

**REPORT TO PLANNING COMMISSION****Hearing Date:** June 10, 2013

**File #:** **2012-7879**  
**Location:** **470 Persian Drive in an R-4/PD Zoning District** (APN: 110-29-041):  
**Proposed Project:** **Vesting Tentative Map** to subdivide one lot for condominium purposes.  
**Special Development Permit** to allow redevelopment of an industrial site with 47 residential condominium units.  
**Applicant/Owner:** Padus Group, Inc. / Verne B Jr La Fountain et al  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Gerri Caruso, (408) 730-7591, [gcaruso@sunnyvale.ca.gov](mailto:gcaruso@sunnyvale.ca.gov)

**REPORT IN BRIEF:**

**Existing Site Conditions** Industrial Building  
General Plan: Industrial to Residential  
Zoning: MS/ITR/R4/PD

**Surrounding Land Uses**

North Persian Drive & SR 237  
South Church Parking Lot  
East High Density Residential/Traditions Townhomes  
West Industrial Bldg.

**Issues** Deviations for front and side yard setbacks and parking  
**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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The proposed project consists of demolition of an industrial building and construction of multi-family, multi-story residential condominium flats with related parking, landscaping and street frontage improvements.

The project is proposed as 2 and 3 bedroom ownership condominiums and is proposed at 27.5 dwelling units per acre. There are four buildings, consisting of two types: 4 10-plexes and 1 7-plex, totaling 47 units. The 3-level stacked flats contain individual 1- and 2-car garages. Open parking is located around the site periphery on the west and south sides. Common open space and landscaping is provided.

The project is located in the Tasman Crossing (zoned R-4/PD) area on Persian Drive near North Fair Oaks. The site is 1.79 acres with relatively flat topography, situated walking distance to public transit and businesses.

In accordance with City ordinances, the applicant will be providing 5 affordable units and a fractional fee for the remainder of the requirement.

• **Special Development Permit**

The project is located in an area with General Plan Designation of Industrial to Residential (ITR) and requires consideration of a Special Development Permit (SDP) by the Planning Commission. The project is subject to the standards of the Sunnyvale Municipal Code for R-4 (high density residential) development, the Citywide Design Guidelines and the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan. Deviation from code requirements can be considered through the SDP. Deviations requested include exceptions to total number of parking spaces and front and side yard setbacks.

• **Vesting Tentative Map**

The project includes consideration of a Vesting Tentative Map for condominium purposes to create 47 residential condominium dwelling units and common area. The purpose of the 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 Condominium 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.

**BACKGROUND:**

The proposed project includes demolition of an existing single-story industrial building. The project would be new construction and would not utilize any of the existing developments on the site. The project site is located in Futures Site 7, an area that was rezoned to transition from Industrial-to-Residential uses (ITR) in 1993 and later rezoned to R-4/PD in 2002. The majority of the area has transitioned in the last 10 years and the area has become a specially identified transit village associated with the Tasman light rail station. The area is known as Tasman Crossing.

### **Planning Commission (Study Session)**

This project was presented at a Planning Commission study session on January 14, 2013. The Commission commented on the reduced parking deviation. The plans have been revised to add 4 more stalls for a total of 104 regular stalls where 110 are required. The applicant has also provided 3 additional parallel curbside stalls adjacent to the back building where a sidewalk is not critical. To address other comments the applicant has utilized stamped concrete in the rear drive aisle to delineate a pedestrian path where a sidewalk is not required. Although there is no area for a tot lot the applicant has added a climbing statue and seating area in the front open space area behind the sound wall.

### **DISCUSSION:**

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#### **Architecture & Site Design**

There are five buildings proposed. The units have either 2 or 3 bedrooms, from 890-1220 square feet, and 9'-0" ceilings. Each unit has bike storage and storage in the garages or in the units as well as private balconies

The buildings would be separated by parking alleys (see Attachment 3, Site Plan) or paseos. The main entrances to each building face each other to create paseos with fire pits, outdoor seating and landscaped open space. The front 7-plex is located behind a required sound attenuating wall and is slightly different from the other buildings. It addresses the condition of Persian Drive with an angled and varying façade. A common area with a play sculpture is located between the wall and the front building. The project would also offer unique "Wi-Fi" decks, a form of common open space, on each level.

Although unique, the building exteriors have been designed to meet Citywide Design Guidelines and to complement other newer residential development in the surrounding Tasman area. The proposed contemporary architecture would be enhanced with earthy neutral colors; high-quality materials chosen for the project are stucco, stone veneer, and cement siding material, with contrasting colors to distinguish main entrances. The 4:12 hipped roofs would reach up to approximately 40'-0" at the ridge (55 ft. allowed in R-4) with 1'- and 2'-0" overhangs except at the main building entrances. There would be undulating facades with balconies, trellises for shading, articulation, and other architectural details throughout the project.

Open parking (distinguished with pavers) is provided along the main drive aisle along the west and south project periphery. Pedestrian access paths are also distinguished from the alleys that access covered/owner garage parking.

Universal design, a concept of designing the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age and physical ability, is incorporated throughout. All units are accessible by elevator and smooth-sloping paths to entrances.

## **Code Provisions and Guidelines**

The proposed project generally complies with the applicable code requirements as set forth in the Sunnyvale Municipal Code. The project also conforms to the Citywide Design Guidelines and provides street and neighborhood improvements consistent with the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan.

The following items are those in which the applicant is requesting a deviation from requirements of the code or have been identified as items for clarification by the Planning Commission and/or Public or something that is significantly unique for the project:

- **Setbacks**

Front setback: The required front setback for the R-4 Zoning District is 20 feet. The applicant proposes a stepped front building setback that averages approximately 22 feet but varies between 10-31 feet in depth. The front yard setback reduces down to 8 feet minimum at the entry trellis feature and corresponding decks above. The front building is unique in that it addresses the angular lot line along Persian Drive. The frontage is blocked by a sound wall that is required due to noise impacts from SR 237. As a result, the required front yard area is not visible to the street. The varied setback and wall combination allows the applicant to provide some usable open space between the wall and the front building as well as pockets of landscaping and large trees along the lot frontage. There is adequate space for the large trees that are required for air quality mitigation.

East Side Setback: On the east side of the project the required setback is 15 feet (minimum of 9 feet and 3 feet extra for each story above the first).

As a result of a utility easement on the west side of the project, site planning required that buildings be pushed towards the east side of the site. The applicant is proposing the required 9 foot setback but asking for a deviation for the additional 3 foot setbacks for the second and third floors. These proposed setbacks are comparable to the adjacent Traditions townhome project which has matching three stories and a 5 foot setback with no upper floor setbacks.

There is no solar shading impact from the project on the east side during any part of the day; however, the Traditions development casts significant a.m. shadows on the proposed project. Active outdoor areas of the project are planned away from the east side.

- **Parking**

The proposed project would provide 104 parking spaces where 110 are required. All units would have a minimum of 1 covered garage space (2 units benefit from 2-car garages). The provided parking is short 6 stalls of uncovered parking or approximately 10% of uncovered spaces or 6% of total spaces. The applicant has proposed an option for three overflow stalls along

the curb between the back two buildings that would provide for a total of 107 on site spaces

- **Landscaping and Tree Preservation**

The existing industrial site has very few trees. A tree inventory was prepared for the project by Hort Science (10/29/2012). Seven trees were evaluated. Only one tree is large enough to qualify as a “protected tree” under the City of Sunnyvale tree protection code. This tree is not proposed to be removed. A tree protection plan will be required as a condition of approval for this project.

As a result of redevelopment of the site a landscape and irrigation plan is required to be approved as a condition of approval. The draft landscape plan indicates an abundant planting plan that meets the City’s water efficient landscape code that also includes a total of 92 new trees including new street trees, 18 24-inch box sized Coast Redwood trees. The landscape plan meets the City’s requirement for parking lot shading.

- **Green Building Requirements**

The applicant has submitted a draft Green Building Program checklist and has targeted 107 points. The project is required to achieve 80 points verified by a Green Building rater. The applicant is not requesting any incentives related to the Green Building requirements.

- **Easements and Utilities**

The applicant completed a detailed boundary and topographic survey as part of the project application. The site is encumbered by a utility easement along the west side of the property (where the main drive aisle is located) that dictated that buildings be placed closer to the east side of the property.

It was also discovered that the existing 66 inch public storm drain line is located outside of the Persian Drive public right-of-way and public utility easement and encroaches approximately 2 feet outside the current public utility easement and onto the project site. The applicant completed extensive map research, field surveys and sub-surface exploration to establish the precise location of the encroaching pipe. Planning and Public Works staff concurred that the pipe encroaches onto the private property. The cost estimate to relocate the pipe was \$200,000- \$300,000 to the City. Staff concluded that the pipe relocation would not be a prudent expenditure of public funds and that a combination of a revised building layout and new, expanded easements could accommodate the pipe in the current location. The applicant has agreed on this solution to let the pipe stay on private property.

The site plan now reflects revised building locations, wall details, sidewalk designs and planting spacing that allows for the pipe to remain in the current location. The public utility easement will be widened by 2 feet and a

new 3 foot wide public construction easement will be established to allow any and all maintenance of the pipe in its current location. All of these amended easements are shown on the current plans and will be reflected on the final map for the project.

- **Trash and Recycling Access**

The proposed residential condominium project is proposing to incorporate two centralized solid waste enclosures along the main drive aisle.

Staff supports the project deviations due to the applicant's creative site-specific plan that creates other beneficial aspects of the project. In addition to quality architecture, the project has been designed in conformance with the General Plan goal of 75% allowable density and would be providing ownership flats - a unique residential project in this current market. This has been achieved despite limitations of on-site utility easements.

The project site is also part of a transit village with walkable access to transit and local commercial services as well as close proximity to major job centers. The applicant is also completing the public frontage of the project in accordance with the pedestrian and bicycle plan for the area and has agreed to a public utility and construction easement solution on the site frontage that is beneficial to the City. The project incorporates environmental mitigation that creates an environment suitable for residential development in accordance with the City's General Plan including soil contamination remediation, an attractive sound wall along the streetscape and significantly sized trees to help sequester air quality contaminants from SR 237.

### **Environmental Review**

An Initial Study has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. The initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures for noise, on site isolated soil contamination and indoor and exterior air quality. A Mitigated Negative Declaration has been prepared for adoption. (Initial Study, Attachment E)

### **FISCAL IMPACT**

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No fiscal impacts other than normal fees and taxes. Fees include Park In-lieu, Traffic Impact Fee, and Sense of Place fees. (for estimates see Conditions of Approval, Attachment D).

### **PUBLIC CONTACT**

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The applicant conducted 4 neighborhood outreach meetings and also conducted several in-person meetings with members of the public that requested them.

<b>Notice of Mitigated Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 120 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li></ul>

## **CONCLUSION**

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**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.

## **ALTERNATIVES**

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

**RECOMMENDATION**

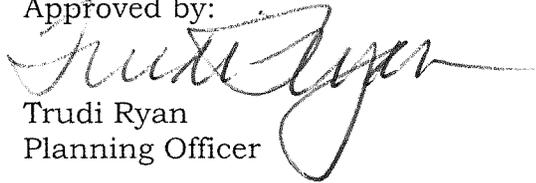
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Alternative 1 in accordance with the Findings in Attachment C and Conditions of Approval in Attachment D.

Prepared by:

Gerri Caruso  
Principal Planner

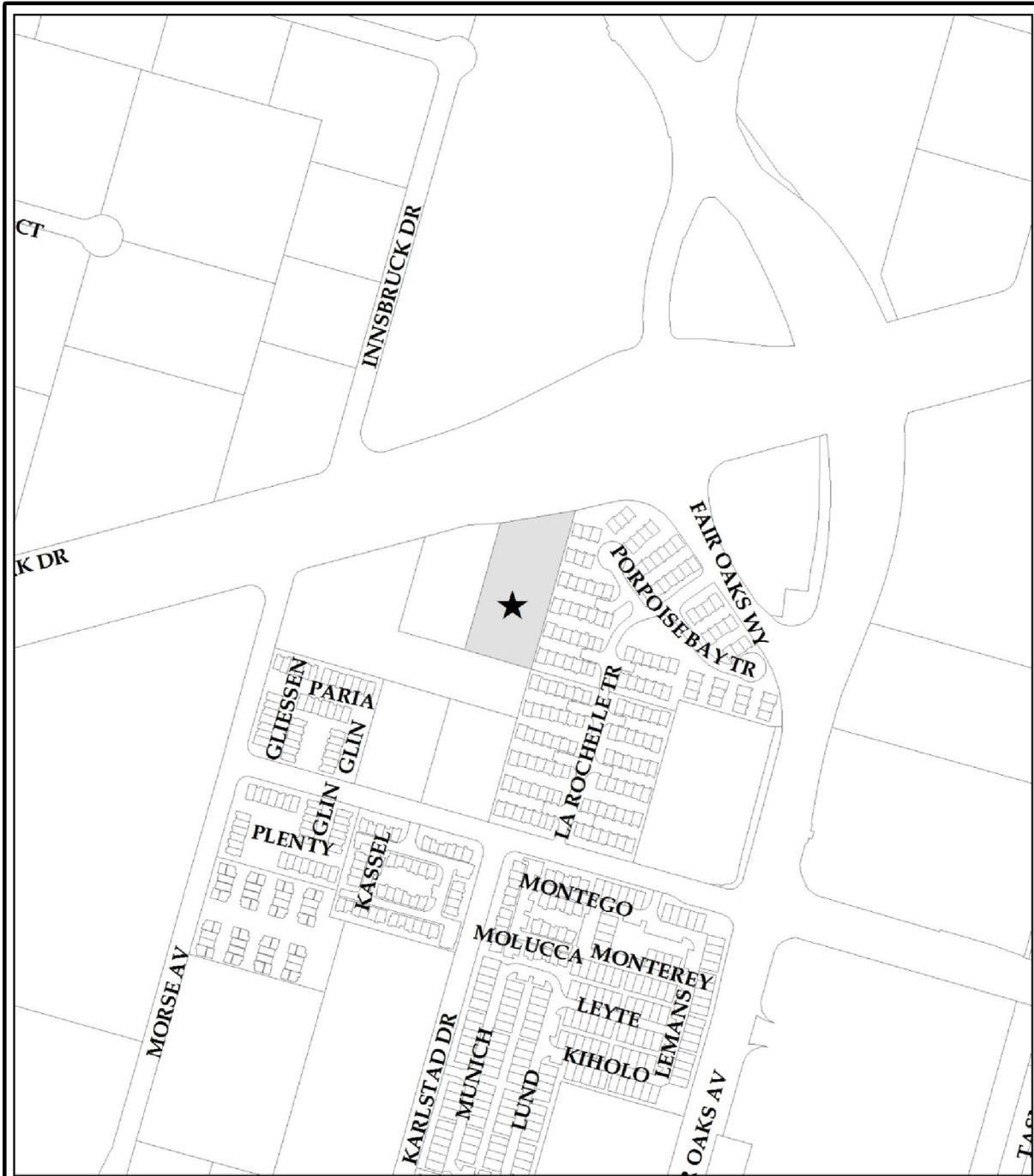
Approved by:

  
Trudi Ryan  
Planning Officer

Attachments:

- A. Vicinity Map
- B. Data Table
- C. Recommended Findings
- D. Recommended Conditions of Approval
- E. Initial Study/Mitigated Negative Declaration
- F. Site and Architectural Plans and Vesting Tentative Map
- G. Letter of support from Hindu Temple

VICINITY MAP



2012-7879

470 Persian Drive (APN: 110-29-041)

Parcel map to subdivide one lot for condominium purposes. 0 4590 180 Feet

Special Development Permit



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial to Residential	Same	Industrial to Residential
<b>Zoning District</b>	MS/ITR/R-4/PD	Same	MS/ITR/R-4/PD
<b>Lot Size (s.f.)</b>	78,153 gross 76,238 net after dedication	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	23,961	30,056	No maximum
<b>Floor Area Ratio (FAR)</b>	31%	N/A	No Maximum
<b>No. of Units</b>	N/A	47	62 max. based on net lot area
<b>Density (units/acre)</b>	N/A	27.5 du/ac	36 du/ac max.
<b>Meets 75% min?</b>	N/A	Yes	47 min.
<b>Bedrooms/Unit</b>	N/A		---
<b>Unit Sizes (s.f.)</b>	N/A	991-1219	N/A
<b>Lockable Storage/Unit</b>	N/A	300 cu. ft.	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	1	5	---
<b>Distance Between Buildings</b>	N/A	20-26 ft.	26 ft. at third story min.
<b>Building Height (ft.)</b>	Approx. 20	40	55 max.
<b>No. of Stories</b>	1	3	4 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front (ft.)</b>	12	8.2 – 30.6	20 min.
<b>Left Side (ft.)</b>	12	9	15 min.
<b>Right Side (ft.)</b>	63	57	15 min.
<b>Rear (ft.)</b>	178	20	48 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	2,104	17,669	14,900 min.
<b>Landscaping/Unit</b>	N/A	435	375 min.
<b>Usable Open Space/Unit</b>	N/A	432	380 min. (80 s.f. must be private usable open space)
<b>Frontage Width (ft.)</b>	N/A	8.2-30.6	15 ft. min.
<b>Parking Lot Area Shading (%)</b>	N/A	50%	50% min. in 15 years
<b>Water Conserving Plants (%)</b>	N/A	17% med. Water use plants & 83% low water use plants	25% lawn & 80% low water plants



	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>Parking</b>			
★ <b>Total Spaces</b>	N/A	104	110 min.
<b>Standard Spaces</b>	N/A	52	min.
<b>Compact Spaces/ % of Total</b>	N/A	0	35% max.
<b>Accessible Spaces</b>	N/A	3	Per Building code
<b>Covered Spaces</b>	N/A	49	47 min.
<b>Aisle Width (ft.)</b>	N/A	24 - 26	24-26 min.
<b>Bicycle Parking</b>	0	14	12 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## RECOMMENDED FINDINGS

### **Special Development Permit**

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Goals and Policies that relate to this project are:

#### **Land Use and Transportation Chapter**

##### **Goal LT-3: Appropriate Mix of Housing**

Ensure ownership and rental housing options in terms of style, size and density that are appropriate and contribute positively to the surrounding area.

##### **Policy LT-3.2**

Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

##### **Policy LT-3.4**

Determine appropriate density for housing based on site planning opportunities and proximity to services.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is in compliance with the purpose and intent of the M-S/ITR/R4-PD Zoning District. The Citywide Design Guidelines have generally been met. Requested code deviations are reasonable. There are no impacts to adjacent lots and environmental impacts can be mitigated.

The project provides opportunities for ownership housing in a pedestrian and transit oriented neighborhood and is designed to take advantage of these neighborhood characteristics with walkable access to transit and local commercial services as well as being in close proximity to major job centers.

The applicant is also completing the public frontage of the project in accordance with the pedestrian and bicycle plan for the area and has agreed to a public utility and construction easement solution on the site frontage that is beneficial to the City.

The project incorporates environmental mitigation that creates an environment suitable for residential development in accordance with the City's General Plan including soil contamination remediation, an attractive sound wall along the streetscape and significantly sized trees to help sequester air quality contaminants from SR 237.

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 the orderly development of, or the existing uses being made of, adjacent properties. The area is an adopted ITR transitional area. Other properties in the vicinity have similarly transitioned over time to residential use. Requested code deviations for yards and parking are reasonable and do not negatively affect adjacent properties. Environmental impacts can be mitigated.

### **Vesting Tentative Condominium 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 Tentative Map is in conformance with the General 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 Findings 1-8 and recommends approval of the Vesting Tentative Condominium 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 JUNE 10, 2013

### Planning Application 2012-7879

470 Persian Drive  
Special Development Permit for 47 dwelling units  
Vesting Tentative Map for condominium purposes

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. PREVIOUS USE SUPERSEDED:

Once the residential condominium project is constructed the site shall be considered converted and the previous industrial use shall be null and void with no opportunity for redevelopment. [COA] [PLANNING]

## GC-6. ON-SITE AMENITIES:

Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

## GC-7. BMR UNITS (OWNERSHIP):

The approved project is subject to the City's Below Market Rate (BMR) requirements as set forth in Sunnyvale Municipal Code Chapter 19.66, pursuant to the procedures established in the Administrative Procedures, as may be amended. The project will provide 6 Below Market Rate dwelling units in compliance with the BMR requirements set forth in the SMC and the Administrative Procedures (SMC 19.66.020(c)). [SDR][HOUSING]

## GC-8. TENTATIVE MAP:

This project is subject to, and contingent upon, the approval of a tentative map and recordation of a final map prior to building permit

issuance (SMC 18.38.030). The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. (SMC 18.20)[SDR] [ENGINEERING]

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]

**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 Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-2. BMR STANDARD PERMIT CONDITION:

The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines]

**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. ROOF EQUIPMENT:

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

BP-8. FEES AND BONDS:

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

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **\$23,685**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU - Pay Park In-lieu fees estimated at **\$889,970**, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]
- c) SENSE OF PLACE FEE - Prior to issuance of a building permit, provide a cash contribution towards sense of place improvements at the dollar amount, per unit, established by the Transportation Division and estimated at **\$50,337**. [COA] [PLANNING]

BP-9. 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. [COA] [PLANNING]

BP-10. BMR DEVELOPMENT AGREEMENT:

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

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

## BP-11. 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) Shall be in substantial conformance with draft plans dated 3/29/2013.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- e) Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- f) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- g) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas. [COA] [PLANNING]

## BP-12. 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-13. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.

- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-14. 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-15. 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-16. 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-17. CITY STREET TREES:

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

BP-18. CITY STREET TREES (SUBDIVISION):

At the expense of the subdivider, 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-19. 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-20. 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-21. LIGHTING POLE HEIGHTS:

Pole heights shall not to exceed 8 feet. [COA] [PLANNING]

BP-22. LIGHTING SPACING:

Installation of lights at a minimum of 50 feet intervals along all private streets. [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 that 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. BICYCLE SPACES:

Provide 11 of secured Class I bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

BP-26. NOISE REDUCTION:

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

## BP-27. GENERAL PUBLIC WORKS CONDITIONS

- a) The developer shall execute a Subdivision Agreement and post surety bonds and/or cash deposits for all proposed public and/or private improvements prior to any permit issuance.
- b) The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance. (SMC 18.16)
- c) The developer is required to install all public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works. (SMC 18.08)
- d) All public improvements shall be installed per City's design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless otherwise approved by the Director of Public Works. (SMC 18.12)
- e) All public improvement plans shall be submitted to and be approved by the Department of Public Works. (SMC 13.08.60)
- f) Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works.
- g) The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the park strip area, caused by the development. (SMC 18.20.250)
- h) All utility companies shall be contacted to establish appropriate easements to provide services to each lot.
- i) The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.

- j) All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- k) No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.
- l) This project shall not cause any negative impact on the drainage pattern for adjacent properties. (SMC 18.12.110 (e))
- m) Adequate drainage/erosion control shall be provided at all times during each phase of the development. (Storm Water Management Plan (SWMP), BMP's)
- n) Provide a SWMP that including 3rd party (city approved) certification.
- o) Final approved public improvement plans shall be prepared on 24"x36", 4 mil mylars.
- p) Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to occupancy release. (SMC 13.08.160 [COA] [PUBLIC WORKS])

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

- EP-1. ENCROACHMENT PERMIT:  
Obtain public works encroachment permit for improvements within the public right-of-way. [COA][PUBLIC WORKS]
- EP-2. SIGNING AND STRIPING PLANSAMPLE:  
Submit a signing and striping plan (showing existing and proposed) with the off-site improvement plans for review and approval. The developer is responsible to replace any damaged traffic control devices caused by the project. New pavement markings must be installed in thermo plastic and follow the provisions of the 2012 CA MUTCD. [COA][PUBLIC WORKS]

## EP-3. TRAFFIC CONTROL PLAN:

Submit a traffic control plan with the off-site improvement plans for review and approval. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA][PUBLIC WORKS]

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

## TM-1. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&amp;RS) (DRAFT REVIEW):

Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. Four (4) sets of the CC&Rs 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 # 2013-7879, 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 park strip landscaping in perpetuity along the public street fronting the project site.

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- ii) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
  - iii) 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
  - iv) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management. (SMC 12.60.200)
- 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.
  - v) 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.
  - vi) 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.
  - vii) 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.

viii) 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.

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

TM-2. HOA CREATION:

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

TM-3. HOA TRANSFER:

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

TM-4. COMMON LOT:

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

TM-5. PUBLIC RIGHT OF WAY IMPROVEMENTS:

- a) Install an 8' sidewalk, street lights and city trees in tree wells at the spacing requirements of the Tasman/Fair Oaks Area Pedestrian &

- Bicycle Circulation Plan. Street trees shall be minimum 24" box or 15 gallon size. Tree species to be provided to applicant.
- b) Remove existing driveway approach and install new driveway approach to comply with ADA requirements as per city detail 5C-5.
  - c) As per Council Policy 3.1.2, provide a public domestic master water meter (placed in the public right-of-way) entering the complex, a separate public irrigation water meter (placed in the public right-of-way) and separate individual private water meters for each building.
  - d) Remove the below ground fire double-check detector assembly and install any required fire double-check detector assembly per detail 21B.
  - e) Provide a separate street lighting plan as part of the improvement plans. Remove and replace street light conduits and conductors along the property frontage. New conduits, pullboxes, LED fixtures and conductors are required. Provide a table showing the loading analysis including the identified size of the new conduits.
  - f) Design the utilities so the existing overhead lines on the joint poles along the property frontage are undergrounded.
  - g) Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map or prior to occupancy. (SMC 18.16.010 (c), Subdivision Map Act §66475 and §66499.20-1/2 for public easements. Quitclaim Deed is required for abandonment of private easements). No permanent structures are allowed within any of the easement limits. [SDR] [PUBLIC WORKS]

TM-6. ON SITE SYSTEMS:

All proposed on-site drainage and sanitary sewer systems shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter. (SMC 12.24.080(c)) [SDR] [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. HISTORICAL AND CULTURAL RESOURCES

a) After demolition of the existing building and prior to any site scraping or grading, a qualified archaeologist shall conduct further archival and field study to identify cultural resources, including a good-faith effort to identify buried archaeological deposits. Further study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources.

b) In the event that subsurface cultural resources are encountered prior to or during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls, structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. 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.
- c) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].
- d) Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.[MITIGATION]

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

PF-1. LANDSCAPING AND IRRIGATION:

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

PF-2. COMPACT SPACES:

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

PF-3. PARKING LOT STRIPING:

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

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

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

PF-5. HOA ESTABLISHMENT:

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

PF-6. MITIGATION MEASURES:

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

Interior Noise

- a) Provide full window assemblies (glass and frame) with exterior wall equivalent to stucco over plywood sheathing, 2 x 4 or 2 x 6 wood studs with batt insulation in stud cavities and at least one layer of gypsum board on the interior side (approximately STC 45.) to meet California Code of Regulations interior noise standard of 45 dBA CNEL/Ldn for multi-family residential buildings. The final design, including STC ratings, must be reviewed by an acoustical consultant prior to construction.
- b) Where windows need to be closed to meet the interior noise standard, the California Building Code requires a ventilation or air conditioning system to provide a habitable interior environment. This will be addressed by ducting outside air to fan coil units. The project mechanical engineer must confirm this requirement will be met during the design phase. [MITIGATION]

## PF-7. AIR QUALITY

Incorporate Project Design Features as outlined in Environ (3/1/2013) and as depicted on the detail design plans. These mitigation measures shall be included on the plans submitted for Building Permit review and incorporated into the project at construction. [MITIGATION]

## PF-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]

## PF-9. HAZARDS AND HAZARDOUS MATERIAL

Carry out an approved Response Plan approved by DTSC. Condition will be applicable prior to application for any demolition, site grading or construction permit and completed in accordance with the DTSC direction prior to construction of the proposed residential project. [MITIGATION]

**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. 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-3. PARKING MANAGEMENT:

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

- AT-4. UNENCLOSED STORAGE (PROHIBITED):  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-5. 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-6. PARKING LOT MAINTENANCE:  
The parking lot shall be maintained as follows:
- a) Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
  - b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  - c) Maintain all parking lot striping and marking.
  - d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and/or patrons. [COA] [PLANNING]
- AT-7. RECREATIONAL VEHICLE STORAGE PROHIBITED:  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-8. 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-9. 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-10. 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-11. BMP RIGHT OF ENTRY:

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



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

**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 **Parcel Map** filed by **Padus Group, LLC**.

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

**FILE #:** 2012-7879  
**Location:** 470 Persian Drive (APN: 110-29-041)  
**Proposed Project:** Parcel map to subdivide one lot for condominium purposes.  
Special Development Permit to allow redevelopment of an industrial site with 47 residential condominium units.  
**Applicant / Owner:** Padus Group, LLC. / Verne B Jr La Fountain et al  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Gerri Caruso, (408) 730-7591, gcaruso@sunnyvale.ca.gov

**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, June 10, 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:**

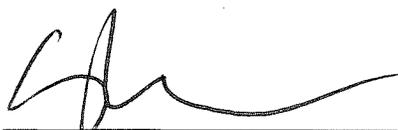
A public hearing on the project is scheduled for:

**Monday, June 10, 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: May 20, 2013

Signed:   
Shaun Mendrin, Principal Planner

Project Title	Padus Group, LLC 470 Persian Drive 47Residential Condominiums
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Gerri Caruso
Phone Number	408-730-7591
Project Location	City-wide
Applicant's Name	Padus Group, LLC
Project Address	470 Persian Drive Sunnyvale, CA 94088
Zoning	MS/ITR-R4-PD
General Plan	Industrial to Residential High Density Residential
Other Public Agencies whose approval is required	None

**BACKGROUND:**

The site was a former agricultural use from approximately 1900 until the 1970s. The site was developed with a light industrial use around 1973 and was occupied by various manufacturing and industrial companies up to 2011.

**SURROUNDING USES AND SETTING:**

The site is located adjacent to residential townhouses on the east side, a light industrial building on the west side and a parking lot for a local religious institution on the south side. The area is a zoned as a transitional area that allows industrial uses to transition to medium and high-density residential uses.

**PROJECT DESCRIPTION:**

The proposed project consists of demolition of an industrial building and construct residential condominium flats with related parking, landscaping and street frontage improvements. The project includes consideration of a Vesting Tentative Condominium map to create 47 residential condominium dwelling units and common area.

**CONSTRUCTION ACTIVITIES AND SCHEDULE:**

Construction of the project will take approximately 18 months. Standard grading and construction methods will be used for this above-ground project. There is no excavation for basements or parking structures.

The project will include completion of a Response Plan approved by the Department of Toxic Substance Control (DTSC) to remedy levels of volatile organic compounds (VOCs) that are present in soil gases at concentrations above residential screening levels near the former chemical storage, handling and use area,

and along storm drains on the site. A draft Response Plan has been reviewed and tentatively approved by DTSC. Remediation will likely include excavation of contaminated soils and on-site aeration.

Off-site Improvements: Improvements to the City right-of-way are required to create sidewalks and amenities that address the adopted details of the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan.

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

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

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

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

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

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Checklist Preparer: Gerri Caruso

Date: 5/14/2013

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Title: Principal Planner

City of Sunnyvale

Signature:



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Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Community Character and Land Use Chapters of the Sunnyvale General Plan <a href="http://generalplan.InSunnyvale.com">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 type="checkbox"/>	<input checked="" type="checkbox"/>	General Plan Map, Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
5. Population and Housing -Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element, Land Use and Transportation Chapter of the Sunnyvale General Plan and General Plan Map <a href="http://generalplan.InSunnyvale.com">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"/>	Housing Sub-Element <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
8. Land Use Planning conflict - With the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Title 19 (Zoning) of the Sunnyvale Municipal Code <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>  <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a>
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					<a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a>
10. For a project located the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Moffett Field Air Installations Compatible Use Zones (AICUZ), Sunnyvale Zoning Map, Sunnyvale General Plan Map  Santa Clara County Comprehensive Land Use Plan for Moffett Field  <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
11. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Air Installations Compatible Use Zones (AICUZ) Study Map  Santa Clara County Comprehensive Land Use Plan for Moffett Field
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 Safety and Noise Chapter of the General Plan, 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"/>	Project Environmental Noise Assessment (Salter 02/12/13) Safety and Noise Chapter of the Sunnyvale General Plan, SMC <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 19.42 Noise Ordinance <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a>
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map <a href="http://generalplan.InSunnyvale.com">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
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 Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
20. Biological Resources -Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Arborist Report, Hort Science 10/29/12
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 Land Use and Transportation Chapter of the Sunnyvale General Plan, General Plan Map <a href="http://generalplan.InSunnyvale.com">generalplan.InSunnyvale.com</a>
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description Community Character Chapter of the Sunnyvale General Plan, Sunnyvale Inventory or Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project description.
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the	<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

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?					District, Cupertino Union School District and Santa Clara Unified School District. See Further Discussion for information about school impacts below.
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Environmental Management Chapter of the General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines
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
28. Air Quality -Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Environmental Management Chapter of the General Plan
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Environmental Management Chapter of the General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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 2011 Sunnyvale Environmental Management Chapter of the General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
substantial evidence of a known fault?					
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

#### #14 Noise Exposure: Less Than Significant With Mitigation

**Exterior Noise:** Regarding the future noise environment in the project vicinity, with continued compliance with the City's Municipal Code requirements, substantial increases in nearby stationary source noise levels and contribution to projected future onsite noise levels are not anticipated to occur.

The City of Sunnyvale General Plan considers noise levels up to 60 (LDN, CNEL, dBA) to be normally acceptable for residential exterior areas. Noise levels of 61-75 dBA Ldn are considered "conditionally acceptable." Outdoor sports and recreation areas, neighborhood parks and playgrounds are considered "normally acceptable" up to 65 dBA Ldn and "conditionally acceptable" up to 80 dBA Ldn.

An Environmental Noise Assessment was prepared for the project by Charles M. Salter Associates, Inc. (2/14/2013). As reported in the project noise analysis, predicted future exterior noise levels in exterior open space areas of the project would exceed the City's "normally acceptable" exterior noise criteria of a maximum of 60 dBA CNEL/Ldn and would be considered "conditionally acceptable."

The City of Sunnyvale General Plan contains discussion and a policy supporting efforts to meet "normally acceptable" noise exposure in the usable open space of residential projects. The state Noise Guidelines indicate that all residential land uses with exterior noise levels of 60-75 dBA Ldn are "conditionally acceptable." Although not a required standard, the City has applied this limit in plans and projects with conditions of approval in an attempt to achieve a 60 dBA Ldn for backyards, large balconies and common exterior recreation areas.

This site was designated as a future residential use as part of the Futures Study in 1993. The Future Study EIR states this area (Future site 7) acknowledged that the entire area is exposed to noise levels in excess of Ldn of 60 dB due to traffic noise from SR 237 and 101. A mitigation of the Futures EIR 3.6A.1D states – *Supplement noise standards for residential uses by attempting to achieve an outdoor Ldn of 60 dB for common recreation areas, backyards, patios, medium and large size balconies and sitting areas of small balconies. The standard does not apply where the noise source is a railroad or airport.*

The project includes common outdoor use spaces via landscaped areas between buildings and in the northern portion of the site along Persian Drive, and on shared WiFi decks located on the second and third floors. Noise levels in these spaces will vary depending on the location and orientation on site.

Due to the project's location adjacent to SR 237 the project site exceeds the normally acceptable levels of 60 dBA for lower level patios and upper floor balconies as well as most common open space areas except in some interior courtyard areas between the rear buildings (Figure 1, Salter). Highest exterior noise levels are

experienced on the north end of the site adjacent to SR 237 where the exterior noise levels are expected to reach 75 dB. Noise levels get progressively lower as one moves away from the highway towards the south end of the project where noise levels reach between 60-71 dB.

The applicant has collectively provided usable open space using balconies, patios, and common areas. Areas that exceed the exterior noise levels are included in the required open space. The following features will be incorporated into the project design to attempt to achieve the City's exterior noise goal. While the goal will not ultimately be achieved, noise levels in outdoor use spaces will fall into the City's conditionally acceptable category for residential uses.

1. A 10-foot tall noise barrier along Persian Drive (Figure 1, Salter) will reduce estimated traffic noise to approximately 68 dB for seated residents in this portion of the site.
2. 42-inch tall solid noise barriers at the elevated WiFi decks along Persian Drive will reduce estimated traffic noise to DNL 70-72 dB for seated residents.
3. In other common outdoor use spaces, estimated traffic noise is on the order of DNL 60 to 65 dB, depending on the distance to, and shielding from, Persian Drive and SR 237. Because the proposed buildings will already shield residents from the adjacent roadways, additional noise barriers would have little, if any, effect.
4. Effective noise barriers must be solid from bottom to top with no cracks or gaps, and with a minimum surface density of approximately three pound per square foot. Details should be determined during the design phase and reviewed by an acoustical consultant prior to construction.

The development of this project helps complete the transition of an adopted ITR area and poses a trade-off between environmental noise levels and desirable residential in proximity to a light rail station and a local job center (Moffett Park). In the case of this project a "conditionally acceptable " noise level for exterior open space can be met.

The City's General Plan noise guidelines are not a required standard; therefore no environmental mitigation is required. However, the proposed design features discussed above will be included as conditions of approval of the project as best practices.

**Interior Noise:** The City of Sunnyvale General Plan does not identify interior noise standards for residential uses. Title 24 of the California Code of Regulations establishes a maximum interior noise level of 45 dBA CNEL/Ldn for multi-family residential buildings.

An Environmental Noise Assessment was prepared for the project by Charles M. Salter Associates, Inc. (2/14/2013). Figure 2 in the Assessment provides window and door sound insulation ratings intended to reduce traffic noise to DNL 45 dB indoors. It is important to note that these STC ratings are for full window assemblies (glass and frame) rather than just the glass itself. Laboratory-tested sound-rated assemblies from an NVLAP accredited lab should be used. Recommended mitigation measures will create a projected noise level range to meet Title 24 required levels for interior noise.

Where windows need to be closed to meet the interior noise standard, the California Building Code requires a ventilation or air conditioning system to provide a habitable interior environment. This will be addressed by ducting outside air to fan coil units. The project mechanical engineer must confirm this requirement will be met during the design phase.

These mitigation measures will reduce the interior noise impact to a less than significant level.

#### MITIGATION

**WHAT:** Provide full window assemblies (glass and frame) with exterior wall equivalent to stucco over plywood sheathing, 2 x 4 or 2 x 6 wood studs with batt insulation in stud cavities and at least one layer of gypsum board on the interior side (approximately STC 45.) to meet California Code of Regulations interior noise standard of 45 dBA CNEL/Ldn for multi-family residential buildings.

WHEN: This mitigation should be incorporated into the plans submitted for Building Permit approval and completed during project construction. The final design, including STC ratings, must be reviewed by an acoustical consultant prior to construction.

WHO: This mitigation measure is the responsibility of the applicant or any future project developer or site owner.

HOW: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved.

#### MITIGATION

WHAT: Where windows need to be closed to meet the interior noise standard, the California Building Code requires a ventilation or air conditioning system to provide a habitable interior environment. This will be addressed by ducting outside air to fan coil units.

WHEN: This mitigation should be incorporated into the plans submitted for Building Permit approval and completed during project construction. The project mechanical engineer must confirm this requirement will be met during the design phase.

WHO: This mitigation measure is the responsibility of the applicant or any future project developer or site owner.

HOW: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Condominium Map prior to final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved.

#### **#22 & #23 Historic and Cultural Resources: Less Than Significant With Mitigation**

Neither the site nor the existing building is on the City of Sunnyvale list of Heritage Resources; however, based on the history of Sunnyvale, there is a moderate possibility of identifying Native American archaeological resources and a low possibility of identifying historic period archaeological resources in the project area. Note the term cultural resources includes archaeological resources and historical buildings and/or structures.

#### MITIGATION

WHAT:

1. After demolition of the existing building and prior to any site scraping or grading, a qualified archaeologist shall conduct further archival and field study to identify cultural resources, including a good-faith effort to identify buried archaeological deposits. Further study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources.
2. In the event that subsurface cultural resources are encountered prior to or during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls, structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the

archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
  - Incorporating the site within a park, green space, or other open space element;
  - Covering the site with a layer of chemically stable soil; or
  - Deeding the site into a permanent conservation easement.
3. When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].
4. Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

WHEN: Condition will be applicable during the Building plan check period and during demolition, grading and construction of the project.

WHO: This mitigation measure is the responsibility of the applicant or any future project developer or site owner.

HOW: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved.

#### **#25 & #30 Air Quality: Less Than Significant With Mitigation**

Environ International Corp. prepared a Screening Level Evaluation for Roadway and Stationary Source Impacts for the proposed project (Environ 3/1/2013) as well as a cumulative screening analysis. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines were utilized for this analysis. In the Guidelines, BAAQMD established thresholds of significance for both single and cumulative sources. The screening evaluation also evaluated the efficacy of proposed project design features (PDFs) for reducing roadway and stationary source impacts below threshold criteria. The following proposed PDFs have been incorporated into the detailed design plans submitted for City entitlements review:

- Vegetative barriers along Persian Drive frontage;
- Merve-13 air filters on both the air intake and recirculation of the buildings;
- Air intake installed on the backs of buildings away from SR 237 at the second story or above for the unit on the first floor of the 7-plex building complex.

The screening analysis determined that the air quality impacts from SR 237 result in an exceedance of the single source thresholds of significance for both lifetime excess cancer risk (>10 in a million) and PM<sub>2.5</sub> concentration (>0.3ug/m<sup>3</sup>) without incorporating the PDFs. However, with implementation of the PDFs including the vegetative barriers on the Persian Drive frontage, building filtration system (MERV -13 air filters) requirements for the Project site, and air intake location, the impacts can be reduced to levels below the thresholds. In addition, the cumulative screening level cancer risks and PM<sub>2.5</sub> concentrations at any Project residential unit from the roadways and

stationary sources were determined to be well below the cumulative source thresholds without the proposed PDFs. The PDFs reduce the impact to a less than significant level.

#### MITIGATION

**WHAT:** Incorporate Project Design Features as outlined in Environ (3/1/2013) and as depicted on the detail design plans.

**WHEN:** These mitigation measures shall be included on the plans submitted for Building Permit review and incorporated into the project at construction.

**WHO:** This mitigation measure is the responsibility of the applicant or any future project developer or site owner.

**HOW:** These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Condominium Map prior to final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved

#### FURTHER DISCUSSION

**#20 Biological Resources:** A tree Inventory was prepared for the project by Hort Science (10/29/2012). Seven trees were evaluated. Only one tree is qualified as a "protected tree" under the City of Sunnyvale tree protection code. This tree is not proposed to be removed. A tree protection plan will be required as a condition of approval for this project.

**#24 Public Services:** 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.

**#27 & #28 Air Quality:** Construction /Greenhouse gases – The BAAQMD CEQA Guidelines (2011) provide project level screening criteria for criteria air pollutants and precursors and GHG. Based on Table 3-1 of the Guidelines the proposed 47-unit condominium project does not meet the project screening level size for GHG or construction pollution.

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

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 05/17/2013

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 nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
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"/>	Project Description
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
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"/>	Project Description
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description
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"/>	Project Description

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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"/>	Project Description

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 05/17/2013

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
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
46. Geology and Soils -Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual
47. Geology and Soils -Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code ENGEO Inc. 03/21/2013
48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code ENGEO Inc. 03/21/2013

FURTHER DISCUSSION

**#46-48. Geology and Soils** - The California Building Code contains a series of building code requirements to address safety issues regarding seismic shaking, flooding, and soil types. In addition, Title 16.62 of the Sunnyvale Municipal Code requires a series of measures for provisions to reduce flood-related hazards to buildings. These standards are suggested by the Federal Emergency Management Agency and required by code by the City of Sunnyvale. These standards must be met for a building permit to be issued.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 05/17/2013

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.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
50. Utilities and Service Systems: Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Environmental Management Chapter of the Sunnyvale General Plan <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.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.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.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.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
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects
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.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description

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.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 05/17/2013

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project description Draft Response Plan: Erler & Kalinowski, Inc. May 2012
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Response Plan: Erler & Kalinowski, Inc. May 2012
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map Note: No schools are located within one-quarter mile of the project site.
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"/>	Draft Response Plan: Erler & Kalinowski, Inc. May 2012
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

**#64- #67: Hazards and Hazardous Material: Less than Significant with Mitigation**

The Department of Toxic Substances Control (DTSC) has notified the City of Sunnyvale of its intent to enter into an agreement under the California Land Reuse and Revitalization Act of 2004 (CLRRRA) with the Padus Group, INC. (applicant) for the project site at 470 Persian Drive in Sunnyvale. The agreement provides Padus Group, Inc. with immunity from liability for certain hazardous materials response costs and damage claims. Under the agreement, Padus Group, Inc. has prepared a site assessment and a draft response plan (Erler & Kalinowski, Inc. May 2013). The DTSC is proposing to approve a Response Plan pursuant to authority granted under Chapter 6.82, Division 20, California Health and Safety Code. The objective of the Response Plan is to protect human health and the environment by remediating the contaminated soil on the project site.

Environmental investigation performed at the project site indicates that portions of the shallow soils contain residual pesticides from historic farming activities and that soil gas in certain areas impacted with volatile organic compounds (VOC) associated with former industrial activities. These investigations are documented in the Phase I Environmental Site Assessment and All Appropriate Inquires Report (AAIESA) for the site (ERLER & Kalinowski, Inc. 2012).

Remediation would consist of excavation of approximately 3,600 cubic yards of soil from the area where soil gas is present above the cleanup levels identified in the Draft response Plan. Excavation would be up to 10 feet below ground surface. During excavation all measures outlined in this document for protection of Historic and Cultural Resources shall be adhered to. The excavation would take up to 1 week to complete.

The soil would be formed into low profile rows of approximately 12 inches in height for aeration. After aeration, the soil would be stockpiled on the eastern portion of the site for reuse. The aeration is expected to take up to 2 weeks to complete.

Control measures including a Dust Control Plan and an Air Perimeter Monitoring Plan are included with the Draft Response plan to insure that dust and vapors are controlled during cleanup and to ensure public safety. A decontamination Plan is included to ensure that contamination does not leave the site through vehicles and workers. A Storm Water Pollution Prevention Plan would be in effect during the cleanup to prevent rain water from coming into contact with contaminated soils, and Best Management Practices would be followed.

With implementation of the project control measures, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions throughout the duration of the cleanup. Any accident would be addressed with immediate emergency procedures, and possible halting of work, and would not pose an immediate danger to the public or environment.

After remediation of VOCs in soil vapor there will be no unacceptable risks for the residential land use, the remediation construction worker or the on-site maintenance worker since the risk analysis concluded that residual pesticides in soil do not pose a human health risk.

Impacts related to the release of hazardous materials from accident conditions or from long term use of the site for residential use would be less than significant with mitigation.

#### MITIGATION

WHAT: Carry out an approved Response Plan approved by DTSC.

WHEN: Condition will be applicable prior to application for any demolition, site grading or construction permit and completed in accordance with the DTSC direction prior to construction of the proposed residential project.

WHO: This mitigation is the responsibility of the applicant or any future project developer or site owner.

HOW: This mitigation shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Condominium Map prior to final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved.

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 05/17/2013

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan, Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
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"/>	Project Description

Responsible Division: Planning Division

Completed by: Gerri Caruso

Date: 05/17/2013

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### City of Sunnyvale General Plan:

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

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

### City of Sunnyvale Municipal Code:

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

### Specific Plans:

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

### Environmental Impact Reports:

- Futures Study Environmental Impact Report
- Lockheed Site Master Use Permit Environmental Impact Report

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

### Maps:

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

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

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

### 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>

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- The Leaking Underground Petroleum Storage Tank List [www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)
- The Federal EPA Superfund List [www.epa.gov/region9/cleanup/california.html](http://www.epa.gov/region9/cleanup/california.html)
- The Hazardous Waste and Substance Site List [www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)

### Guidelines and Best Management Practices

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

### 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
- Santa Clara County Comprehensive Land Use Plan for Moffett Field

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

**ENVIRONMENTAL SOURCES**

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Initial Study  
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File 2012-7879  
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**OTHER :**

**Project Specific Information**

- Sunnyvale Project Environmental Information Form: Filed 11/09/2012
- Project Development Plans 03/29/2013
- Environmental Noise Assessment: Salter02/14/2013
- Screening Level Evaluation for Roadway and Stationary Source Impacts: Environ 03/01/2013
- Project Draft Storm Water Management Plan 03/29/2013
- Arborist Report/ Tree Inventory: Hortscience 10/29/2012
- Project Tree Preservation Plan
- Project Green Building Checklist 03/29/2013
- Phase I Environmental Site Assessment and All Appropriate Inquires Report: Erler & Kalinowski, Inc. 10/19/2012
- Response Plan: Erler & Kalinowski, Inc. 05/08/2013
- Geotechnical Feasibility Assessment; ENGEO 03/21/2013