



REPORT TO PLANNING COMMISSION

Hearing Date: August 26, 2013

File #: 2013-7272
Location: 698 E. Taylor Avenue (APN: 205-30-003, 023 & 024)
Proposed Project: **Special Development Permit** to allow 49 townhome-style condominium units.
Tentative Map to combine three lots to create 9 lots and 6 common lots for a townhouse development.
(Item continued from August 12, 2013)
Applicant / Owner: Warmington Residential
Environmental Review: Mitigated Negative Declaration (MND)
Staff Contact: Shaunn Mendrin, (408) 730-7429, smendrin@sunnyvale.ca.gov

REPORT IN BRIEF:

Existing Site Conditions Industrial

Surrounding Land Uses

North	Industrial and Residential
South	Industrial
East	East Channel/Residential
West	Residential

Issues Architecture and Neighborhood Compatibility

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

Staff Recommendation Approval with conditions

Planning Commission Continued from August 12, 2013 to August 26, 2013

PROJECT DESCRIPTION

The proposed project is located at 698 E Taylor Avenue (see Attachment A-Map) and consists of demolishing the existing industrial structures and constructing nine new residential buildings to accommodate 49 dwelling units, covered and uncovered parking, landscaping and other associated site improvements.

- **Special Development Permit**

A Special Development Permit (SDP) is required for projects within the PD Combining Zoning District for site and architectural review. An SDP also allows for deviations from Zoning Code requirements in exchange for superior design, environmental preservation or public benefit. In this case the applicant is requesting the following deviations: front setback, distance between buildings, building height, and parking (see Analysis discussion below). The findings for the SDP deviations have been included in the findings in Attachment C.

- **Vesting Tentative Map**

The proposed project requires a Tentative Map to merge three parcels and to create seven residential lots; six common lots for condominium purposes. 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. As indicated on the plans, a total of 49 residential units are proposed for the site. The Vesting Tentative Map vests the developer's right to build the project for the life of the map. It also secures the approved project against future Sunnyvale Municipal Code (SMC) changes by the City that might otherwise affect the project.

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

BACKGROUND

In 2005, the Planning Commission approved a townhouse development located over the applicant's three parcels and it included one additional parcel located on Taylor (to the west of the proposed project). The proposal was for 68 townhouse units. The project was approved but never constructed and the permits expired. The site has a monopole for wireless telecommunications located on one of the parcels, the SMC does not allow telecommunication facilities on land with residential uses. The monopole currently has antennas for Sprint. The applicant has been advised that the existing monopole will need to be removed prior to issuance of any building permits and a Condition of Approval has been included in Attachment D.

File Number	Brief Description	Hearing/Decision	Date
2005-1185	Special Development Permit and Vesting Tentative Map 68 Dwelling Units	Planning Commission/Approved	6/12/2006
1998-0917	Special Development Permit to allow a monopole for telecommunications.	Planning Commission/Approved	6/10/1996

Planning Commission Study Session

On June 10, 2013, the Planning Commission reviewed the proposed project at a Study Session. Staff provided an overview of the project and identified the requested deviations for the project. These included side setback, front setback on both Arques and Taylor, landscape frontage, building separation, building height, and parking. Staff noted that some deviations such as building height and some setbacks are typical with this type of development. The Planning Commission noted that they liked the proposed architecture and that some elements needed minor refinement. They also noted that the applicant should make an effort to reduce the number of deviations and the building separation should be increased. The applicant has provided a description of the project and overview of the changes implemented since the June study session.

Planning Commission Hearing

The project was scheduled for Planning Commission review on August 12, 2013. Prior the hearing the Planning Commission requested additional information from the applicant. This included additional renderings and exhibit and a map of recent development in the area. The applicant indicated that the information would take additional time to compile and on August 12, 2013, the applicant requested a continuance to August 26, 2013. The Planning Commission granted the request continuing the item to the August 26, 2013 meeting with a special start time of 7:00 p.m. Staff has provided the map of the recent development in the area in Attachment H. The exhibits and renderings have been included in the revised plan sets.

ANALYSIS:

Architecture and Site Design

The proposed development will consist of nine buildings with five of the buildings containing six units, three buildings contain five units and one building containing four units. The units will be three and four bedrooms with a minimum of two garage spaces. The proposed architecture is industrial including the use of brick, horizontal siding and stucco. The structures will have a mix of flat, gabled and shallow sloped roofs to break up the massing of the structures. The site plan includes a private road connecting East Arques Avenue to East Taylor Avenue, with guest parking located along the road. The project also includes a small park (picnic area) for the residents.

The buildings have been designed with elements to identify the units on the front façade, with some of those elements carried around to the side and rear of the structures. However, a few of the structures warrant additional refinement to further break up the amount of stucco on the side and rear facades including the use of horizontal siding and brick. Staff has included a condition of approval that requires minor changes on several of the buildings (PS-3).

Development Standards

The proposed development complies with a majority of the applicable development standards as set forth in the Sunnyvale Municipal Code. The Project Data Table (Attachment B) summarizes the proposed project and relationship to applicable zoning standards, with requested code deviations noted below.

- **Setbacks**

The proposed project will merge three parcels together resulting in a through lot having frontage on both East Arques Avenue and East Taylor Avenue. These street frontages are required to have a minimum front setback 15 feet and a 20-foot average. The East Taylor frontage provides an average front setback of 19 feet and the East Arques frontages provide an average front setback of 21 feet. Both frontages meet the 15-foot minimum. For comparison, the City Ventures project to west of the site on Taylor was approved with an average front setback of 19 feet on Taylor and the Classics project to the west of the project site on East Arques was approved with an average front setback of 19 feet. The applicant has made adjustments to bring the side yard setbacks into compliance, since the June Study Session. The proposed front setback average of 19 feet on East Taylor appears to be consistent with the new residential developments in the area.

- **Distance Between Buildings**

The Zoning Code requires a 26-foot separation between buildings. The proposed project now provides an average of 33 feet from building face and 20 feet at the narrowest points between balconies. This is an increase of approximately 10 feet from the June plans reviewed by the Planning Commission. The increase in width was accomplished through a reduction in the driveway widths, using rolled curbs to achieve the needed width. Staff finds that this distance is supportable since the building massing is broken up with varied setbacks and different roof forms.

- **Building Height and Number of Stories**

The proposed buildings will have two and three story components with a maximum height of 37'-6" at both street frontages for buildings 500 and 600. The site slopes up towards the center of the site, which results in the building height of 41'-5" at the highest point for building 604 as measured from the top of curb along Arques Avenue. The finished floor of building 604

will be approximately three feet lower than the adjacent development located on Arques Avenue. If measured at the adjacent grade of building 604, the height would be approximately 37 feet. Generally, the average height of the proposed buildings adjacent to the street is approximately 30 feet. The additional height is the result of the roof forms that provide interest and break up the massing of the structures. Staff is in support of the proposed height since the structures' average heights are compatible with the 35 feet of the adjacent developments.

- **Parking**

The proposed project has been designed to accommodate covered parking or 2 garage spaces per unit. The number of guest parking spaces required for the project is 28 and the applicant provides 27. Based on the requirements of the parking code the project has 125 of the 126 parking spaces required. Eight units (floor plans #10 and #11) provide one additional covered tandem parking space per unit for a total of 8 additional spaces. This brings the total on-site parking up to 133 parking spaces.

Staff has run into problems with past developments that used tandem parking in a manner similar to this and owners wanted to convert part of the extra parking space area to a bedroom. This is prohibited since the sites could not accommodate the additional parking required per bedroom. Staff has included a condition requiring notification in the CC&Rs stating that Unit types 10 and 11 shall provide three covered parking spaces at all times. This will put owners on notice of the requirements.

- **Landscaping and Tree Preservation**

The project is providing more than the required amount of landscape area through the use of the Paseo's between buildings, private balconies and a small picnic area for residents. A tree survey was conducted for the site which evaluated 14 trees on the property and 26 on the adjacent property on Arques Avenue. Of the 14 trees on the subject site, 12 qualify as protected trees. Many of the on-site trees are located in the proposed roadway or within a building footprint. Trees are allowed to be removed through the review of the Special Development Permit. The project will be planting 24-inch box trees at a replacement ratio of 2:1.

- **Sense of Place**

The proposed plans have denoted a pedestrian/bike trail proposed along the west side of the East Channel that was identified in the Fair Oaks Junction Sense of Place Plan. The trail along this section requires further study, refinement and coordination with the Santa Clara Valley Water District (SCVWD). For example, the study would evaluate how the trail entrance would interface on Arques and how the trail would extend between Taylor and Wolfe. A portion of the applicant's Sense of Place fees will cover a feasibility and design study for the trail segment between Arques Avenue and Wolfe Road. The study will look at the trail alignment and coordinate

with the SCVWD and their future channel improvements. The project would be required to pay approximately \$50,000 in Sense of Place fees, with approximately half of this going to the feasibility and design study.

• **Green Building Requirements**

The project is required to achieve 80 Build-it-Green points. The applicant is proposing to achieve 120 points at this stage of the project. As the plans are further refined, the total points may go down slightly but never below the required 80 points.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (Attachment E).

Issues that are considered to have less than significant impacts include population and housing, transportation and traffic, short-term construction noise, historic and cultural resources, geology and soils, and recreation. The initial study included further discussion about noise, air quality, and hazards and hazardous materials, which included mitigation measures. These mitigation measures have been incorporated in the attached conditions of approval at the appropriate states of construction (Attachment D).

FISCAL IMPACT

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

PUBLIC CONTACT

Staff has not received any comments of concern regarding the proposed project.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 368 notices mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website

Neighborhood Meeting

The applicant conducted an Open House meeting on July 18, 2013 and the Fair Oaks Park Recreation Building. The applicant provided architectural renderings and the applicant and project architect were available for questions. Approximately, five residents from adjacent developments on Taylor attended the meeting.

CONCLUSION

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

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map 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

Alternative 1: Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Prepared by:

Shaunn Mendrin
Project Planner

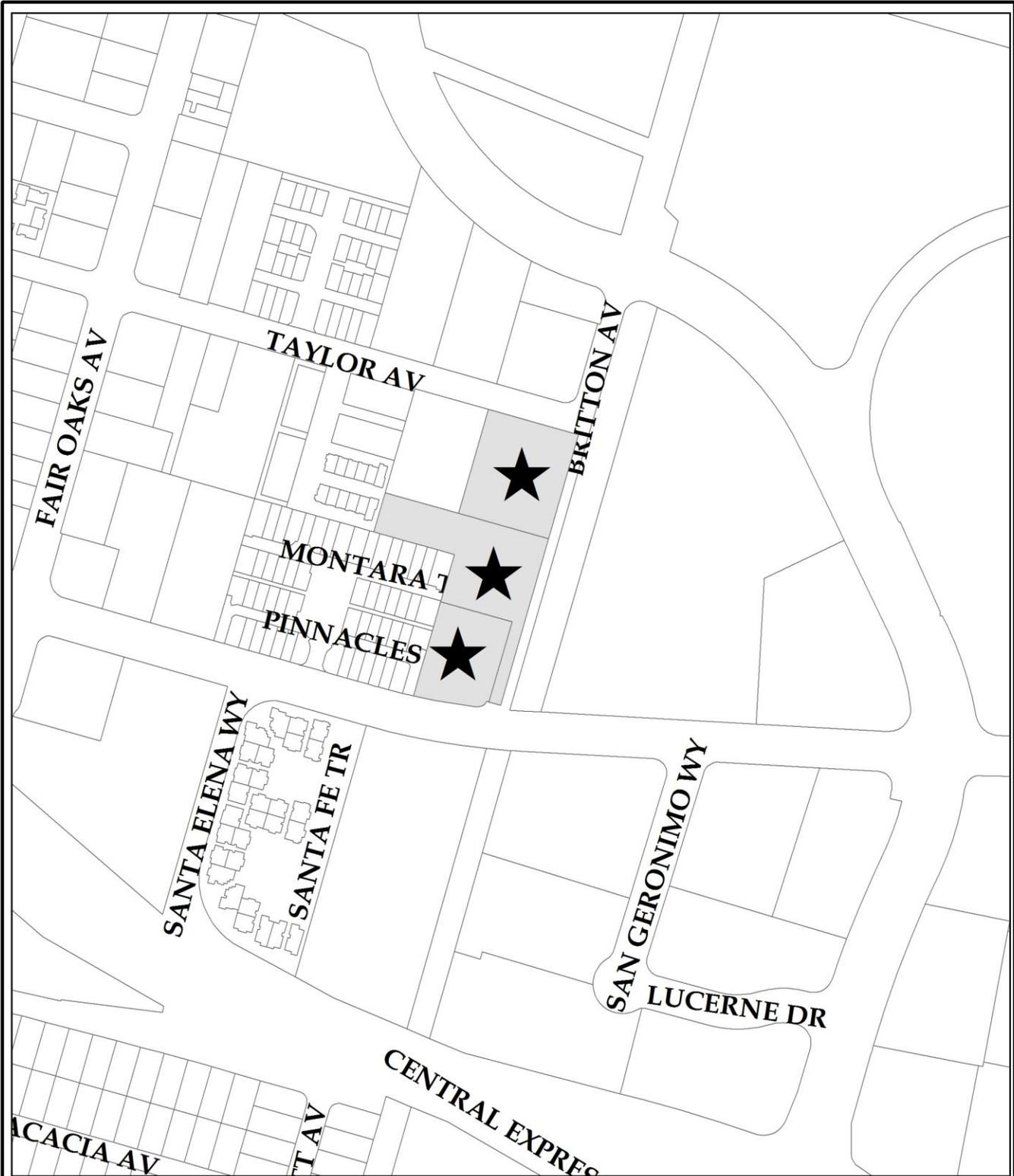
Reviewed by:

Trudi Ryan
Planning Officer

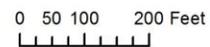
Attachments

- A. Vicinity Map
- B. Data Table
- C. Findings for Approval
- D. Conditions of Approval
- E. Mitigated Negative Declaration
- F. Project Plans
- G. Project Description
- H. Map of Recent Development

VICINITY MAP



2013-7272
698 E Taylor Ave
Tentative Map | Special Development Permit



ATTACHMENT B

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial to Residential/ Medium Density	No Change	Industrial to Residential/ Medium Density
Zoning District	M-S/ITR/R-3/PD	No Change	Same
Lot Size (s.f.)	117,128	No Change	8,000 min.
Gross Floor Area (s.f.)	23,408	47,916	No Max
Lot Coverage (%)	20%	40%	40% max.
No. of Units	N/A	49	64 max.
Density (units/acre)	N/A	18	24 max.
Meets 75% min?	N/A	Yes	48 min.
Bedrooms/Unit	N/A	25 - 3 Bedroom 24 - 4 Bedroom	---
Unit Sizes (s.f.)	N/A	1,462 to 1,935	N/A
Lockable Storage/Unit	N/A	In garages	300 cu. ft. min.
No. of Buildings On-Site	3	9 Residential	---
★ Distance Between Buildings (ft.)	N/A	20 at balconies 33 average	26 min. for 3 story
★ Building Height (ft.)	N/A	41' 5"	35 max.
No. of Stories	N/A	3	3 max.
Setbacks			
★ Front-Taylor (ft.)	N/A	15 min. 19 avg.	15 min. 20 avg.
Right Side (ft.)	N/A	12	12 min.
Left Side (ft.)	N/A	21	15 min.
Front-Arques (ft.)	N/A	15 min. 20 avg.	15 min. 20 avg.
Landscaping (sq. ft.)			
Total Landscaping	N/A	33,614	23,425 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Landscaping/ Unit	N/A	665 per unit	425 min.
Usable Open Space/Unit	N/A	453 per unit	400 min. per unit
Frontage Width (ft.)	N/A	15	15 min.
Landscaping Buffer (ft.)	N/A	15	10 min.
% Based on Parking Lot	N/A	20	20%
Parking Lot Area Shading (%)	N/A	50	50% min. in 15 years
Water Conserving Plants (%)	N/A	80	80% min.
Parking			
★ Total Spaces	N/A	98 Resident <u>27 Guest</u> 125 total <i>(8 additional tandem spaces- 133 total)</i>	98 Resident <u>28 Guest</u> 126 min.
Standard Spaces	N/A	100 % Resident 90% Guest	90% min.
Compact Spaces/ % of Total	N/A	3 Guest Spaces	(10%) max. (unassigned)
Accessible Spaces	N/A	Per Building Code	Per Building Code
Covered Spaces	N/A	106	98
Aisle Width (ft.)	N/A	26'	26' min. ¹
Bicycle Parking	N/A	In garages and 12 secure lockers located on the site	12 Secured Spaces

1. Fire code requirement, per Fire Marshall.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ATTACHMENT C

RECOMMENDED FINDINGS

Special Development Permit

General Plan Goals and Policies:

- **Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- **Policy LT-3.1** Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.
- **Policy LT-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.4** Preserve and enhance the high quality character of residential neighborhoods.
- **Policy LT-4.9** Allow industrial, residential, commercial, and office uses in the Industrial to Residential (ITR) Futures sites.
- **Policy CC-2.1** Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.
- **Policy HE-1.1** Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.
- **Policy HE-4.2** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.
- **Policy HE-4.3** Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

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

The proposed project meets the goals and policies of the General Plan as listed above by creating 49 ownership residential units that promote housing goals for the community. The project also meets the policy for a minimum 75% of the allowable density for the zoning district.

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

The proposed project proposes a dwelling unit type compatible with the immediate area. The project requires deviations in, setbacks, building separation, height and parking, which are acceptable and compatible with the immediate area. The conversion of the use to residential is consistent with the current General Plan land use designation and Zoning. The site layout fits into the adjacent neighborhood and provides ample space for the future East Channel trail. The design of the project is considered high quality and will greatly improve the overall appearance of the area over current conditions.

Tentative Map

In order to approve the 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 Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

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

Attachment D

ATTACHMENT D

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS

Planning Application 2013-7272
698 E Taylor Ave

Special Development Permit for the development of 49 residential units and Vesting Tentative Map.

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

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. PERMIT EXPIRATION:

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

GC-3. ON-SITE AMENITIES:

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

GC-1. 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 19.67, pursuant to the procedures established in the Administrative Procedures, as may be amended. The project will dedicate 12.5% of the units as Below Market Rate dwelling units in compliance with the BMR requirements set forth in the SMC and the Administrative Procedures. [SDR][HOUSING]

GC-2. 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-4. TEMPORARY TRAILERS:

Temporary sales trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development. Plans for temporary trailers shall include the following:

- a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;
- b) Trailer entrances shall be oriented toward the nearest building;
- c) Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]

- GC-3. **STORMWATER MANAGEMENT PLAN:**
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-5. **ENCROACHMENT PERMIT:**
Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [SDR] [PUBLIC WORKS]
- GC-6. **PUBLIC IMPROVEMENT PLAN GENERAL REQUIREMENTS:**
All public improvement plans shall be submitted to and be approved by the Department of Public Works per Sunnyvale Municipal Code (SMC) section 13.08.60. All public improvements shall be installed per City's design standards pursuant to SMC section 18.12 unless otherwise approved by the Director of Public Works. [SDR] [PUBLIC WORKS]
- GC-7. **ENCROACHMENT PERMIT REQUIREMENTS:**
The developer is required to install all public improvements as required by Sunnyvale Municipal Code (SMC) section 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. [SDR] [PUBLIC WORKS]
- GC-8. **FINAL MAP RECORDATION:**
This project is subject to, and contingent upon, the approval of a tentative map and recordation of a Final Map prior to any grading permit issuance. The submittal, approval and recordation of the Final Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [SDR] [PUBLIC WORKS]
- GC-9. **SITE DESIGN COORDINATION WITH 680 E TAYLOR (205-30-022):**
The project applicant and future HOA shall work with the owner of 680 E Taylor when the site redevelops to residential to look at using a shared driveway access and reconfigure parking. If 680 E Taylor is redeveloped by Warmington Homes, then the site shall include a

recreation center pursuant to Sunnyvale Municipal Code Section 19.38. This condition and its applicability shall be subject to review and approval by the Director of Community Development [COA] [PUBLIC WORKS]

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

PS-2. REVIEW OF FINAL DESIGN:

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

PS-3. REQUIRED REVISIONS TO THE PLANS:

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

- a) Building 400: Unit 51 shall have brick on the front and side and carried over to the side and rear wainscot.
- b) Building 501: Unit 33 shall carry the brick to the rear first floor wainscot.
- c) Building 502: Unit 31 shall carry the brick to the rear first floor wainscot.
- d) Building 600: Unit 11 shall have horizontal wood siding (or similar material) used on the front and rear elevations. It is assumed that the right and left side elevations are the same.
- e) Building 601: Unit 11 shall have horizontal wood siding (or similar material) used on the front and rear elevations. Unit 33 shall carry the brick veneer to the first floor wainscot on the side and rear.
- f) Building 602: Unit 11 shall have horizontal wood siding (or similar material) used on the front and rear elevations. Unit 33(R) shall carry the brick veneer to the first floor wainscot on the side and rear.
- g) Building 603: Unit 10 shall have horizontal wood siding (or similar material) used on the front and rear elevations. Unit 52 shall carry the horizontal wood siding (or similar material) to the first floor wainscot on the side and rear.
- h) Building 604: Unit 51(R) shall carry the brick veneer to the first floor wainscot on the side and rear.
- i) All windows shall be recessed a minimum of 2 inches from the building face.

- j) Only cast stone or dense foam trim may be used for trim elements. Alternatives may be proposed and subject to review by the Director of Community Development. [COA] [PLANNING]

PS-4. 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:

The plans submitted for building permits shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

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. GREEN BUILDING:
The building permit plans shall demonstrate the project is designed to achieve a minimum of 80 points (or points required at time of building permit submittal) on BuildItGreen’s GreenPoint Rated Checklist. The GreenPoint Rated Checklist shall be included on plans. [SDR] [PLANNING/BUILDING]
- BP-6. SOLID WASTE DISPOSAL PLAN:
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for multi-family projects. [COA] [PUBLIC WORKS]
- BP-7. RECYCLING AND SOLID WASTE ENCLOSURE:
The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The required solid waste and recycling enclosures shall:
- a) Match the design, materials and color of the main building;
 - b) Be of masonry construction;
 - c) Be screened from view;
 - d) All gates, lids and doors shall be closed at all times;
 - e) Shall be consistent with the approved Waste and Recycling Management Plan [COA][PUBLIC WORKS/PLANNING]
- BP-8. 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-9. WASTE & RECYCLING REPORTING FORM (CONSTRUCTION):
To mitigate the impacts of large projects on local waste disposal and recycling levels, construction weight/volumes, demolition waste

weights/volumes, and recycling weights/volumes are to be reported to the City, per City's "Waste & Recycling Reporting Form" (electronic copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposal of materials generated, and forward a complete report to the Department of Public Works, Solid Waste Division both periodically and at project completion. [COA] [PUBLIC WORKS]

BP-10. ROOF EQUIPMENT:

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

BP-11. FEES AND BONDS:

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

- a) PARK IN-LIEU FEE – The required land dedication is .308 acres for the proposed 49 dwelling unit project. The applicant shall pay the Park In-Lieu Fee estimated at \$927,841.069 at building permit issuance and is subject to recalculation based on the adopted land values at time of building permit issuance. [SDR] [PLANNING]
- b) SENSE OF PLACE FEE – Pay Sense of Place fees for neighborhood pedestrian and streetscape improvements associated with industrial-to-residential transition. Sense of Place fees are estimated at \$1,071 per dwelling unit and shall be paid prior to issuance of a building permit. The final fee amount shall be calculated based on fee schedules in place at the time of payment. [COA] [PLANNING]
- c) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$52,479.00, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

GC-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-12. MECHANICAL EQUIPMENT (EXTERIOR):

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

BP-13. LANDSCAPE PLAN:

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

- a) All areas not required for parking, driveways, or structures shall be landscaped.
- b) Provide trees at minimum 30-foot intervals along all property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Deciduous trees shall be provided along southern and western building exposures where possible for passive solar heating purposes.
- d) For new tree selection, preference shall be given to California native species, and sizes selected shall be as large as appropriate for the proposed locations. At least ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. Any "protected trees" (as defined in SMC 19.94)

approved for removal shall be replaced with a specimen tree of at least 36-inch box size.

- e) Any City street trees to be removed, replaced, or installed shall be included on the landscape plan.
- f) Provide a 15-foot wide landscaped buffer along the property's street frontages, except that the width may be reduced in limited locations as per the deviations granted and indicated on the approved project plans.
- g) Ground cover included in the landscape plans shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving shall be provided as required by the Director of Community Development to distinguish entry driveways, pedestrian paths, pedestrian crossings, and common areas.
- i) Provide details for common area furnishing including tables, benches, grills, trash receptacles, etc. Common area furnishings shall be secured to the ground to prevent them from being moved (excepting recycling and solid waste containers located within approved enclosures).
- j) Design of all proposed fencing and walls shall be included in the landscape plans and shall comply with 19.37.080.
- k) Patio and landscape walls shall not be higher than four feet.
- l) The landscape plan shall include a low fence (maximum of 3 feet) along the future East Channel Trail.
- m) The landscape plan should include small trees suitable for location above as lines along the trail. [COA] [PLANNING]

BP-14. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permits. The plan shall be included with the MPP for the Landscape Plan. [COA] [PLANNING]

BP-15. LANDSCAPE BUFFER:

Install and maintain a solid decorative masonry wall along the west, property line (adjacent to the industrial use) compliant with 19.37.080. Wall height shall be measured from the highest adjoining grade. Wall design shall be subject to review and approval by the Director of Community Development prior to issuance of building permits. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. The wall shall not impact the health of existing trees to be retained on the subject site or adjacent property. [SDR] [PLANNING]

BP-16. TREE PROTECTION PLAN:

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

- a) An updated inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA). The inventory shall include trees proposed for removal as well as trees to remain.
- b) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) The Director of Community Development has discretion over the final list of trees to be removed.
- d) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.
- f) The measures specified in the tree protection plan shall be installed prior to issuance of any building or grading permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-17. CITY STREET TREES:

The Applicant shall install required street trees of Southern Magnolia on E. Arques Ave. and Chinese Pistache on E. Taylor Ave. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Director of Public Works. New street trees shall be 24-inch box size or 15 gallon size or larger and spaced a minimum of 35 feet apart. [SDR] [PLANNING/PUBLIC WORKS]

BP-18. STORMWATER MANAGEMENT PLAN:

- Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/PUBLIC WORKS]
- BP-19. **STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:**
Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]
- BP-20. **STORMWATER MEASURES IN USABLE OPEN SPACES:**
The preliminary Stormwater Management Plan includes bioretention basins which are located in usable open space areas. The design of bioretention basins including size, depth, layout, design of inlets/drains, and type of vegetation shall be developed to avoid impairing the usability of the areas for recreation. [COA] [PLANNING]
- BP-21. **BEST MANAGEMENT PRACTICES (STORMWATER):**
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:
- a) Stormdrain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
 - b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
 - c) Covered trash enclosures and/or receptacles.
 - d) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to on-site vegetated areas is not a feasible option.

- ii) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-22. EXTERIOR LIGHTING PLAN (ON-SITE):

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

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

BP-23. 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-24. LIGHTING SPACING:

Install lights at a minimum of 50 feet intervals along all private streets. Final light spacing shall be subject to approval by the Director of Community Development with review of the exterior lighting plan and photometric plan. [COA] [PLANNING]

BP-25. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

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

- a) All uncovered spaces shall be reserved as guest and unassigned residential parking spaces and shall remain unassigned.

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

BP-26. 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-27. BICYCLE SPACES:

Provide a minimum of 3 Class II bicycle parking spaces or as approved by the Director of Community Development. Bicycle parking shall be dispersed in several common areas throughout the site and shown on the plans submitted for building permits. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING]

BP-28. UNDERGROUND UTILITIES:

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

BP-29. FIRE PROTECTION:

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

- a) The water supply for fire protection and firefighting shall be approved by the Department of Public Safety (508 CFC).
- b) A fully automatic fire sprinkler system is required. The fire sprinkler system shall be in accordance with NFPA 13, and CFC (16.52.270 SMC & Section 903 CFC).

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

BP-30. FIRE PROTECTION PLAN:

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

BP-31. AIR CONDITIONING SYSTEMS:

WHAT: Since all windows and doors are required to be shut to achieve a dbA of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space. The building permit plans shall include air condition systems.

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

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

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

BP-32. NOISE:

WHAT: Based on the type of construction and the exterior noise levels, sound-rated windows on Buildings 500 and 501 are required to achieve the interior noise standard of DNL 45 dB. Recommendations for the exact Sound Transmission Class (STC) ratings for windows and exterior doors should be determined as the architectural design progresses.

Since buildings 500 and 501 windows and doors are required to be shut to achieve a dbA of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space. Affected units shall be provided with mechanical air ventilation system with a minimum flow rate as required by the current building codes.

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

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

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

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

BP-33. HISTORIC AND PREHISTORIC RESOURCES:

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

WHAT: The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity within the project shall comply with applicable State laws. Pursuant to Section 7050.5 of the California Health and Safety Code, and California Public Resources Code (PRC) Section 5097.94, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Medical Examiner shall be immediately notified and shall make a determination as to whether the remains are Native American.

In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission (NAHC), is required who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

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

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

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

BP-34. AIR QUALITY:

The project requires significant grading of the site, including demolition and removal of the existing building and landscaping. This may introduce temporary and short-term dust into the air, and

therefore temporarily affect air quality. Nearby residents could be affected by the change in air quality if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality Management District (BAAQMD) regulations, this impact will be lessened to a less than significant level during construction. This could be accomplished through the following mitigation measures:

WHAT: Permits must be obtained from the City of Sunnyvale and Bay Area Air Quality Management (BAAQMD).

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

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

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

BP-35. HAZARDS AND HAZARDOUS MATERIALS:

Phase I Environmental Site Assessment and a Preliminary Phase II Soil and Groundwater Investigation were completed by Cornerstone Earth Group in September 2012. Based on soil samples of the site contained in the Phase II study, the consultants found concentrations Total Petroleum Hydrocarbons (TPH), Volatile Organic Compounds (VOCs), lead and Polychlorinated biphenyl (PCB), and one Underground Storage Tank (UST) were found in the soils of the project area. The study also found the following chemicals in the groundwater including Trichloroethylene (TCE), TPH, and Dichlorene (DCE). The study notes that due to the age of the buildings, asbestos and lead based paints may be present.

The applicant has prepared a Draft Updated Removal Action Plan (RAP) for all three sites in coordination with the Regional Water Quality Control Board (RWQCB). The RAP recommends clean-up of the soil to residential levels, which would include removal of some soil in the project area. Additional sampling would occur to verify that the soil have been cleaned up to residential standards. The groundwater contamination (vapors) will be managed with vapor control barriers under the new residential buildings and monitored with new ground water monitoring wells and treatment measures approved by the

RWQCB. These are measures that are acceptable methods of clean up for the industry. The following mitigation measures will reduce the contamination concerns to a less than significant level. The following measures are proposed by the project to reduce impacts associated with exposure to potential health risks to a less than significant level:

WHAT: 1) All demolition and disposal of asbestos will be required to be conducted in accordance with the procedures specified in BAAQMD's Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation and Manufacturing.

2) Install vapor barriers to mitigate risks potentially posed by vapor intrusion or other alternative approved by the RWQCB.

3) Comply with requirements as set forth by the lead regulatory agency overseeing the investigation and remediation of environmental pollution on the property. Following the installation of the vapor barriers, copies of the certifications from the contractor performing the vapor barrier installation must be provided to the City of Sunnyvale and County of Santa Clara Department of Environmental Health.

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

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

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

BP-36. TELECOMMUNICATION TOWER:

The existing telecommunication tower shall be removed prior to issuance of building permits for rough grading, grading or any of the residential structures. [COA] [PLANNING]

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

- EP-1. **SANITARY SEWER ANALYSIS:**
Submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:
- A) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day;
 - B) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline and/or subsequent downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed lateral. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow data may be required as needed. [COA] [PUBLIC WORKS]
- EP-2. **NOTICE AND COVENANT FOR PRIVATE IMPROVEMENTS OVER EXISTING CITY SANITARY SEWER LINE:**
A "NOTICE AND COVENANT RELATED TO PRIVATE CONSTRUCTION OVER PUBLIC EASEMENT" shall be recorded for private boundary fences, over existing City sanitary sewer facilities, to the satisfaction of the Director of Public Works and the Director of Community Development. The subject NOTICE AND COVENANT shall be referenced in the CC&R'S. [COA] [PUBLIC WORKS]
- EP-3. **FENCE DESIGN ALONG EAST PROPERTY LINE:**
Submit a revised design plan for the fence located along the east property line for City's review and approval prior to building permit issuance to ensure there is adequate unobstructed access to the manholes as needed to facilitate City's maintenance effort. [COA] [PUBLIC WORKS]
- EP-4. **STORM DRAIN TRIBUTARY PATTERN:**
The project is required to follow the existing storm drain tributary pattern. Any changes or deviations would require additional analysis and be subject to approval by the Director of Public Works during the off-site improvement plan check process. [SDR] [PUBLIC WORKS]
- EP-5. **STORM DRAIN DESIGN AND CALCULATION:**
Provide a storm drain calculation demonstrating that the proposed storm drain system is adequate for collecting the anticipated storm runoff from the site for Public Works review and approval during off-site improvement plan review stage. The applicant shall design for a new storm drain line along East Taylor Avenue. The storm design shall be reviewed and approved during the public improvement plan review stage. [SDR] [PUBLIC WORKS]

EP-6. REQUIRED SIDEWALK SECTIONS:

Remove the existing attached sidewalks along the East Taylor Avenue and East Arques Avenue project frontages and install a new 6' wide detached non-monolithic sidewalk with a 4' wide parkway strip. A continuous root barrier shall be installed along the new sidewalk when adjacent to City trees per City standard details and specifications. [COA] [PUBLIC WORKS]

EP-7. CITY STREET TREES:

The Applicant shall install required street trees of Pistacia Chinensis (common name Chinese Pistachio) species along Taylor Avenue and Magnolia grandiflora (common name Southern Magnolia) species along East Arques Avenue. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Director of Public Works. New street trees shall be 24-inch box size or 15 gallon size or larger and spaced a minimum of 35 feet apart. [SDR] [PLANNING/PUBLIC WORKS]

EP-8. ON-SITE WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) within the private streets and private drives shall be privately owned and maintained in accordance to the approved CC&R's. The fire and domestic water systems shall be separate and privately owned and maintained beyond the property line. For the sanitary sewer and storm systems, install a cleanout at the right-of-way line. [COA] [PUBLIC WORKS]

EP-9. UTILITY PROVIDERS:

Contact the utility companies (PG&E, Comcast, AT&T) for their review/approval requirements and/or procedures for site development. [COA] [PUBLIC WORKS]

EP-10. COMPLIANCE WITH STANDARD REQUIREMENTS:

This project shall comply with all required improvements, design standards and standard details and specifications. [SDR] [PUBLIC WORKS]

EP-11. UTILITY MODIFICATIONS AND RELOCATION:

Developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the park strip area, caused by the development. [COA] [PUBLIC WORKS]

- EP-12. RECORD DRAWINGS:
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-13. UPGRADE OF PUBLIC IMPROVEMENTS:
Remove and replace all curb, gutter and sidewalk to current City standards as required by the Director of Public Works. The public improvements that terminate at the northeast corner of the site shall be reviewed and approved by the City and SCVWD, if necessary, prior to encroachment permit issuance. [COA] [PUBLIC WORKS]
- EP-14. UTILITY CONFLICTS:
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. [COA] [PUBLIC WORKS]
- EP-15. UTILITY PLANS FOR PUBLIC WORKS REVIEW:
All utility plans (PG&E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements. [COA] [PUBLIC WORKS]
- EP-16. ABANDONMENT OF UTILITIES:
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. [COA] [PUBLIC WORKS]
- EP-17. DRAINAGE AND EROSION CONTROL:
Adequate drainage/erosion control shall be provided at all times during each phase of the development per the Stormwater Management Plan (SWMP), Stormwater Pollution Prevention Plan (SWPPP), and BMP's. [COA] [PUBLIC WORKS]
- EP-18. STREETLIGHT PLAN AND REQUIREMENTS:
Submit a separate streetlight plan for review and approval by Public Works showing metal pole to be replaced with new marbelite pole for existing streetlight on Arques Avenue, existing HPS fixtures to be replaced with new LED fixtures for both streetlights along the Taylor Avenue frontage, and showing the removal and replacement of all conduits, conductors, traffic signal vaults, pull boxes and other streetlight equipment for the streetlights. The Taylor Avenue streetlight to the west shall be on a separate marbelite pole and not attached to the existing joint utility pole. The streetlight conduits shall

not be installed within the joint trench facility. [COA] [PUBLIC WORKS]

EP-19. PHOTOMETRIC ANALYSIS FOR STREETLIGHTS:

Provide a photometric analysis across the project street frontages to ensure that the existing streetlights are in compliance with the City's current streetlight design guidelines. Provide a luminaire schedule and calculation summary. If the photometric analysis indicates the streetlights are not in compliance, the following items are required:

- Installation of additional streetlights and/or relocation of existing streetlights (with LED's) in accordance with the City's standard details and specifications, including staggering and spacing requirements.
- Submittal of a table showing the loading analysis and voltage drop calculations including the number of conductors and identified size of new conduits (based on NEC code regulations).
- Identity power source for the proposed new streetlights. [COA] [PUBLIC WORKS]

EP-20. NO TREES NEAR LATERALS:

No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line. [COA] [PUBLIC WORKS]

EP-21. DOMESTIC WATER SERVICE REQUIRMENTS:

Within the public right-of-way, provide a dual domestic water service connection for the entire site including, but not limited to, two master water meters and two backflow preventors. Water meter sizing calculations shall be reviewed and approved by Public Works staff during public improvement plan review. [COA] [PUBLIC WORKS]

EP-22. LANDSCAPE AND IRRIGATION SYSTEM IN PUBLIC RIGHT-OF-WAY:

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system and metered to the property owner. [COA] [PUBLIC WORKS]

EP-23. DRIVEWAY IMPROVMENTS:

Unused driveway approaches shall be replaced with standard curb, gutter and sidewalk. No curb-return style driveway approaches allowed, use City standard driveway apron. [COA] [PUBLIC WORKS]

EP-24. IMPROVEMENT PLAN MYLARS:

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

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

- TM-1. EASEMENTS FOR CITY-MAINTAINED SEWER AND WATER LINES:
Dedicate public easements for the existing public sewer and water lines within the project boundary on the final map. These easements shall be clearly shown on the final approved CC&R's. [COA] [PUBLIC WORKS]
- TM-2. EASEMENTS:
Dedicate public utility easements on-site as required by utility providers. Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with the final map prior to occupancy. Quitclaim Deed is required for abandonment of private easements. No permanent structures are allowed within any of the easement limits. [COA] [PUBLIC WORKS]
- TM-3. SUBDIVISION AGREEMENT:
Execute a Subdivision Agreement and provide improvement securities and/or cash deposits as outlined in the Subdivision Agreement prior to final map recordation. [COA] [PUBLIC WORKS]
- TM-4. DEVELOPMENT FEES:
Development fees associated with the project, including but not limited to utility frontage and/or connection fees, off-site improvement plan check and inspection fees, shall be paid prior to recordation of the final map. Applicant shall pay an incremental sewer connection fee of \$163,028.78 and an incremental water connection of \$19,589.55 yes prior to final map recordation. [COA] [PUBLIC WORKS]
- TM-5. PRIVATE STREETS:
All private streets shall be shown on the final map. Street names shall be approved by the Director of Community Development. Private streets shall be designated as "Terrace". [COA] [PUBLIC WORKS/PLANNING]
- TM-6. EMERGENCY VEHICLE ACCESS EASEMENT:

This project requires reservation of an emergency vehicle ingress-egress easement on the common lot. [COA] [PUBLIC WORKS/PUBLIC SAFETY]

TM-7. APPROVAL FROM OUTSIDE AGENCIES:

This project requires approval and/or permits from the San Francisco Public Utilities Commission and the Santa Clara Valley Water District. [COA] [PUBLIC WORKS]

TM-8. PUBLIC IMPROVEMENTS:

All public improvements shall be completed prior to first building occupancy, unless otherwise approved by the City. [COA] [PUBLIC WORKS]

TM-9. COMPLIANCE WITH SUBDIVISION REQUIREMENTS:

Comply with all applicable Sunnyvale Municipal Code requirements as outlined in Title 18: Subdivisions. [SDR] [PUBLIC WORKS]

TM-10. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS):

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 the common facilities shall be mandatory for all property owners within the development whose lots share access to the common facilities.
- b) The homeowners 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 individual owners or 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 #2012-7272, and associated final 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) 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.
- f) The CC&Rs shall contain language for Best Management Practices "Agreement to Maintain" pursuant to Sunnyvale Municipal Code 12.60.200.
- g) The CC&Rs shall contain the following provisions:
 - i) The owners association shall maintain parkstrip landscaping in perpetuity along the public street fronting the project site.
 - ii) The owners association shall maintain in perpetuity the stormwater management areas located on individual lots along the private street and along the project's street frontage.
 - iii) The owners association shall maintain in perpetuity and regularly test all private on-site fire hydrants per Department of Public Safety standards.
 - iv) Property owners are prohibited from modifying drainage facilities and/or flow patterns unless reviewed and approval granted from the Public Works Department.
- h) 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.
 - ii) 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.

- iii) 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.
- iv) 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.
- v) 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.
- vi) 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]

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

DC-1. FIRE ACCESS:

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

DC-2. BLUEPRINT FOR A CLEAN BAY:

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

DC-3. TREE PROTECTION:

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

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

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. PARKING LOT STRIPING:
All parking lot striping, guest spaces, and compact spaces shall be striped per the approved building permit plans (in conformance with the City's parking lot design guidelines) prior to occupancy. [COA] [PLANNING]
- PF-3. NOISE:
The applicant shall provide a letter of compliance from the Noise consultant indicating that the structures have achieved the required noise requirements. [COA] [PLANNING] **Mitigation Measure**
- PF-4. PARKING MANAGEMENT PLAN:
The applicant shall submit a final Parking Management Plan to the Planning Division prior to final inspection. [COA] [PLANNING]
- PF-5. PUBLIC STREET REPAIR:
Any changes to or deficiencies in the adjacent public streets as a result of project construction are to be rectified at the expense of the developer. [COA] [PUBLIC WORKS]
- PF-6. COMPLETION OF PUBLIC IMPROVEMENTS:
Complete all required public improvements including but not limited to sidewalks, roadway improvements, streetlights, and signals prior to occupancy. [COA] [PUBLIC WORKS]

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

- AT-1. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-2. SOLID WASTE RECYCLING MANAGEMENT:
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]
- AT-3. EXTERIOR EQUIPMENT:
Exterior equipment shall be maintained within approved enclosure areas. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-4. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-5. STORMWATER MEASURES IN USABLE OPEN SPACES:
Any bioretention basins which are located within usable open space areas shall be maintained to ensure the stormwater treatment measures do not impair usability of the area. [COA] [PLANNING]
- AT-6. PARKING MANAGEMENT:
On-site parking management shall conform to the approved parking management plan. [COA] [PLANNING]
- AT-7. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Garage 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 guests. [COA] [PLANNING]
- AT-8. UNENCLOSED STORAGE PROHIBITED:
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-9. VEHICLE SALES, LEASING, AND RENTAL PROHIBITED:
The sales, leasing, or rental of vehicles or trailers are prohibited on the subject property. [COA] [PLANNING]
- AT-10. 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-11. 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-12. STREET AND UTILITY MAINTENANCE:
The project applicant, owner, or landlord must properly maintain all internal private streets and drives and all wet utilities (water, sanitary sewer, storm drain) on the site. [SDR] [PUBLIC WORKS]
- AT-13. BMP MAINTENANCE:
The project applicant, owner, landlord, or homeowners association must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-14. BMP RIGHT OF ENTRY:

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

AT-15. FIRE DEPARTMENT ACCESS:

A Knox system (key switch) shall be provided and maintained for all locked gates in accordance with Fire Prevention requirements. [COA] [PUBLIC SAFETY-FIRE PREVENTION]

AT-16. FIRE DEPARTMENT ACCESS:

All units with tandem parking shall maintain the area for the third covered parking space for parking at all times. Conversion of the area to habitable or other separate space is prohibited. [COA] [PLANNING]

Attachment E



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

File Number:
No.

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

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

PROJECT TITLE:

Application for a Special Development Permit by Warmington Residential / Rodger Miller

PROJECT DESCRIPTION AND LOCATION (APN):

Special Development Permit to allow 49 townhome-style condominiums and Vesting Tentative Map.

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 August 12, 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 **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:

August 12, 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 July 12, 2013

Signed: 
Gerri Caruso, Principal Planner

Project Title	Special Development Permit and Vesting Tentative Map for 49 townhomes
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Shaunn Mendrin
Phone Number	408-730-7429
Project Location	698 E. Taylor Avenue
Applicant's Name	Warmington Residential / Rodger Miller
Project Address	698 E. Taylor Avenue, Sunnyvale CA
Zoning	MS/ITRR3
General Plan	Industrial to Residential Medium Density
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT:

The proposed project is a Special Development Permit to allow 49 townhome-style condominiums and Vesting Tentative Map.

DETAILED PROJECT DESCRIPTION:

On-site Development: Currently, the project area is comprised of three lots totaling 117,150 square feet and they have historically been used for industrial purposes. There are several buildings on the site totaling approximately 23,000 square feet of the floor area. The remaining site is paved with asphalt and concrete for parking and circulation, with minimal landscaping and no trees.

The project includes full demolition of the entire site and construction of 49 two and three story townhome-style condominiums located in 7 buildings. Each unit will also have individual two-car garages and storage areas. In addition private open space will be provided in the form of private balconies. Living areas range in size from approximately 1,450 square feet to 1,900 square feet. The common areas will include landscaped areas and uncovered parking spaces. Four floor plans (with minor variations) are provided and include three and four bedroom units. The site may be accessed from E. Arques and from E. Taylor Avenue.

Construction Activities and Schedule: Construction activities include full demolition of all existing buildings and hardscape on the subject properties and construction of 7 new residential buildings (containing 49 townhouse units) and associated site improvements. The project will be subject to the Sunnyvale Municipal Code requirements for noise and hours of construction contained in Chapters 19.42.0.0 and 16.08.030.

Construction of the proposed project is likely to occur over a period of 18 months. The initial building construction and site preparation would take place over a period of approximately ten months, with site preparation and grading of the site occurring during the first month. The remaining ten months would include the light construction and interior finish work.

Surrounding Uses and Setting: The subject property is located on the south side of East Taylor Avenue, between N. Fair Oaks Avenue and Britton Avenue, in an area that has a mix of industrial and residential uses. The site is bordered along the west property lines by newly-constructed townhome developments and an existing industrial building on the west side of the north half of the project site. Industrial uses and a place of assembly (Living Rock Church) exist to the north, but are currently zoned for residential transition areas. The Sunnyvale East Channel borders the east side of the site.

Off-site Improvements: A new sidewalk will be installed along the entire project frontage on East Taylor and E Arques Avenue, which can be accommodated within the public right-of-way. Standard water, sewer, right-of-way and utility upgrades will be provided as required by the Municipal Code. The applicant will also be sponsoring trail improvements along the Sunnyvale East Channel between E Arques and Wolfe Road. These improvements have not been fully designed and they will be evaluated under a separate environmental review.

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

Checklist Planner Name: Shaunn Mendrin, AICP

Date: 7/19/13

Title: Senior Planner

City of Sunnyvale

Signature:



Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Sunnyvale General Plan Map • Community Character and Land Use and Transportation Chapters of the Sunnyvale General Plan www.sunnyvaleplanning.com • SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees • Fair Oaks Junction Sense of Place Plan
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"/>	<ul style="list-style-type: none"> • Sunnyvale General Plan Map • Community Character and Land Use Chapters of the Sunnyvale General Plan
3. Aesthetics -Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Community Character, Land Use and Transportation Chapters of the Sunnyvale General Plan • City-Wide Design Guidelines
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan • General Plan Map www.sunnyvaleplanning.com • City of Sunnyvale General Plan Housing and Community Revitalization Sub-element
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"/>	<ul style="list-style-type: none"> • Housing Sub-Element, Land Use and Transportation Chapter of the Sunnyvale General Plan • General Plan Map www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> • City of Sunnyvale General Plan, Housing and Community Revitalization Sub-element www.sunnyvaleplanning.com,
7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Sunnyvale General Plan Map • www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
8. Land Use Planning – Conflict with the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan • Title 19 (Zoning) of the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&frames=off
10. For a project located within 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"/>	<ul style="list-style-type: none"> • Moffett Field Air Installations Compatible Use Zones (AICUZ) • Sunnyvale Zoning Map • Sunnyvale General Plan Map • www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> • 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"/>	<ul style="list-style-type: none"> • Moffett Field Air Installations Compatible Use Zones (AICUZ) Study Map
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Sunnyvale Zoning Map • www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • 19.42 Noise Ordinance • http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off • Site Noise Assessment • Project Noise Study dated 5/29/13
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • Project Description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • Project Noise Study dated 5/29/13
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 Wildlife or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
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"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees • Fair Oaks Junction Sense of Place Plan
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"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • 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

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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"/>	<ul style="list-style-type: none"> • Project Description
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District.</p>
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • BAAQMD CEQA Guidelines • Sunnyvale General Plan Map • Sunnyvale Air Quality Sub-Element • www.sunnyvaleplanning.com • BAAQMD Screening Analysis Tables - Advanced Screening for Mobile Hazardous Sources within 1,000 feet of Project Site
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • BAAQMD CEQA Guidelines • Air Quality and GHG Studies • AQ/GHG Study dated 4/5 & 3/13
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"/>	<ul style="list-style-type: none"> • BAAQMD CEQA Guidelines • AB 32
28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • BAAQMD CEQA Guidelines • Sunnyvale Air Quality Sub-Element • CalEEMod Results
29. Air Quality - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • BAAQMD CEQA Guidelines • Sunnyvale Air Quality Sub-Element • www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • BAAQMD CEQA Guidelines • Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com
31. Seismic Safety - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • California Geological Survey - Alquist-Priolo Earthquake Fault Zones Map
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com
33. Seismic Safety - Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • California Building Code
34. Seismic Safety - Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • 2001 ABAG Liquefaction Hazard Map www.abag.ca.gov • California Building Code

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

4. Population and Housing (Less Than Significant) – The 49 proposed residential units will provide additional opportunities for homeownership in the City of Sunnyvale and is consistent with the General Plan designation of the sites. The project’s impact will be a slight incremental beneficial impact to the City’s Jobs/Housing balance. As a result, this positive aspect of the project is a less than significant impact.

9. Transportation and Traffic (Less than Significant) – The proposed project meets the City’s covered parking requirements by providing a two-car garage for each unit. The Zoning Code requires a total of 28 standard size guest parking spaces. The site can accommodate 27 guest spaces with 3 spaces being compact. Eight of the dwelling units (floor plans 10 and 11) provide one additional tandem parking space for a total of 8 additional tandem spaces. The Zoning Code does allow for deviation from parking requirements through the Special Development Permit process, which may be considered by the Planning Commission. The proposed tandem spaces provide additional parking on-site and there is additional parking located on Taylor Avenue for overflow. The project will provide 12 bicycle racks and room for secured bicycle parking within garages. The proposed vehicle and bicycle parking spaces meet the City’s parking requirements and on-site parking is a less than significant impact.

14. Noise (Less Than Significant with Mitigation) – A Noise Assessment prepared by Charles Salter and Associated was completed for the project site between February 28, 2013 and March 4, 2013. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. The study identified the noise levels across the site ranging from a DNL of 49 to 67. The noise in these areas is generally generated by local traffic and an occasional fly over for Moffett Field. The Building Code requires the interior noise level to meet a 45 dB, which will be accommodated through common building techniques. The study did indicate that the noise levels for Buildings 500 and 501 would be over the "conditionally acceptable levels" and will need additional sound rated windows, with an STC rating of 28 and 32 (as per figures 3 & 4). These buildings would need to have closed windows and ventilation to meet the required rating levels. The applicant has included heating and air conditioning units for all dwellings. The remaining buildings will need additional minor STC rated windows as per Figures 5-7. The noise for the outdoor areas will range from a DNL of 49 to 67 dB. Some outdoor areas will be slightly above the "normally acceptable" levels due to traffic noise and aircraft flyovers. The proposed private park is located within the interior of the site and is within the "normally acceptable" levels.

The following noise-reducing measures would be required to comply with noise standards and to reduce the impact to a less than significant level. The following noise-reducing mitigation measures are proposed:

WHAT: 1) Based on the type of construction and the exterior noise levels, sound-rated windows on Buildings 500 and 501 are required to achieve the interior noise standard of DNL 45 dB. Recommendations for the exact Sound Transmission Class (STC) ratings for windows and exterior doors should be determined as the architectural design progresses.

2) Since buildings 500 and 501 windows and doors are required to be shut to achieve a dB of 45 or less, ventilation or air-conditioning systems must be incorporated to provide a habitable environment for all habitable space. Affected units shall be provided with mechanical air ventilation system with a minimum flow rate as required by the current building codes.

WHEN: These mitigations shall be converted into conditions of approval for the Special Development Permit (SDP) prior to its final approval by the City's Planning Commission. The conditions will become valid when the SDP is approved and prior to building permit issuance. Prior to submittal of a building permit, the applicant will be required to submit a noise analysis showing that residential unit windows and wall construction shall be designed to limit interior noise levels to a maximum of 45db when all windows and doors are closed. A second study providing evidence of compliance shall be submitted prior to occupancy of units. The compliance report shall comply with the provisions of the current building codes.

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

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

15. Noise (Less Than Significant) - The project will introduce short-term sources of noise to the project area during construction and demolition of the site. Through the City's implementation of the Municipal Code noise regulations contained in Chapters 19.42.030 and 16.08.030, this impact will be lessened to a less than significant level during construction.

23. Historic and Cultural Resources (Less Than Significant with Mitigation) - The proposed project includes grading and land disturbance for construction of the proposed project. Given the proximity of the project area to historic and prehistoric archaeological discoveries, there is the possibility of discovery of human remains, and such disturbance would result in a significant impact unless mitigated. The project will be

required to implement the following mitigation measure to reduce potential impacts to human remains to a less than significant level:

WHAT: The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity within the project shall comply with applicable State laws. Pursuant to Section 7050.5 of the California Health and Safety Code, and California Public Resources Code (PRC) Section 5097.94, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Medical Examiner shall be immediately notified and shall make a determination as to whether the remains are Native American.

In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission (NAHC), is required who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

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

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

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

26. Air Quality (Less Than Significant) - The project falls below BAAQMD's applicable operational-criteria air pollutant levels and screening criteria; therefore, this impact will be less than significant.

29. Air Quality (Less Than Significant) - Implementation of the proposed project would increase the number of dwelling units within the City of Sunnyvale. An increase in dwelling units typically results in an increase in traffic, which results in an increase in local and regional pollutant levels. BAAQMD does not require project specific analysis for projects proposing less than 520 apartments/condominiums (which is expected to generate fewer than 2,000 daily vehicle trips). If a project does not exceed the threshold, it is typically assumed to have a less than significant impact on air quality. Since the project proposes 121 units, far less than the 520 unit threshold, and would generate fewer than 2,000 daily vehicle trips, it is assumed to result in a less than significant long-term air quality impact.

30. Air Quality (Less than Significant with Mitigation): The project requires significant grading of the site, including demolition and removal of the existing building and landscaping. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. Nearby residents could be affected by the change in air quality if mitigation is not implemented. Through the City's implementation of the Municipal

Code's construction regulations and the Bay Area Air Quality Management District (BAAQMD) regulations, this impact will be lessened to a less than significant level during construction.

This could be accomplished through the following mitigation measures:

WHAT: Permits must be obtained from the City of Sunnyvale and Bay Area Air Quality Management (BAAQMD).

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

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

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

33. Seismic Safety (Less Than Significant) – While the site is not located on or near an earthquake fault, severe ground shaking is probable during the useful life of the proposed buildings. The proposed project will be designed and constructed in conformance with the City guidelines for Seismic Zone 4 and the most recent California Building Code to avoid or minimize potential damage from seismic shaking and seismic-related hazards. With implementation of standard design measures, the proposed project would have less than significant seismic-related impacts.

34. Seismic Safety (Less Than Significant) - The proposed project site is located within a geographic area susceptible to liquefaction. The probability of liquefaction of silt at the project site is moderate. The proposed project will be designed and constructed in conformance with the most recent California Building Code to avoid or minimize potential damage from liquefaction. With implementation of standard design measures, the proposed project would have less than significant impacts.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 7/17/13

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com 2009 VTA Congestion Management Program
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"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> Land Use and Transportation Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

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"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • 2009 VTA Congestion Management Program

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

42. Transportation and Traffic (Less than Significant): The Traffic Division of Public Works Department has determined the project does not warrant the preparation of a Traffic Study based on the anticipated number of peak trips relative to existing peak trip amounts. In addition, there are no roadway or signal upgrades needed to accommodate the project trips since it is within the allowable density for the area. The proposed project is expected to result in no impact on peak traffic conditions for the area streets. The project will install new sidewalk improvements along the entire project frontages (as required by Sunnyvale Municipal Code Chapter 19.38.080 and not as a mitigation measure) where is currently deficient in order to connect with the sidewalk facilities within the area. Through implementation of the City’s Transportation Impact Fee requirement, which includes payment of the estimated fee of \$27,106.13, this impact is less than significant.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 7/17/13

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"/>	<ul style="list-style-type: none"> • FEMA Flood Insurance Rate Map No. 06085C0045H Effective 5/18/09 • 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"/>	<ul style="list-style-type: none"> • FEMA Flood Insurance Rate Map No. 06085C0045H Effective 5/18/09 • 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"/>	<ul style="list-style-type: none"> • 1995 ABAG Dam Inundation Map www.abag.ca.gov • 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"/>	<ul style="list-style-type: none"> • Sunnyvale Municipal Code 12.60 • Sunnyvale Storm Water Quality Best Management Practices Guideline Manual
47. Geology and Soils - Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • California Building Code • California Plumbing, Mechanical, and Electrical Codes • Title 16 (Building) of the Sunnyvale Municipal Code
48. Geology and Soils - Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • California Building Code • California Plumbing, Mechanical, and Electrical Codes • Title 16 (Building) of the Sunnyvale Municipal Code

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

The California Building Code contains a series of building code requirements to address safety issues regarding seismic shaking, flooding, and soil types. In addition, Title 16.62 of the Sunnyvale Municipal Code requires a series of measures for provisions to reduce flood-related hazards to buildings. 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.

47. Geology and Soils (Less Than Significant) - The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake, which could potentially result in damage and collapse to the proposed buildings. The proposed project will be designed and constructed in conformance with the City guidelines for Seismic Zone 4 and the most recent California Building Code to avoid or minimize potential damage. With implementation of standard design measures, the proposed project would have less than significant impacts.

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"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
50. Utilities and Service Systems - Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
51. Utilities and Service Systems - Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
52. Utilities and Service Systems - Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
53. Utilities and Service Systems - Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
54. Utilities and Service Systems - Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> 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"/>	<ul style="list-style-type: none"> • Santa Clara Valley Water District Groundwater Protection Ordinance www.valleywater.org
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Environmental Management Chapter of the Sunnyvale General Plan • City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • RWQCB, Region 2 Municipal Regional Permit • City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects • Draft SWMP (in project plans)
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams www.valleywater.org • City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects
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"/>	<ul style="list-style-type: none"> • Environmental Management Chapter of the Sunnyvale General Plan
61. Public Services Infrastructure - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • Community Character Chapter of the Sunnyvale General Plan

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
ratios, response times or other performance objectives for any of the public services?					

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

57. Hydrology and Water Quality (Less Than Significant) – Implementation of the proposed project will temporarily increase pollutant loads due to grading and construction (i.e., demolition of the existing structures, removal of pavement, and construction of new structures). Demolition and construction activities would temporarily increase the amount of debris on-site, and grading activities could increase erosion and sedimentation that could increase pollutant loads in stormwater runoff. The project will be required to file a Notice of Intent (NOI) to comply with the NPDES General Permit for Construction Activities (No. 2009- 0009-DWQ) administered by the Regional Water Quality Control Board (RWQCB) and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction runoff.

58. Hydrology and Water Quality (Less than Significant) - The project would change the impervious and pervious surfaces on the project site. The project site currently has approximately 58,849 square feet (55 percent) of impervious surfaces and approximately 47,873 square feet (45 percent) of pervious surfaces. With implementation of the project approximately 68,874 square feet (69.2 percent) of the site would consist of impervious surfaces and 30,615 square feet (30.8 percent) would be pervious surfaces. The project would include stormwater management features for runoff at the project site. The stormwater management plan for the site would include such features as permeable pavement, flow-through planters, and bioretention areas. These areas will serve to percolate stormwater on the project site through the soil and filter runoff through vegetation. The site will be graded to direct the flow of stormwater into the landscaped areas prior to entering the storm drainage system, which will optimize on-site stormwater filtration. The measures would be designed to be in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (No. R2-2009-0074), Sunnyvale Municipal Code (§12.60) and the NPDES General Permit for Construction Activities (No. 2009-0009-DWQ). The stormwater management features on-site will ensure that runoff from the project site would not exceed the capacity of the local drainage system. Therefore, impacts would be less than significant.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 03/21/2013

Public Safety	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • Sunnyvale Department of Public Safety
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"/>	<ul style="list-style-type: none"> • California Building Code • SMC Section 16.52 Fire Code

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

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 7/15/13

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Phase I environmental Site Assessment Phase II Subsurface Investigation Report
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"/>	<ul style="list-style-type: none"> Phase I environmental Site Assessment Phase II Subsurface Investigation Report
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"/>	<ul style="list-style-type: none"> Sunnyvale Zoning Map General Plan Map Community Vision Chapter of the Sunnyvale General Plan
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Envirostar Hazardous Waste and Substances Site List (State of California) SWRCB GeoTracker Map Phase I environmental Site Assessment
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Safety and Noise Chapter of the Sunnyvale General Plan www.sunnyvaleplanning.com

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

65. Hazards and Hazardous Materials (Less than Significant with Mitigation) – A Phase I Environmental Site Assessment (ESA) was completed for the project site in September 2012. The study is available for review at the City of Sunnyvale’s Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m.

Phase I Environmental Site Assessment and a Preliminary Phase II Soil and Groundwater Investigation were completed by Cornerstone Earth Group in September 2012. Based on soil samples of the site contained in the Phase II study, the consultants found concentrations Total Petroleum Hydrocarbons (TPH), Volatile Organic Compounds (VOCs), lead and Polychlorinated biphenyl (PCB), and one Underground Storage Tank (UST) were found in the soils of the project area. The study also found the following chemicals in the groundwater including Trichloroethylene (TCE), TPH, and Dichlorene (DCE). The study notes that due to the age of the buildings, asbestos and lead based paints may be present.

The applicant has prepared a Draft Updated Removal Action Plan (RAP) for all three sites in coordination with the Regional Water Quality Control Board (RWQCB). The RAP recommends clean-up of the soil to residential

levels, which would include removal of some soil in the project area. Additional sampling would occur to verify that the soil have been cleaned up to residential standards. The groundwater contamination (vapors) will be managed with vapor control barriers under the new residential buildings and monitored with new ground water monitoring wells and treatment measures approved by the RWQCB. These are measures that are acceptable methods of clean up for the industry. The following mitigation measures will reduce the contamination concerns to a less than significant level. The following measures are proposed by the project to reduce impacts associated with exposure to potential health risks to a less than significant level:

Mitigation Language

WHAT: 1) All demolition and disposal of asbestos will be required to be conducted in accordance with the procedures specified in BAAQMD's Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation and Manufacturing.

2) Install vapor barriers to mitigate risks potentially posed by vapor intrusion or other alternative approved by the RWQCB.

3) Comply with requirements as set forth by the lead regulatory agency overseeing the investigation and remediation of environmental pollution on the property. Following the installation of the vapor barriers, copies of the certifications from the contractor performing the vapor barrier installation must be provided to the City of Sunnyvale and County of Santa Clara Department of Environmental Health.

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

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

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

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 7/17/13

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com
70. Recreation - Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com
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"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan, Community Character Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com

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

69. & 70. Recreation (Less than Significant): The project will generate an increase in the use of existing park facilities. Through implementation of the City’s Park Dedication requirement, which includes payment of the estimated park in-lieu fee of approximately \$1 million dollars for the 49 new residential units, this impact is less than significant.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 7/17/13

ENVIRONMENTAL SOURCES

Initial Study Checklist
Project Name: 698 E. Taylor Avenue
File # 2013-7272
Page 24 of 26

City of Sunnyvale General Plan:

Sunnyvale General Plan Consolidated in (2011)
generalplan.lnsunnyvale.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>

ENVIRONMENTAL SOURCES

Initial Study Checklist
Project Name: 698 E. Taylor Avenue
File # 2013-7272
Page 25 of 26

- The Leaking Underground Petroleum Storage Tank List www.geotracker.waterboards.ca.gov
- The Federal EPA Superfund List www.epa.gov/region9/cleanup/california.html
- The Hazardous Waste and Substance Site List www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

Guidelines and Best Management Practices

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

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

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

OTHER :

Project Specific Information

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 6/27/13
- Project Noise Study prepared by Charles Salter and Associates dated 5/29/13
- Project Greenhouse Gas Analysis/CalEEMod Results prepared by Environ dated 4/5 and 3/13
- Project Phase I Environmental Site Assessment (ESA) prepared by Cornerstone Earth Group dated 9/5/12
- Project Phase II Subsurface Investigation Report prepared by Cornerstone Earth Group dated 9/5/12
- Project Draft Updated Removal Action Plan prepared by Cornerstone Earth Group dated 3/20/13
- Field Inspection
- Project Construction Schedule
- Project Draft Storm Water Management Plan (in project plans)
- Project Tree Inventory prepared by Hort Science Inc. dated 2/13/13
- Project Green Building Checklist
- Project Geotechnical Study prepared by Cornerstone Earth Group dated 11/28/12

Please see the
Planning Commission
web page for
Attachment F

Attachment G

Description of Proposed Project

The proposed project consists of demolition of several industrial buildings and construction of 49 townhouse style condominiums in 9 separate buildings with related parking, landscaping, and street frontage improvements.

The project is proposed as 3 and 4 bedroom ownership condominiums in a town house style. The density is proposed at 18.8 per acre. There are 9 buildings, consisting of one 4-plex, three 5-plexes, and five 6-plexes totaling 49 units. Of these 9 buildings, 7 have distinctly different plan combinations. Private streets will extend through the site and provide access to private garages for each unit. All units have two-car garages except for the eight Plan 1 units which have a 3-car tandem configuration. Open parking is available along the main spine road. Common open space and landscaping is provided as well.

The project is located just 1 block south of Fair Oaks Park in an MS/ITR designated area contiguous to the west side of old Britton Ave. between East Taylor Ave. and E. Arques Ave. The site is 2.8+/- acres with flat topography, and is within easy walking distance to Fair Oaks Park and several VTA bus stops.

Pursuant to the Sunnyvale Municipal Code (SMC) Section 19.67.040, the applicant will be providing the required 12.5% Below Market Rate (BMR) units; i.e. six affordable units and a fractional fee for the remainder (.125 of a unit) 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-3, Citywide Design Guidelines, and the Fair Oaks Junction Sense of Place Plan. Deviation from code requirements can be considered through the SDP. Deviations requested include front setbacks, height limits, and parking.

Vesting Tentative Map

- The Vesting Tentative Map is required for the subdivision of the site from the current three parcels to seven residential lots with 49 residential units and 7 common lots for landscaping, parking, circulation, and open space. The map establishes new lot boundaries and accomplishes specific legal requirements for dividing land including review of the locations of utilities and easements. The Vesting Tentative Map also secures the approved project against future SMC changes by the City that might otherwise affect the project.

Items changed from PC Study Session

- We changed alley widths from 30' to 26' after confirming with the Building Department about code interpretations.
- Added a 5th plan (Plan 3, three story) This plan is substituted for the two story plan 2's in buildings 501, 502, 601, and 602. The new plan is 7.5 ft shorter in depth.
- With these changes in architecture and site plan we were able to alleviate two major deviations, 1) we were able to increase the building separations at the paseos to over 30' on average, and 2) we set Building 600 on Taylor with the same or better setback as the City Ventures project to the west
- We left two story units on the three most visible buildings; we did adjust the two story units slightly by reducing their depth by 1.5 ft.
- We added a significant number of trees to the project by adding planter triangles at the front of the parking spaces thus providing and exceeding the required parking lot shade percentage.
- We added additional material changes that were requested by the planning staff.
- We provided other details such as fire ladder pad geometry and concrete details as requested by the staff.

Attachment H

Exhibit H

Development in ITR 6

