36 bicycle lockers for residents. The project would utilize a reduced parking incentive pursuant to State Density Bonus Law (California Government Code Title 7, Division 1, Chapter 4.3, Sections 65915, et seq.) to provide 1 parking space for each one-bedroom unit and 2 parking spaces for each two-bedroom unit, for a total of 148 spaces. The Sunnyvale Zoning Code requires multifamily residential development in the Specific Plan area to provide 1.5 spaces for each one-bedroom unit and 2 parking spaces for each two-bedroom unit for a total of 175 spaces. Because the project would be located within Downtown, where cultural, retail, entertainment, and employment land uses are accessible by walking, cycling, and public

transit, reducing parking by 27 spaces (15% below Code requirements) is not expected to result in inadequate on-site parking or substantial parking intrusion on surrounding neighborhood streets.

**20. Biological Resources- Conflict with Local Policies Protecting Resources? (Less Than Significant Impact)**

Site preparation for development would include the removal of 38 trees (37 on site and one adjacent to the south side of the site), none of which are native species. The project would plant approximately 80 new trees. In accordance with Chapter 19.94 of the Sunnyvale Municipal Code, the project will provide street trees along the frontage of Charles Street and South Mathilda Avenue. Tree replacement proposed by the project would offset the loss of the trees to be removed, and would be consistent with the City's tree preservation regulations. This would therefore result in a less than significant impact with regard to local policies protecting biological resources.

**24. Public Services - 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. (No Impact)**

All new residential developments are required to fully offset their anticipated impact on demand for schools by paying a school impact fee as set by the school districts. The City requires evidence of school impact fee payment prior to issuance of building permits.

**26. Air Quality - Cumulatively Considerable Increase in Criteria Pollutants? (Less Than Significant Impact)**

Project emissions of criteria pollutants (carbon monoxide, sulfur dioxide, fine particulate matter, etc.) during construction would be temporary, and based on the size of the project, would not be significant. The BAAQMD project size threshold for significant operational impacts is 451 dwelling units. Based on the project size of 105 residential units, the project is well below the significance threshold for operational impacts, even before applying baseline emissions credit for trips associated with the current office buildings. Based on these factors, the project would not result in significant emissions of any criteria pollutants and would not have a considerable contribution to cumulative criteria pollutant impacts.

**28. Air Quality - Violate any Air Quality Standard? (Less Than Significant Impact)**

As discussed under question 26, the project would have emissions less than the significance thresholds adopted by BAAQMD for evaluating impacts related to ozone and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level, however carbon monoxide levels have been below State and federal standards in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. Intersections affected by the project would have traffic volumes less than the BAAQMD screening criteria for carbon monoxide emissions and therefore would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.

**Less Than Significant With Mitigation**

**14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code? (Less Than Significant Impact with Mitigation)**

**15. Noise - Exposure of persons to or generation of excessive groundborne vibration? (Less Than Significant Impact with Mitigation)**

An environmental Noise Assessment was completed for the project (Illingworth and Rodkin, June 2013). Continuous 24-hour noise measurements were conducted at four locations on the project site to quantify the existing noise environment. Noise measurements were made at a height of approximately twelve feet above grade at the north and east property boundaries, across Charles Street from the project site, near the community garden, and across West Olive Street near Sunnyvale City Hall. Ambient noise levels ranged from 63 dB DNL to 74dB DNL. The public and private open spaces in the central courtyard of the project are subject to the land-use compatibility guidelines from the City's Noise

Element, per Policy SN-8.7. Based on ambient noise levels and the site configuration, noise levels in this area are expected to be below DNL 60 dB and are therefore "normally acceptable" for outdoor open space per the Sunnyvale General Plan. Project traffic is projected to be less than that generated by the existing three buildings, therefore the project would not increase traffic noise levels.

Mechanical equipment associated with the project, such as air-conditioning equipment and garage exhaust fans have the potential to exceed City noise standards. Specific noise reduction measures cannot be determined until the equipment has been selected. As a condition of project approval, the applicant will provide documentation verifying that mechanical equipment selected for the building will not exceed the noise standards of section 19.42.030 of the City of Sunnyvale Municipal Code, and will describe any noise attenuation features included in the project to reduce mechanical equipment noise to meet Municipal Code noise limits.

Construction of the project might result in temporary elevated noise levels at existing adjacent land uses, as well as generating groundborne vibration. A combination of residential and commercial land uses occur between 100 and 150 feet from the site. Construction activities are expected to include demolition of existing buildings, grading, temporary shoring, excavation, concrete forming and pumping, structural framing, interior framing, and interior and exterior finishes. The noisiest of these activities is typically demolition and excavation, when heavy machinery would be in use. Typical noise levels from these activities range from 80 to 90 dB at 50 feet. At the residences located approximately 110 feet from the project site on Charles Street, the noise levels of the activities may range from 73 to 83 dB.

Through the City's implementation of the current Municipal Code construction noise regulations, as well as the following measures, construction-period noise and vibration impacts will be lessened to a less than significant level during construction.

#### **MITIGATION:**

##### **WHAT:**

1. Per Chapter 16.08 of the Sunnyvale Administrative Code, construction activities shall be limited to the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday, and Saturday between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.
2. Require posted signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
3. Notify the City and neighbors in advance of the schedule for each major phase of construction and expected loud activities.
4. When feasible, select "quiet" construction methods and equipment.
5. Locate noisy stationary equipment (e.g., generators and compressors) and material unloading and staging areas away from the most sensitive adjacent uses.
6. Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines.
7. Designate a construction noise coordinator. This coordinator would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

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

**WHO:** The project contractor/applicant 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

**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?* (Less Than Significant Impact with Mitigation)**

The biological assessment prepared for the project (H.T. Harvey and Associates April 2013) noted that relatively few native wildlife species occur on the project site due to its small size, urban surroundings, dominance by non-native ornamental vegetation; and isolation from natural habitats and extensive open space areas. There are no special-status plant species or animal species inhabiting the site, or regulated habitats on site. Site preparation for development would include the removal of 38 trees (37 on site and one adjacent to the site), none of which are native species. Construction disturbance during the breeding season (February 1 through August 31, for most species in the area) could result in the incidental loss of eggs or nestlings of native birds, either directly through the destruction of active nests or indirectly by causing disturbance that results in the abandonment of nests. Disturbance of nests of the common bird species likely to inhabit the site would not be a significant impact under CEQA, however the implementation of the following measures will ensure the project complies with Migratory Bird Treaty Act and California Fish and Game Code, thereby reducing potential biological impacts to less than significant levels.

**MITIGATION:**

WHAT: Construction disturbance during the breeding season (February 1 through August 31, for most species in the area) could result in the incidental loss of eggs or nestlings of native birds, either directly through the destruction of active nests or indirectly by causing disturbance that results in the abandonment of nests.

1. To the extent feasible, initial construction activities, including vegetation clearing, would be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in the Sunnyvale area extends from February 1 through August 31.
2. If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds would be conducted by a qualified ornithologist to ensure that no nests will be disturbed during Project implementation. These surveys would be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in 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 will determine the extent of a construction-free buffer zone to be established around the nest, to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.
3. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation, as well as buildings) that are scheduled to be removed by the Project must be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests on these substrates, and minimize the potential for delay of the Project due to the presence of active nests in these substrates.

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

WHO: The project contractor/applicant 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

**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?* (Less Than Significant with Mitigation)**

**23. Historic and Cultural Resources - *Disturb any human remains, including those interred outside of formal cemeteries?* (Less Than Significant with Mitigation)**

Historical Resources:

An historical evaluation (Archives and Architecture, August 2013) was prepared to determine whether the existing office buildings on the site were historically significant according to National Register, California Register and City of Sunnyvale criteria for historical significance. The property does not appear to qualify for listing on the California Register of Historical Resources or National Register of Historic Places. Based on those findings and a review of the City's criteria for designation of heritage resources, the property also does not appear to be eligible for designation as a local Heritage Resource under the City's Municipal Code. Therefore, none of the buildings are resources under CEQA, and their demolition would not constitute a significant impact to the environment.

Archaeological Resources:

A records search by the California Historical Resources Information System, Northwestern Information Center (CHRIS/NWIC) was conducted for the project area (project site and surrounding area) in February 2013. The records search found that the project area contains no recorded archaeological resources. The State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) includes no buildings or structures within the proposed project area. Based on an evaluation of the environmental setting and features associated with known Native American sites in the region, there is a moderate potential for buried Native American archaeological resources in the proposed project area. Review of historical literature and maps gave no indication of the possibility of historic-period archaeological resources within the project area. While the general vicinity of the proposed project underwent early development during the mid to late 19th century, maps from those eras and from the early 20th century fail to show any buildings or structures with the proposed project area, therefore there is a low potential of identifying unrecorded historic-period archaeological resources in the proposed project area.

There is a moderate possibility of buried Native American archaeological resources and a low possibility of buried historic-period archaeological resources in the project area. Given the moderate possibility for unknown Native American archaeological resources in the proposed project area, the completion of a geoarchaeological study was recommended by the CHRIS/NWIC. Such a study would be conducted prior to ground disturbance to assess locations where development of the site would potentially disturb sensitive landforms. The project would include the following measures to reduce or avoid potential impacts to prehistoric resources, should they be encountered during construction. With implementation of these measures, impacts to archaeological resources would be reduced to less than significant.

**MITIGATION:**

WHAT: Upon demolition of the existing buildings and removal of the concrete and asphalt on-site, a qualified archaeologist meeting the Secretary of the Interior's standards (CEQA Guideline 15064.5(f)), shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources. The testing program shall be implemented with the results presented in Presence/Absence Testing Report commensurate with the findings.

1. If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:
  - Planning construction to avoid the archaeological site;
  - Incorporating the site within a park, green space, or other open space element;
  - Covering the site with a layer of chemically stable soil; or
  - Deeding the site into a permanent conservation easement.

2. When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.
3. In the event prehistoric or historic cultural resources are otherwise encountered during approved ground-disturbing activities for project construction, all work within 25 feet of the discovery shall be stopped to allow for the identification and evaluation of the significance of the cultural materials by a qualified archaeologist. If the cultural materials are determined to be significant, the qualified archaeologist shall develop an appropriate treatment plan in consultation with the City's Planner to mitigate the discovery, according to the procedures described above. The plan could include avoidance and preservation measures to preserve the materials in place; scientific collection and analysis; preparation of a professional report in accordance with current professional standards; and, professional museum curation of collected cultural materials and resource documentation.
4. A pre-construction meeting shall be held with the contractor and other project personnel to discuss the requirements and potential for the exposure of archaeological materials during construction. Procedures for any unanticipated discoveries shall be discussed with the contractor and other pertinent parties.

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

WHO: The property owner and contractor will be 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.

### **30. Air Quality - Expose Sensitive Receptors to Substantial Pollutant Concentrations (Less Than Significant Impact with Mitigation)**

The Air Quality and Greenhouse Gas Emissions Assessment prepared for the project found that operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. Nearby sources of air pollutant emissions, including pollutants in vehicle exhaust from Mathilda Avenue, are not anticipated to adversely affect new residents of the completed project. Modeling of construction-related emissions of fine particulate associated with dust and diesel emissions from construction equipment did not pose a significant health risk to nearby sensitive receptors e.g., the nearest residences on Charles Street. However, the assessment recommended that the BAAQMD air quality and dust control measures listed below be included in the project to ensure that health risks associated with fine particulate matter and diesel emission remain at less than significant levels.

#### **MITIGATION:**

WHAT: Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality and fugitive dust-related impacts associated with grading and new construction to a less than significant. The contractor shall implement the following Best Management Practices that are required of all projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

WHO: The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

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

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including non-motorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Trip Generation Analysis
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"/>	Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>
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 of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Mathilda Avenue Carriage Road Transportation Analysis
39. Conflict with adopted policies, plans, or programs regarding public transit or non-motorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road non-motorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for non-motorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City of Sunnyvale General Plan – Land Use and Transportation Chapter of the General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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"/>	City of Sunnyvale General Plan – Land Use and Transportation Element <a href="http://www.generalplan.inSunnyvale.com">www.generalplan.inSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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"/>	City of Sunnyvale General Plan – Land Use and Transportation Element <a href="http://www.generalplan.inSunnyvale.com">www.generalplan.inSunnyvale.com</a> Downtown Specific Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

**Less Than Significant Impacts**

**35. Transportation - Exceeds the capacity of the existing circulation system? (Less Than Significant)**

The City requires projects that generate a net of 100 PM peak hour trips to prepare a Traffic Impact Analysis. Trip generation for most land uses, including multi-unit residential development is highest in the evening peak period, therefore PM peak hour trips rather than AM peak hour trips are used to determine potential project transportation impacts. Based on trip generation estimates prepared by City staff, the project would generate 59 PM peak hour trips, well below the threshold for requiring additional analysis of transportation impacts. Based on established trip generation rates, the 49 residential units in the two story portion of the project would generate 40 PM peak hour trips and the 56 units in the four story portion of the project would generate 19 PM peak hour trips, for a project total of 59 PM peak hour trips. Because

The project site is currently developed with 26,000 square feet of office space that generates 108 PM peak hour trips. The project would result in a net reduction of 49 PM peak trips, and would therefore have a less than significant impact on the capacity of the existing circulation system.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a>
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a>
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 <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a>
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 <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a> Sunnyvale Storm Water Quality Best 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, <a href="http://www.generalplan.inSunnyvale.com">www.generalplan.inSunnyvale.com</a> California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a> Project Geotechnical Report
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a> Project Geotechnical Report

**Less Than Significant With Mitigation**

**47. Geology and Soils - Be located on a geologic unit or soil that is unstable? (Less Than Significant with Mitigation)**

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, for site subject to flooding, however the project site is located is not located in a flood way or flood hazard zone. 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.

**48. Geology and Soils - Located on expansive soil? (Less Than Significant with Mitigation)**

A Geotechnical Exploration was prepared for the project (ENGEO May 2013). Based on this study, the project site is not in an area mapped as being susceptible to liquefaction, nor is it within a State Earthquake Fault Zone or Seismic Hazard Zone. The site appears suitable for the proposed development with regard to geological and geotechnical issues, provided the recommendations and guidelines contained in the geotechnical study are incorporated into the project. The study includes a number of recommendations regarding fill placement, grading and foundation design that would be included in the design and construction of the project.

**MITIGATION:**

**WHAT:** The project shall incorporate the recommendations of the Geotechnical Exploration report (ENGEO, May 2013) into the design and construction of the project.

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

**WHO:** The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

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

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems: Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>
50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
51. Utilities and Service Systems: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
52. Utilities and Service Systems: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
53. Utilities and Service Systems: Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
54. Utilities and Service Systems: Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a>
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description, Environmental Management Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Project Stormwater Management Plan
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Stormwater Management Plan
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Downtown Specific Plan EIR

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

**49-54, 60-61.** The Sanitary Sewer analysis prepared for the project noted that the project would have a negligible impact on the capacity of the existing 6-inch main serving the project site. The Downtown Specific Plan EIR (DSP EIR) estimated that, based on the current remaining treatment capacity of the Sunnyvale Water Pollution, the additional wastewater treatment demand from buildout of the entire Downtown Specific Plan would equal approximately 3.5 percent of the wastewater treatment plant's current remaining treatment capacity. The DSP EIR determined that there would be adequate water supply to meet the water demand for the estimated 1,670 additional multi-family residential units (which includes the project's 105 units) that would be included in the buildout of the Plan. Additionally, DSP EIR noted that solid waste from the Specific Plan area, including the project site, would be processed at the Sunnyvale Materials Recovery and Transfer Station to recover materials suitable for recycling. The remainder would be hauled to Kirby Canyon Landfill in San José, which has approximately 30 years' capacity remaining.

**55-59.** The Project's Stormwater Management Plan identifies the treatment measures that the project would install to capture and treat runoff from on-site impervious surfaces. The project would include Low Impact Development (LID) stormwater features such as bioretention planters, consistent with Municipal Regional Stormwater Permit (MRP) requirements. The project's LID features are expected to reduce the overall volume of runoff from the site compared to existing conditions, since no stormwater treatment facilities are currently in place. During construction, the project would comply with the statewide Construction General Permit and City requirements to control soil erosion, prevent sediment transport in runoff, and to implement good housekeeping practices to safeguard water quality while the site is disturbed.

The prevention of water quality impacts during construction, and the post-construction runoff volume reduction and treatment prior to discharge to the City's storm sewer system, is expected to improve the project site's hydrology and would therefore have a less than significant water quality impact.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Public Safety	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR
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 <a href="http://sunnyvale.ca.gov/">http://sunnyvale.ca.gov/</a>

Further Discussion if "Less Than Significant" with or without mitigation: The project's incremental increase in demand for fire and police services would have less than significant impacts, as the increased demand from the entire Specific Plan buildout was also determined the have a less than significant impact on public services.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description, Project Environmental Site Assessment
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 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Environmental Site Assessment
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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>

**Less Than Significant With Mitigation**

**64. Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? (Less Than Significant with Mitigation)**

A Phase 1 Environmental Site Assessment (ENGE0, August 2012) was prepared for the project. One NPL list ("Superfund") site is located approximately one mile from the project site but would not pose a hazard to the project site. A number of Cortese List sites are located in the vicinity of the project, but are not considered to pose a hazard to the site. The Environmental Site Assessment (ESA) found no recognized environmental conditions on the site itself, and past uses of the site that constitute a hazard to future residential uses. No additional soil testing is required prior to site development. The ESA did note that based on their age, the existing buildings on the site could contain asbestos-containing materials (ACMs) and/or lead based paint (LBP). Prior to building demolition an ACM and LBP survey would need to be conducted to determine whether these potentially hazardous materials are present. If these materials are found to be present in the existing buildings, they would need to be removed prior to demolition or handled and disposed of properly during demolition, consistent with state and Federal requirements.

**MITIGATION:**

**WHAT:**

1. Prior to the demolition of the property buildings, a comprehensive asbestos survey in compliance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and all State of California asbestos requirements will be conducted. All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards.
2. If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal-OSHA Lead in Construction Standards. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

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

**WHO:** The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures.

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

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services, Parks- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a> Downtown Specific Plan EIR
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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.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.generalplan.InSunnyvale.com">www.generalplan.InSunnyvale.com</a>

**69-71. Public Service and Parks Impacts. (Less Than Significant)** The Downtown Specific Plan EIR determined that the payment of school impact fees and payment of in-lieu fees for parks (or land dedication, when feasible) by individual projects under the Plan would avoid significant impacts to schools and parks, respectively.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 9/29/2013

**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

**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.htm](http://www.epa.gov/region9/cleanup/california.htm)
- 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

#### **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
- Mathilda Avenue Carriage Road Transportation Analysis

#### **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

#### **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

Initial Study  
455-481 S. Mathilda Avenue  
File 2013-7171  
Page 30 of 30

- Title 16.54 Sunnyvale Municipal Code
- Title 19 California Code of Regulations
- National Fire Protection Association (NFPA) standards

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**OTHER :**

**Project Specific Information**

- Project Description
- Field Inspection
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 6/17/13
- Project Draft Storm Water Management Plan 6/1/2013
- Project construction schedule
- Project Noise Study dated 6/17/13
- Phase 1 Environmental Site Assessment 8/10/12
- Project Green House Gas and Air Quality Analysis dated 3/5/13
- Project Arborists Report dated 1/18/13
- Project Sanitary Sewer Analysis 4/10/13
- Historical and Architectural Evaluation 8/8/13
- Biological Resources Report 4/24/13
- Geotechnical Report 5/12/13
- Records Research Results-California Historical Resource Information System 2/5/13
- Project Green Building Checklist
- Project LEED Checklist

2001 Gateway Place, Suite 101E  
(408)501-7864 Fax (408)501-7861

www.svlg.org

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San Jose Mercury News

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KLA-Tencor

JED YORK

San Francisco 49ers

Established in 1978 by

DAVID PACKARD

October 15, 2013

Mayor and Councilmembers  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Dear Mayor Spitaleri and Councilmembers,

On behalf of the Silicon Valley Leadership Group, we are writing to express our support for SummerHill Apartment Communities' Mathilda Apartment proposal on 481 South Mathilda Avenue.

By way of background, The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 375 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley.

The members of the Leadership Group recognize the link between economic growth and housing availability. For that reason, we support proposals such as this as they will provide a housing product type in Sunnyvale that can serve the workforce needs of our growing economy. In this case, the proposal will create 105 rental homes in an area already designated for high density housing including studios, one, and two bedroom units.

Overall, we believe the Mathilda Apartments will be a great addition to South Mathilda Avenue and the City of Sunnyvale. We encourage your support.

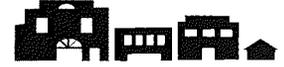
Sincerely,



Carl Guardino  
President & CEO



## Santa Clara County Housing Action Coalition



*The Santa Clara County Housing Action Coalition is comprised of a broad range of organizations and individuals who have, as a common goal, the vision of affordable, well-constructed and appropriately located housing*

October 15, 2013

The Honorable Mayor and City Council  
City of Sunnyvale  
456 W. Olive Ave  
Sunnyvale, CA 94086

Dear Mayor and Members of the City Council,

On behalf of the Housing Action Coalition, we are writing to express our support for SummerHill Apartment Communities' Mathilda Apartment proposal on 481 South Mathilda Avenue.

By way of reference, the Housing Action Coalition includes more than 100 organizations and individuals. Its goal is the production of well-built, appropriately-located housing that is affordable to families and workers in Silicon Valley. Organizations participating in the HAC represent business, labor, environmental organizations and many more.

The City of Sunnyvale continues to demonstrate its clear commitment to creating complete communities that include jobs, homes and related amenities. We also continue to be impressed with the City's forward thinking approach related to planning for housing growth and allowing housing to be built where appropriate. The proposal by SummerHill Apartment Communities is one more example of this.

We support this proposal because it provides much needed housing in an area that is appropriate for intensification. The site is proximate to Mathilda Ave, downtown and a myriad of neighborhood serving businesses providing the opportunity for residents to walk to the cleaners, eat at local establishments and other needed services.

We encourage your support of this proposal.

Sincerely,

Margaret Bard  
HAC Co-Chair



# HERITAGE DISTRICT

2013-7171  
 455 and 465 S. Mathilda Avenue (DSP/Block 14)  
 SPECIAL DEVELOPMENT PERMIT  
 VESTING TENTATIVE MAP

