



**Draft for Planning Commission review  
on March 11, 2013**

**Council Date: March 19, 2013**

**SUBJECT:**           **2012-7460 - Prometheus Real Estate Group / Des Nolan**  
Discussion and Possible Action on Application(s) for Special  
Development Permit for a .98 acre site project located at **388 -  
394 E. Evelyn Avenue and 151-153 S. Bayview Avenue** in  
an DSP-4 (Downtown Specific Plan - Block 4) Zoning District  
(APNs: 209-05-019, 020, 021 & 022):

Motion               **Special Development Permit** to allow the development of 67  
apartments;

Motion               **Vesting Tentative Map** to merge four lots into one lot.

**REPORT IN BRIEF:**

**Existing Site  
Conditions**

**Surrounding Land Uses**

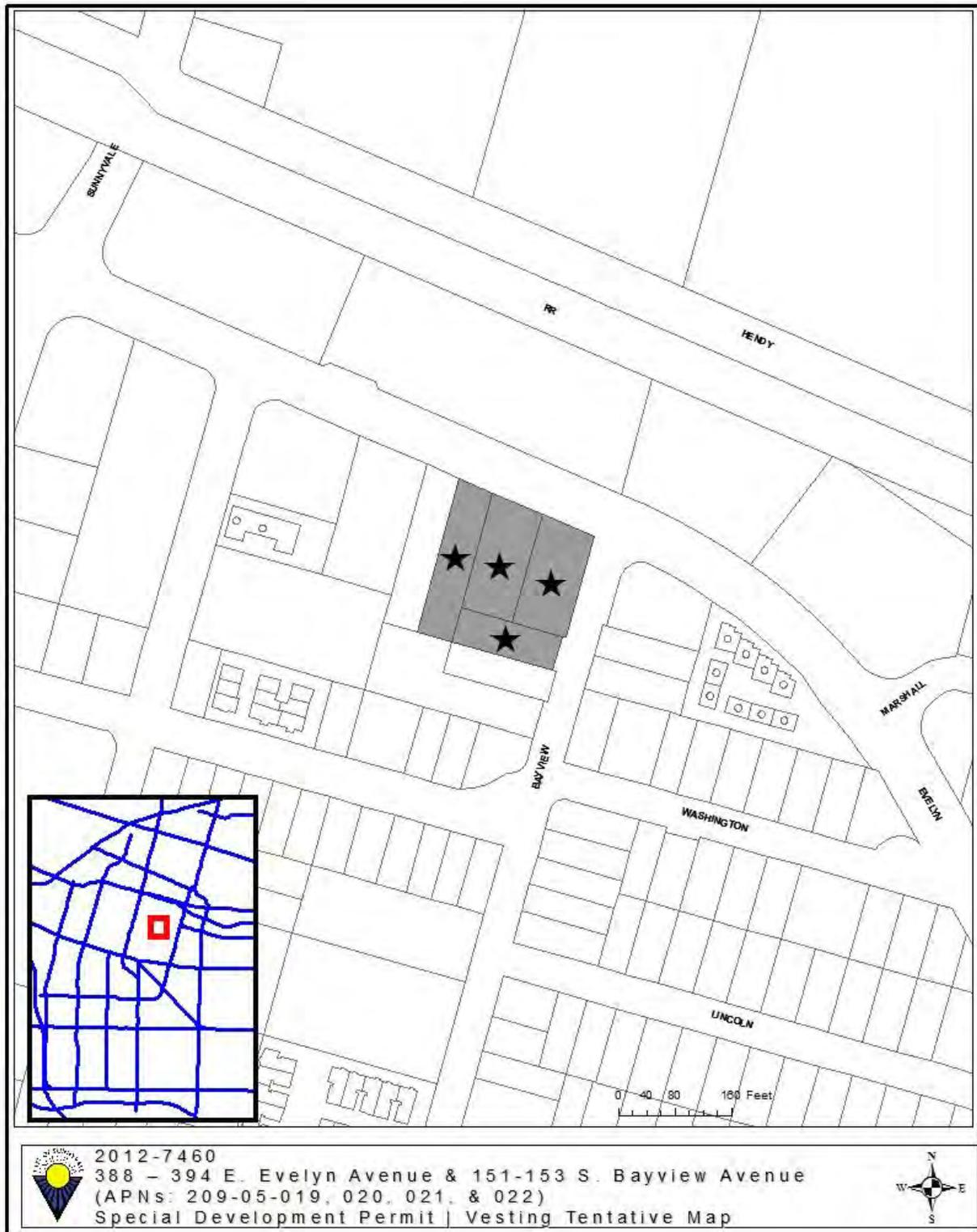
North	Multi-Family Residential across E. Evelyn Avenue (Villa Del Sol Apartments)
South	Duplex
East	Daycare across S. Bayview Avenue
West	Multi-Tenant Commercial (proposed residential)

**Issues**               Architecture, Height

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

**Staff  
Recommendation**   Approve with Conditions

### VICINITY MAP



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Downtown Specific Plan	Same	Downtown Specific Plan
<b>Zoning District</b>	DSP-4	Same	DSP-4
<b>Combined Lot Size (s.f.)</b>	42,846 (0.98 ac.)	Same	21,780 min. (0.5 ac.)
<b>Gross Floor Area (s.f.)</b>	Approx. 16,862	82,469	No max.
<b>Lot Coverage (%)</b>	30%	49%	45% max.
<b>Floor Area Ratio (FAR)</b>	48%	Approx. 192%	No max.
<b>No. of Units</b>	36	67	66 max. With use of State affordable housing and City green building density bonuses
<b>Density (units/acre)</b>	N/A	68 through green building & state law density bonus	48 max. Without use of density bonuses
<b>Bedrooms/Unit</b>	N/A	1 & 2	N/A
<b>Unit Sizes (s.f.)</b>	N/A	805 - 1,219	N/A
<b>Lockable Storage/Unit</b>	N/A	300 cu. ft.	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	5	1	N/A
<b>Building Height (ft.)</b>	18 ft.	35 - 60 feet	40
<b>No. of Stories</b>	1	4	3 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front (E. Evelyn Ave.)</b>	0'	18' (to porch/stoops)	18' min.
<b>Left Side</b>	7'	26'	6' min.
<b>Front (S. Bayview Ave.)</b>	25'	6'	No min.
<b>Rear</b>	5'	26'	20' min
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	Approx. 2,000	17,581 s.f.	8,569 (20% of lot area) min.

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>Usable Open Space/Unit</b>	N/A	56	50 min.
<b>Clubhouse</b>	N/A	225	225 min.
<b>Frontage Width (ft.)</b>	0	18	15 min.
<b>Parking</b>			
<b>Total Spaces (In Garage)</b>	Approx. 42	112 (including 12 stacker spaces)	112 min.
<b>Standard Spaces</b>	Approx. 41	108	108 min.
<b>Accessible Spaces</b>	1	4	Per ADA requirements
<b>Aisle Width (ft.)</b>	28'	24'	24' min.
<b>Bicycle Parking</b>	0	29	24 Class I) 5 Class II
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	36,724	35,045	Requires stormwater remediation per SMC
<b>Impervious Surface (%)</b>	85%	82%	Requires stormwater remediation per SMC

★ Shaded items with a star indicate requested deviations from municipal code requirements.

## **BACKGROUND:**

The proposed project includes the development of a new four-story residential building with 67 dwelling units. The existing structures on the four parcel site that are to be demolished include a one-story commercial building, two single-story residences, a one-story multi-family residential structure and a two-story multi-family residence (low-cost boarding facility). The boarding house serves primarily lower-income residents. The site is located in Block 4 of the Downtown Specific Plan.

### **Previous Actions on the Site**

The boarding house, Hotel Sunnyvale, was formerly on the City's heritage resource inventory. In July of 2006, it was approved to be removed from the list by the Heritage Preservation Commission. A Special Development Permit had been approved for the site in 2007 for a 47-unit condominium building. The project is still entitled, however, no building permits have been approved; approval of this application would nullify the prior approval. A General Plan Initiation to consider a higher density residential use for the site and

surrounding properties was approved on April 24, 2012. The applicant has since modified the proposal to consider a higher density through the state density bonus law and the City's green building program.

File Number	Brief Description	Hearing/Decision	Date
2011-7906	General Plan Initiation consider amending the land use from commercial general business to residential very high density	City Council/ Approved	4/24/2012
2007-0828	Special Development Permit for a 47 unit condominium project	Planning Commission / Approved	10/22/2007
2006-0505	Determination of significance for the "Sunnyvale Hotel" to allow removal from the City's Heritage Resource list.	Heritage Preservation Commission / Approved	7/5/2006

### **Planning Commission Study Session**

A Planning Commission Study Session was held for the two apartment projects (2012-7460 & 7462) on August 13, 2012. The discussion included policy issues related to the proposed land use and density in addition to specific site and architectural design of the two projects. Comments were provided regarding an appropriate density that took into account the available density bonuses through state law and green building incentives. Commissioners were generally supportive of the architectural design with specific recommendations regarding the design of the concurrent project at 457-475 E. Evelyn Avenue.

### **DISCUSSION:**

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#### **Requested Permits**

- **Special Development Permit**

The applicant has requested approval of a Special Development Permit (SDP) for site and architectural review. The SDP also is used to consider approval of preliminary landscaping and stormwater management plans. An SDP is the project review process for sites in Sunnyvale within the Downtown Specific Plan or a Planned Development. Although a General/Specific Plan Amendment is no longer requested for this site, a related development proposal for a 158-unit apartment development at 457-475 E. Evelyn (2012-7462) is concurrently being reviewed with a General Plan Amendment,

Downtown Specific Plan Amendment and Rezoning application (2012-7990). That site is located northeast of this subject site.

Deviations, or exceptions to code required development standards can be considered through an SDP and do not require separate review through a Variance application. The applicant is requesting deviation from the corner vision triangle, height and lot coverage. A similar request had been granted as part of the Planning Commission prior approval of the condominium project for the site. Through state law, by providing a certain percentage of very low income units, the project can be granted two concessions from development standards. Furthermore, as discussed in the “parking” section of this report, an alternative parking rate can be utilized for the affordable housing units, exclusive of those concessions.

- **Vesting Tentative Map**

The Vesting Tentative Map is requested to allow for the lot merger of the four existing parcels. A Vesting Tentative map locks in current codes and requirements for the applicant.

## **ANALYSIS:**

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The project site plan and architectural plans are provided in Attachment D. The site is located at the northeast corner of E. Evelyn Avenue and S. Bayview Avenue. The four-parcel site is slightly less than one acre in size and is located approximately 1/3 mile away from the Caltrain station and is along a VTA bus line on E. Evelyn Avenue.

The 67-unit apartment building maintains a similar layout as the approved condominium project; however, the proposal differs significantly in architectural style. Instead of a roof garden, the building contains a centralized courtyard at the ground level. The applicant is proposing that the common recreational facilities at the 158-unit project would be available to tenants of this project site. The apartments contain 45 one-bedroom units and 22 two-bedroom units and range from 800 to 1,200 square feet with several different floor plan styles. Similar to the approved condominium project, the underground parking is accessed at the southeast corner of the site along S. Bayview Avenue.

Although there are more dwelling units in this application compared to the prior proposal, the building has fewer square feet and less mass due to the smaller unit sizes.

The proposed apartment building has approximately two thirds of its units as one-bedroom units; whereas, the condo building was almost all two-bedroom units. Other key differences between the projects include a design that reduces the height of the building at the south end facing the residential neighborhood

by shifting taller elements towards the north and east ends that face the public streets. Increased setback is also provided along the western end of the site that faces commercial uses. A majority of the building's front façade is setback further from the public streets than the approved project, except that stoops and patio areas would have a similar setback as the previously approved project (See Page 4 of Attachment D for a more detailed comparison of the two projects).

More information regarding the City's "Balanced Growth Profile," which tracks changes in residential and commercial development, is included in the policy report related to the Downtown Specific Plan and General Plan Amendments (2012-7990).

### **Applicable Design Guidelines**

The project is located with Block 4 of the DSP and subject to the DSP design guidelines. Applicable guidelines include the following statements that are addressed under the discussion of architecture and development standards:

- *A.2. Locate private on-site parking below grade or behind active uses. Public parking such as surface lots and on-street parking may be permitted with applicable streetscape design.*
- *A.6. Provide direct entrances or stoops to street-level residential units such as a porch, platform or staircase, to create an intimate streetscape.*
- *B.9.: Interrupt front facades on large structures by various architectural elements such as trellises, balconies, steps, opening, etc., about every 30 ft. to appear smaller in scale.*
- *C.2. In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.*
- *C.5. Buildings shall have three distinct components: base; middle; and top. Define each component by horizontal and vertical articulation.*
- *C9: Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, arcades, porticos, trellises, porches, balconies, dormers, windows, opening, etc.*
- *E4: Vary roof levels and forms on a large building to create diversity and to decrease the apparent scale of the building.*

### **Architecture**

The project differs in architectural style from the approved project by utilizing a more modern contemporary design style. Similar architectural style can be found with other residential and commercial projects downtown (including the former Town and Country site currently under construction). Staff has worked

with the applicant to reflect some of the traditional architectural forms and materials that are found in the older surrounding neighborhood to the south. The immediate area includes a mix of traditional, Mediterranean and contemporary architectural styles. The approved condo project had been designed in a more Mediterranean/Spanish style. Wood trellis features have been added along the building elevations facing the street over balcony areas. The roof has been modified from a flat to a sloped form with asphalt shingles. Increased overhang depth has also been incorporated into the roof. Similar to the concurrent project, the design utilizes various horizontal and vertical forms to break up the massing of the building.

The building utilizes a combination of façade materials that include stucco, wood, stone and metal. A varying use of smooth and corrugated finishes is incorporated. The color palette consists of contrasting shades of beige, white and brown. The architectural plans are provided in Attachment D.

### **Development Standards**

The proposed project complies with the majority of applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following have been identified as deviations from required standards or were identified for clarification by the Planning Commission:

### **Site Layout**

Yards and Setbacks: The front porch and stoop areas are approximately 18 feet away from the front property line along E. Evelyn Avenue and six feet from S. Bayview property line. Additional setback is provided to the majority of the building façade. As stated previously, increased setback is provided to adjacent properties to the south (approx. 21 to 26 feet) and west (approx. 10' – 20 feet). The ramp to the garage is located adjacent to the south property line as was approved for the condominium project.

Parking and Circulation: As recommended by DSP guidelines for the area, the parking for the proposed project is not visible from the street frontage. An underground parking garage provides 112 parking spaces; however, 12 spaces are provided through use of a car lift. These spaces would be dedicated to particular units. Sunnyvale Municipal Code requirements do not contain provisions for this style of parking; therefore, the site would be deficient according to DSP standards. The state law enables an alternative parking rate to be used for those projects that provide low income units. The DSP requires one and a half spaces per one-bedroom unit and two spaces per two bedroom unit. However, the state law only requires one space for one-bedroom units and two spaces for two-bedroom unit. Under the rate allowed by state law, the site would exceed parking standards. There are no compact spaces designed for the project. Staff is requiring that 25 guest spaces be available within the garage, per Conditions of Approval. This amount is based on 25% of the total number provided not utilized as stacked spaces (100).

The site provides 24 Class I and five Class II bicycle spaces per VTA guidelines. These spaces are preliminarily located in the lobby and garage.

### **Building Height**

This portion of Block 4 of the Downtown Specific Plan requires a maximum height limit of 40 feet. The peak of the building ranges from 35 to 60 feet. On average, the building height is approximately 48 feet. A tower element positioned at the street corner peaks at approximately 60 feet. The project has been designed to shift the four story and tallest portions of the building towards the street away from lower density residential uses that lie to the south. The south side of the building that faces existing residential is composed of three stories and peaks at approximately 35 feet. A request for a deviation from height requirements was granted as part of the approved condominium project (45 ft.). As stated previously, per State Law SB 1811, the applicant requests a concession, from this development standard. Projects within the DSP are exempt from solar access requirements.

### **Landscaping and Tree Preservation**

The project meets code requirements for landscape and usable open space in the DSP. The proposed plans also indicate that usable open space areas meet the required minimum dimensions.

A tree inventory was prepared by a consulting arborist for the project. The site currently has 21 trees on site of which six are considered protected trees by code. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project indicate removal of the six protected tree on site. Conditions of Approval require that all protected trees that are scheduled to be removed shall be replaced with a minimum of 36-inch box trees. The applicant has proposed adding six street trees along E. Evelyn Avenue. The tree species will be selected by the City Arborist and will most likely follow the existing pattern of London Plane Yarwood for the Evelyn Avenue frontage and Southern Live Oak for Bayview Avenue.

### **Storage Lockers**

The Zoning Code requires 300 cubic feet of storage for each residential unit. The intent of the storage area is to provide additional lockable storage space for developments that do not have individual secured garage space. The project proposes to accommodate this requirement by providing a combination of storage area within the unit (accessed from the patio/balcony area) and within the common area on each floor. No storage lockers are located within the garage. A small percentage of units provide the entire 300 cubic feet within the units.

### **Trash & Recycling Facilities**

The trash and recycling facility for the site is located at the ground level near the garage entrance for the site. As shown on the site plan, a loading area for

pick-up service is provided along S. Bayview Avenue similar to the previously approved project. Conditions of Approval require that final details to the loading and service area meet Department of Public Works standards.

### **Stormwater Management**

The applicant has submitted a preliminary stormwater management plan with the project application. The project qualifies as a “special project” through the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURP), as it is located within 1/3 mile of an existing transit hub (Sunnyvale Caltrain station), characterized as a non-auto related use, and has a minimum density of 25 dwelling units per acre. The stormwater treatment devices consist of a combination of low impact development (LID) based treatment, media filters and bio-treatment. A final Stormwater Management Plan is required to be submitted and certified by a third party consultant, prior to building permits, as noted in the Conditions of Approval.

### **Water-Efficient Landscaping**

The applicant has provided a preliminary water-efficient landscape plan to meet City standards. The applicant has developed a planting palette that uses predominately low water use plants and uses minimal turf areas. A preliminary water budget has also been provided. A Condition of Approval will require a final plan prior to issuance of building permits.

### **Art in Private Development**

Art in private development is not required for this project since no commercial uses are proposed.

### **Green Building Program**

All new multi-family residential projects are required to achieve a minimum 80 points. The preliminary plans for the project indicate that 110 points will be achieved. As part of the City’s green building incentive program, a 5% density bonus can be granted. At the time of building permit review, and again at the time of final project inspection/occupancy a certified Green Point Rater is required to provide a letter that states the project is designed to achieve the minimum points required.

### **Easements and Utilities**

As part of this project, all utilities on the project site are required to be undergrounded. Sidewalk easements will be created as necessary around the proposed loading areas for the site as noted on the site plan.

### **Sidewalk Improvements**

The existing sidewalk will be modified to 10 feet to meet adopted standards for Block 4 of the DSP along E. Evelyn Avenue. Street trees installed within grates will also be installed along E. Evelyn Avenue. The final species is subject to a final determination by the City Arborist. No modifications are planned to the existing bike lane along E. Evelyn Avenue.

### **Housing Relocation Assistance**

The subject site currently provides 34 affordable rental housing units (however there is not a requirement for these units to be affordable). While the proposed project is providing for five very low income households, there will be a net loss in affordable housing with the development of the project. Unlike in the case of a Mobile Home Park closure, no Conversion Impact Report is required for this project. As conditionally required for the approved condominium project, the project is required to provide a Relocation Assistance Program for existing tenants of the SRO facility. The applicant is proposing the same plan that had been provided for the previously approved project is proposed. A copy of the relocation program is provided in Attachment I.

### **Affordable Housing**

State law enables the project to be granted a density bonus if a certain percentage of units are affordable for low to very low income households are provided. The project is requesting the maximum 35% density bonus allowed under state law by dedicating 11% of the allowable number of units (based on a density of 48 dwelling units per acre) to very low income residents. This would result in five units for “very low” income residents. The 35% density bonus is based on the base density of 48 dwelling units per acre. Staff and the applicant differ as to how the total number of units is calculated. Staff is recommending that the project be reduced by one unit for a total of 66 units. A table is provided in Attachment G for more clarification. The size, location and price of the affordable units will be established in agreement with the City’s Housing Officer.

### **Environmental Review**

A draft and final Program Environmental Impact Report (Program EIR) was prepared in 2003 when the Downtown Specific Plan was considered by the City Council for full build-out of the plan. Specific components of the Program EIR included:

- 1) Adoption of amendment to the City of Sunnyvale General Plan Land Use and Transportation Element (including the Downtown Specific Plan section) and the General Plan Map for 20 blocks of development proposed to be in the plan;
- 2) Adoption of amendments to the City's Zoning Code, including the Precise Zoning Plan/Zoning District Map and Chapter 19.28 Downtown Specific Plan District and 19.80 Design Review;

- 3) Adoption of amendments to the 1993 Sunnyvale Downtown Specific Plan to incorporate various land use designations, development standard revisions, design guideline revisions, circulation and parking recommendations and streetscape standard revisions proposed for the Downtown Design Plan area comprised of 20 blocks and three adjacent areas; and
- 4) Adoption of related amendments to the Sunnyvale Downtown Redevelopment Plan.

The City Council adopted Mitigation measures with the Program EIR and also identified two significant, unavoidable environmental impacts for regional air quality and freeway traffic for which the Council adopted a Statement of Overriding Considerations. The Program EIR identified as mitigation for traffic the adoption of a County-wide Deficiency Plan to be adopted by Santa Clara Valley Transit Authority. The Deficiency Plan has been adopted. The Program EIR also directed that future site-specific development proposals will be subject to further environmental review on a project-by-project basis. Amendments to the DSP were made in 2004 and 2007, together with project specific 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 experience or create any significant environmental impacts with implementation of the recommended mitigation measures (see Attachment C, Initial Study). Environmental issues that required mitigation include interior noise, biological/tree preservation, historic and cultural resources and air quality.

A Traffic Impact Analysis (TIA) was not required since less than 100 net new peak hour trips would be generated over current uses occupying the site. In response to community concerns, the applicant hired a transportation consultant, AECOM, to conduct a traffic analysis for the project. (The applicant's voluntary study is provided in Attachment H).

## **FISCAL IMPACT**

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The project is required to pay a Transportation Impact Fee (TIF) for each net new peak hour trip generated by the project. If approved, the estimated Transportation Impact Fee for a 67-unit residential apartment project is \$25,459.70. This fee includes a credit for the existing development. The amount would be modified if the project is approved with 66 units.

All residential projects are required to pay a park in-lieu fee unless dedicated park land is provided as part of the project. In this case the required in-lieu fee is estimated to be \$973,827.36 for the new residential units. The amount would be adjusted if approved unit count is modified. Per the zoning code requirements, credit is given for the five affordable rental units that are to be provided.

The project would also generate increased property tax revenue from the increase in the assessed land value, and new residents would generate new sale taxes from retail expenditures in the city. This increase in revenue would be offset by the increase in City services required by these new residents.

## **PUBLIC CONTACT**

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The project received written comments from nearby residents as provided in Attachment F. The letters note concerns related to traffic and site design of the project. As noted previously, staff does not find that the proposed projects necessitate traffic mitigation measures.

Although not required by the Heritage Preservation Commission when the hotel was removed from the City's Heritage Resource inventory, the applicant has contacted an artist to design a commemorative plaque for the Sunnyvale Hotel that would be installed at a location to be determined on the site. Conceptual sketches of this plaque are provided in Attachment J.

<b>Notice of Mitigated Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 1,332 notices mailed to the property owners and residents within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

## **ALTERNATIVES**

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1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with attached conditions including a reduction to the total number of apartment units from 67 to 66.
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**

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Staff recommends Alternative 1. Staff finds that the proposed density through the provision of affordable housing and green building design can be supported with Conditions of Approval that reduce the number of units to 66. The project meets most downtown development standards and design guidelines for Block 4 of the DSP with certain concessions requested through provisions of State Law SB1818. The high density project is appropriately located within a transit oriented area. Specific noise mitigation will be incorporated into the construction design of the project as required.

**Findings and General Plan Goals:** Staff was able to make the required Special Development Permit Findings and Tentative Map findings based on the plans, justifications and supplemental studies provided by the applicant in relationship to General Plan Goals and Policies. Recommended Findings and related General Plan Goals and Policies are located in Attachment A.

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

Reviewed by:

Hanson Hom  
Director, Community Development  
Prepared by: Ryan M. Kuchenig, Project Planner  
Reviewed by: Trudi Ryan, Planning Officer

Approved by:

Gary M. Luebbbers  
City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration/Initial Study
- D. Site and Architectural Plans
- E. Applicant's Request for Density Bonuses and Addendum Letter
- F. Letters from Interested Parties
- G. Density Bonus Tables
- H. Voluntary Traffic Impact Analysis Provided by the Applicant
- I. Tenant Relocation Program Provided by the Applicant
- J. Conceptual Sketches of the Commemorative Plaque

## **ATTACHMENT A RECOMMENDED FINDINGS**

### **Special Development Permit**

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Goals and Policies that relate to this project are:

#### **Downtown Specific Plan**

**DSP B.1.:** Encourage mixed uses throughout downtown when consistent with the district character.

**DSP B.2.:** Encourage below-market-rate housing in all residential neighborhoods.

**DSP B.4.:** Continue to encourage landscape, streetscape and façade improvements for all streets throughout the downtown.

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

**DSP D.3.:** Encourage intensification of specified high density residential and commercial districts while maintaining the character and density of single family neighborhoods surrounding downtown.

#### **General Plan - Land Use and Transportation**

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

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

**Policy LT-3.1:** 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-3.4:** Determine appropriate density for housing based on site planning opportunities and proximity to services.

**GOAL LT-7.1:** Support efforts to establish Sunnyvale's downtown area as a strong commercial center for the City.

## **General Plan – Housing and Community Revitalization**

**Policy A.2.:** Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance.

**Policy C.3.:** Establish reduced and modified parking standards for special needs housing and housing in close proximity to public transit.

**Policy D.1.:** Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

**Policy D.2.:** Continue to direct new residential development into specific plan areas, near transit, and close to employment and activity centers.

1. As conditioned, the proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project meets most development standards and is in compliance with the Downtown Specific Plan. Specific incentives/concessions related to building height and lot coverage, as proposed, are enabled through provisions of State law SB 1818. As conditioned, the project is required to reduce the overall unit count to 66 units and provide affordable housing on-site. Conditions of approval also require a final tenant relocation plan to be provided to assist existing residents. Construction design that incorporates specific noise attenuation should limit impacts to future residents.
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. The proposed high density residential development is compatible in density to nearby residential uses and is appropriately located in a pedestrian and transit oriented neighborhood. Street frontage improvements improve the site and allow for a better connection to development downtown. As conditioned, the project minimizes impacts on the surrounding properties and allows for a redevelopment that meets the intent of the Downtown Specific Plan.

## **Tentative Map**

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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 (1-8) 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.

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
MARCH 11, 2013**

**Planning Application 2012-7460**

388-394 E. Evelyn Avenue & 151-153 S. Bayview Avenue

**Special Development Permit for a 67-unit Apartment Building 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. TITLE 25:  
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-4. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-5 BELOW MARKET RATE PROGRAM:  
Prior to recordation of a Final Map establishing condominium units, the developer shall comply with S.M.C. 19.67.080, by recording a BMR housing agreement with the City. [SDR] [PLANNING]
- GC-6. 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; Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]
- GC-7. 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-8. SIGNS:  
Any proposed signage requires separate approval by the City prior to installation. [COA] [PLANNING]

- GC-9. TOTAL UNIT COUNT – The project shall be modified with the reduction of one unit (66 apartments). [COA] [PLANNING]
- GC-10. AFFORDABLE UNITS – The project is required to provide 11% of the units under the allowable density of the site for “very low” income residents as defined by state law.
- a) A total of 5 units shall be provided, based on the density of 48 units per acre (47 units for a .98 acre site). [COA] [PLANNING]
- GC-11. RELOCATION ASSISTANCE - Provide a final Relocation Assistance Plan (RAP) for the existing tenants and a housing specialist or coordinator to provide relocation assistance prior to the issuance of building permits. All eligible tenants shall have been offered assistance per the RAP prior to issuance of Demolition permit(s). The final Relocation Assistance Plan includes the amount of assistance and the notification plans to be approved by the Director of Community Development prior to the issuance of demolition permits. [COA] [PLANNING]
- GC-12. PUBLIC IMPROVEMENTS: The developer is required to install all public improvements, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc. as required by the Director of Public Works. All public improvements shall be designed and constructed in accordance with current City standard details and specifications, and approved by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-13. DEFICIENT PUBLIC IMPROVEMENTS: Any and all existing deficient public improvements which are not in accordance to the latest City standards shall be upgraded to current City standards as required by the Director of Public Works as identified on the off-site improvement plans. [COA] [PUBLIC WORKS]
- GC-14. 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 CA Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed by the Department of Public Works. [COA] [PUBLIC WORKS]
- GC-15. FINAL MAP RECORDATION: Final map shall be reviewed, approved and recorded prior to any grading and building permit issuance.

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

PS-1. 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-2. STORMWATER MANAGEMENT PLAN:

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

PS-3. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

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

PS-4. ENVIRONMENTAL MITIGATION MEASURES:

Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage. [COA] [PLANNING] **Mitigation Measure**

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

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

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

BP-4. BLUEPRINT FOR A CLEAN BAY:

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

BP-5. GREEN BUILDING:

The building permit plans shall demonstrate the project is designed to achieve a minimum of 110 points on BuildItGreen's GreenPoint Rated Checklist. The GreenPoint Rated Checklist shall be included on plans. A letter of verification by a Green Point Rater shall be provided that indicates the project has achieved the minimum points prior to occupancy/final inspection. The project receives a 5% density bonus based on a density of 48 dwelling units allowed for the project site and is counted separately from the requested state density bonus. The total number of units allowed for the site is indicated in Condition of Approval GC-9. [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] [PLANNING]
- BP-7. 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-8. RECYCLING AND SOLID WASTE: the waste disposal and recycling facilities within the buildings shall be designed with adequate space and clearance based upon city's latest guidelines. The developer and subsequent home owner's association shall arrange and pay for the "Push Out Service Fees" in accordance with city' utility fee schedule. The plans shall also be revised to have wider sidewalk at the container staging area to allow adequate and safe pedestrian access during operation. [COA] [PLANNING/PUBLIC WORKS]
- BP-9. ROOF EQUIPMENT:  
Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-10. FEES AND BONDS:  
The following fees and bonds shall be paid in full prior to issuance of building permit.
- a) TRAFFIC IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project estimated at \$25,459.70 that will be calculated prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
  - b) PARK IN-LIEU - Pay Park In-lieu fees estimated at \$973,827.36, prior to approval of the Final Map (SMC 18.10). [SDR] [PLANNING]
- BP-11. MECHANICAL EQUIPMENT (EXTERIOR):  
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-12. EXHAUST AND OPENINGS:

The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-13. AFFORDABLE HOUSING DENISTY BONUS DEVELOPER AGREEMENT:

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

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

BP-14. LANDSCAPE PLAN:

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

- a) All areas not required for parking, driveways or structures shall be landscaped.
- c) Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- d) Ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) 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.

- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - i) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
  - j) Patio and landscape walls shall not be higher than four feet.
- BP-15. PRE-APPROVED, WATER EFFICIENT LANDSCAPE PLANS:  
The developer shall submit landscape plans for review and approval by the Community Development Department. These plans will be reviewed through a Miscellaneous Plan Permit to ensure they meet the City's Water Efficient Landscaping code requirements. [PLANNING] [COA]
- BP-16. LANDSCAPE MAINTENANCE PLAN:  
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permits. [COA] [PLANNING]
- BP-17. 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).
  - b) All existing (non-orchard) 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 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-18. CITY STREET TREES:**

The landscape plan shall including existing and proposed City street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [SDR] [PLANNING/PUBLIC WORKS]

**BP-19. BEST MANAGEMENT PRACTICES - STORMWATER:**

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Covered trash, food waste, and compactor enclosures.
- d) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - e) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - f) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

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

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

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall

not exceed 8 feet on the periphery of the site adjacent to residential uses.

- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) 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-21. PHOTOMETRIC PLAN:

Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. [COA] [PLANNING]

BP-22. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

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

- a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
- b) A minimum of 25 spaces (25% of the total parking spaces provided not utilized as “stackers”) shall be required for guest parking.
- c) 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.
- d) Tenants shall use their assigned parking spaces prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV’s, trailers, or boats in assigned spaces.
- f) Notify potential residents of the number of parking spaces provided for each unit on-site as per the approved plans. [PLANNING] [COA]

BP-23. BICYCLE SPACES:

Provide 24 Class I and 5 Class II per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]

## BP-24. 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) Approved Fire Department ladder access is required in courtyard in order to rescue occupants from approved windows.
- f) Provide the required number of approved fire extinguishers (minimum size of 2A10BC) (CCR Title 19: 568).
- g) Adhere to Sunnyvale Fire Prevention fire department emergency vehicle access requirements..
- h) Trash enclosures within 5 feet of building exterior walls or overhangs require fire sprinkler protection. (304.3.3 CFC, 16.52.270 SMC).
- i) A Knox box (key box) may be required in accordance with Fire Prevention guidelines 9. Approved emergency responder radio coverage is required throughout the project. Radio retransmission equipment may be required in areas lacking sufficient coverage. Refer to SMC 16.52.230, Emergency Responder radio coverage and CFC Appendix J for further details.
- j) Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems.
- k) Provide electronic version of plans to assist with Fire Department "Pre-Fire Survey" maps. [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

## BP-25. 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-26. AIR CONDITIONING SYSTEMS:

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

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

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

BP-27. NOISE REDUCTION:

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

WHAT: To achieve compliance with the 45 dB DNL limits of the City of Sunnyvale Safety and Noise Chapter of the General Plan and Title 24 standards, the following noise mitigation measures are required:

1. Maintain closed at all times all windows and glass doors of living spaces within 130 ft. of the centerline of Evelyn Avenue and with a direct or side view of the roadway.
2. Install windows and glass doors rated minimum Sound Transmission Class (STC) 28 at locations noted in Figure 1 (Page 7 of the Edward L. Pack Associates Noise Assessment Study, June, 2012).
3. Provide some type of mechanical ventilation for all living spaces with the closed window condition.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the Planning Commission. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during construction of the project.

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

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

BP-28. AIR QUALITY:

The following mitigation measures shall apply to each project:

WHAT: Permits must be obtained from the City of Sunnyvale (grading permit and Storm Water Pollution Prevention Plan) and BAAQMD (J-Permit) prior to demolition or new construction. The City of Sunnyvale permit shall, amongst others, specifically include the following mitigation measures:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publically visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted at the site. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

WHEN: These mitigation measures shall be converted into conditions of approval for the Special Development Permit (SDP) prior to

its final approval by the City Council. The conditions will become valid when the SDP is approved. Conditions will be applicable during the construction of the project.

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

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

BP-29. CULTURAL RESOURCES:

Final construction drawings shall incorporate all mitigation measures related to cultural resources as set forth under "Mitigation Measures" in the approved environmental document and as noted below. [COA] [PLANNING] Mitigation Measure:

- 1) For projects involving substantial grading, demolition or ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Projects that the CHRIS determines may be located in a sensitive area, or on adjoining an identified archaeological site, shall proceed only after the project sponsor contracts with a qualified archaeologist to provide a determination in regard to cultural values remaining on the site and warranted mitigation measures.
- 2 In the event that subsurface cultural resources are encountered prior to or during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. Workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls, structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner

of mitigating impacts to an archaeological site. Preservation may be accomplished by:

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

**WHEN:**

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

**WHO:**

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

**HOW:**

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

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

- EP-1. UTILITY LINES: The developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-2. RE-USE OF EXISTING CITY UTILITY SERVICE LINES: The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]
- EP-3. UTILITY METER/VAULT AT DRIVEWAY APPROACH: No existing or new utility meters or vaults shall be located within the new driveway approach areas. [COA] [PUBLIC WORKS]
- EP-4. JOINT TRENCH UTILITY PLANS: Concurrently with the off-site plan review, submit joint trench utility plans (PG&E, telephone, cable TV, etc.) 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. [PUBLIC WORKS]
- EP-5. EXISTING CITY UTILITIES: Developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [PUBLIC WORKS]
- EP-6. PUBLIC FIRE HYDRANTS: Remove and replace the existing fire hydrant along Evelyn Avenue to current City standard Clow-Rich 865. The existing fire hydrants may need to be relocated with new service line as needed during the off-site improvement plan review. New fire hydrant location shall be per current City standard detail 2B-2. Public fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS]
- EP-7. DUAL CONNECTION WATER SERVICE SYSTEM: Provide two domestic water and two fire service points of connections, with two separate radio-read domestic master water meters and two separate

- double check detector assemblies (DCDA) with fire service meter(s) in accordance with current City standards. [PUBLIC WORKS]
- EP-8. SEPARATE IRRIGATION WATER SERVICE AND TAP: Install a separate irrigation service lateral and meter for irrigation purposes. [PUBLIC WORKS]
- EP-9. BACKFLOW PREVENTORS: Install new and/or upgrade existing backflow prevention devices in accordance with the City current standards and specifications. Install enclosure per city standards, if applicable. [COA] [PUBLIC WORKS ENGINEERING]
- EP-10. SANITARY SEWER ANALYSIS: Concurrent with the off-site improvement plan review, provide the Public Works Department with a detailed estimate of water consumption in gallons per day and estimate of sanitary sewer generation in gallons per day. Submit a sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer system. This includes, but is not limited to, 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. [PUBLIC WORKS]
- EP-11. SEWER CLEANOUT: Install new sanitary sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals. [COA] [PUBLIC WORKS]
- EP-12. DOWNTOWN SIDEWALK: Remove existing sidewalk and install downtown sidewalk per Downtown Streetscape Standard Details and Specifications for project frontage along E. Evelyn Avenue. Provide typical unit paver and band details for a 10' sidewalk (excluding the curb and 6" from the back of sidewalk to the right-of-way line) with dimensions and provide typical street cross sections at various locations on the off-site improvement plans. [PUBLIC WORKS]
- EP-13. ABANDONED DRIVEWAY APPROACHES: All unused driveway approaches shall be replaced with curbs, gutters, and sidewalks per current City standards. [SDR] [PUBLIC WORKS]
- EP-14. DOWNTOWN STREETLIGHTS: Remove the existing public streetlight (and salvage existing light fixtures) fronting the project site. Install downtown-style single-head decorative streetlights. Provide a photometric analysis for City review and approval to justify the proposed streetlight spacing. Submit separate streetlight plans concurrently with the off-site improvement plan review to include removal of existing streetlight conduits, installation of new conduits and location of power source connection, etc. [PUBLIC WORKS]

- EP-15. FRONTAGE DUCK-OUT AREAS: As part of the off-site plan review, submit design details with dimensions to accommodate waste disposal collection operation, including Portland cement concrete pavement within the duck-out areas. [PUBLIC WORKS]
- EP-16. IMPROVEMENT PLANS: Final approved public improvement plans shall be prepared on 24”X36”, 4 mil mylars. [PUBLIC WORKS]

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

- TM-1. FINAL MAP COMPLIANCE WITH VESTING TENTATIVE MAP: The final map shall be substantially the same as the vesting tentative map. Any alteration of the vesting tentative map after the vesting tentative map is approved may be subject to additional approval by the City and may require a public hearing. [PUBLIC WORKS]
- TM-2. TITLE 18 AND SUBDIVISION MAP ACT: The submittal, approval and recordation of the final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. [PUBLIC WORKS]
- TM-3. APPROVAL FROM PUBLIC UTILITY COMPANIES: Submit approval letters from all public utility companies for any existing easements to remain and for any proposed utility easements to be established. [PUBLIC WORKS]
- TM-4. PUBLIC WORKS FEES: The developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance. This includes, but is not limited to, an incremental sewer connection fee estimated at \$111,513.15 and an incremental water connection fee estimated at \$16,568.00 based upon available project data and fiscal year 2012-13 rate. The actual fee amount would be based upon the fee structure/rate at the time of fee payment. [COA] [PUBLIC WORKS]
- TM-5. SUBDIVISION AGREEMENT AND SECURITIES: The developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [PUBLIC WORKS]

- TM-6. NEW SIDEWALK EASEMENT: Dedicate adequate easement to accomplish a new 10'-wide public sidewalk and delineate the easement on the final map. [PUBLIC WORKS]
- TM-7. RESERVATION/ABANDONMENT OF EASEMENTS: Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map. Quitclaim deed is required for abandonment of private easements prior to final map recordation. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [PUBLIC WORKS]
- TM-8. COVENANTS, CONDITIONS AND RESTRICTIONS: If the units are sold as ownership units at a future date, this project requires conditions, covenants, and restrictions (CC&R's) to be recorded with provisions including, but not limited to, the following items:
- a) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
  - b) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first.
  - c) Homeowners are prohibited from modifying drainage facilities and/or flow patterns of the site without first obtaining permission from the City.
  - d) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the storm water management.

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

PF-3. NOISE REDUCTION VERIFICATION:

Acoustical tests shall demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units. Documentation indicating that mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. Refer to the building permit plans for the Mitigation Monitoring Plan or Negative Declaration, attached to the approved building permit plans. [COA] [PLANNING] Mitigation Measure

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

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

AT-1. 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:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. 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) All 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. RECREATIONAL VEHICLE STORAGE PROHIBITED:  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-11. STORMWATER BMP MAINTENANCE:  
The project applicant, owner, landlord, or HOA, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-12. STORMWATER BMP RIGHT OF ENTRY:  
The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]

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



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



Document No.: 633  
Number of Pages: 37  
Filed and Posted On: 2/05/2013  
Through: 2/26/2013  
CRO Order Number:  
Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk – Recorder  
by Veronica Aguirre, Deputy Clerk – Recorder, *[Signature]*

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Special Development Permit, Vesting Tentative Map, General Plan Amendments, etc.
3. APPLICANT NAME: Prometheus Real Estate Group PHONE: 650-931-3448
4. APPLICANT ADDRESS: 1900 South Norfolk Street, Suite 150, San Mateo, CA 94403
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- |   |             |                |
|---|-------------|----------------|
| <input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)                                   | \$ 2,995.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))                                       | \$ 2,156.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)                   | \$ 850.00   | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>  | \$ 1,018.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)<br>Fish & Game Code §711.4(e) | \$ 50.00    | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

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

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

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

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

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

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

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

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

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



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

File Numbers: 2012-7462  
 2012-7460  
 2012-7990

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

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

**PROJECT TITLE:**

Application for Special Development Permits, Vesting Tentative Maps, General Plan Amendments, Specific Plan Amendments, Zoning Code Amendments, and Rezone filed by **Prometheus Real Estate Group**

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

**File #:** 2012-7462  
**Location:** 457 - 475 E. Evelyn Avenue (APNs: 209-04-053 & 054);  
**Proposed Project:** Special Development Permit to allow a 158-unit apartment building.  
 Vesting Tentative Map to allow a merger of two lots.  
**ENVIRONMENTAL REVIEW:** Mitigated Negative Declarations

**Applicant / Owner:** Prometheus Real Estate Group / Evelyn Ave. Associates

**Staff Contact:** Ryan kuchenig, (408) 730-7431,  
 rkuchenig@sunnyvale.ca.gov

**FILE #:** 2012-7460  
**Location:** 388 – 394 E. Evelyn Avenue & 151-153 S. Bayview Avenue (APNs: 209-05-019, 020, 021, & 022):  
**Proposed Project:** Special Development Permit to allow a 67-unit apartment building.  
 Vesting Tentative Map to allow a merger of four lots.  
**Environmental Review:** Mitigated Negative Declarations  
**Applicant / Owner:** Prometheus Real Estate Group / Des Nolan

**Staff Contact:** Ryan kuchenig, (408) 730-7431,  
 rkuchenig@sunnyvale.ca.gov

**FILE #:** 2012-7990  
**LOCATION:** 111 - 295 W. Evelyn Avenue, 295 - 475 E. Evelyn Avenue, 470 Marshall Avenue (APNs: 209-06-067, 068, 082, & 083) (APNs: 209-05-056, & 057) (APNs: 209-04-044, 053, & 054)

**PROPOSED PROJECT:** GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN (DSP) AMENDMENTS:  
from Southern Pacific Corridor Site Specific Plan, Commercial General Business (CGB) and Commercial Central Business (CCB) to:

- Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5.
- Expand the DSP boundaries to annex up to 9 parcels on the north side of Evelyn Avenue between Mathilda Avenue and just east of Marshall Avenue and establish new DSP Blocks;
- Select appropriate General Plan Designation for 470 Marshall Avenue;
- Establish land use, density and development standards for properties along Evelyn Avenue in the DSP, including Transit Center, Mixed Use and Residential with densities up to 48 dwelling units per acre;
- Establish streetscape standards for properties along Evelyn Avenue between the Caltrain Station and Marshall Avenue; and,

**ZONING CODE AMENDMENTS:**

Establish new zoning districts for the Downtown Specific Plan (DSP) and related development standards consistent with amendments to the Downtown Specific Plan.

**GENERAL PLAN AMENDMENT:**

From Commercial General Business (CGB) to Residential Medium Density (RMED) for 470 Marshall Avenue.

**REZONE:**

From C-4 (Service Commercial) to R-3 (Medium Density Residential) for 470 Marshall Avenue.

**Environmental Review:** Mitigated Negative Declarations

**Applicant/ Owner:** Prometheus Real Estate Group / Evelyn Ave. Associates

**Staff Contact:** Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

**WHERE TO VIEW THIS DOCUMENT:**

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **March 19, 2013**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

**HEARING INFORMATION:**

A public hearing on the project is scheduled for:

1. PLANNING COMMISSION HEARING ON Monday February 25, 2013 AT 8:00 P.M. COUNCIL CHAMBERS AND CITY COUNCIL HEARING ON Tuesday March 19, 2013 AT 7:00 P.M. COUNCIL CHAMBERS 466 West Olive Avenue Sunnyvale, CA.

**TOXIC SITE INFORMATION:**

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

Circulated On February 1, 2013

Signed:   
Gerri Caruso, Principal Planner

Project Title	<p><b>2012-7990</b> - General Plan and Downtown Specific Plan (DSP) Amendments: from Southern Pacific Corridor Site Specific Plan, Commercial General Business (CGB) and Commercial Central Business (CCB) to Downtown Specific Plan</p> <p>Zoning Code Amendments: Establish new zoning blocks for the Downtown Specific Plan (DSP) and related development standards consistent with amendments to the Downtown Specific Plan.</p> <p>General Plan Amendment from Commercial General Business (CGB) to Residential Medium Density (RMED) for 470 Marshall Avenue.</p> <p>Rezone from C-4 (Service Commercial) to R-3 (Medium Density Residential) for 470 Marshall Avenue.</p> <p><b>2012-7460</b> – Special Development Permit for 67 apartment units (388 – 394 E. Evelyn Ave.).</p> <p>Tentative Map to merge four lots into one lot.</p> <p><b>2012-7462</b> – Special Development Permit for 158 apartment units (457 – 475 E. Evelyn Ave.).</p> <p>Tentative Map to merge two lots into one lot.</p>
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Ryan Kuchenig, Associate Planner
Phone Number	408-730-7431
Project Location	Sunnyvale, CA
Applicant's Name	Prometheus Real Estate
Project Address	<p>388 – 394 E. Evelyn Ave., 151 - 153 S. Bayview Ave. (2012-7460)</p> <p>457-475 E. Evelyn Ave. (2012-7462)</p> <p>295 W. Evelyn Ave., 111 W. Evelyn Ave., 295 – 395 E. Evelyn Ave., 457-475 E. Evelyn Ave., 470 Marshall Ave. (2012 -7990)</p>

Zoning	<p>Downtown Specific Plan – Block 4 (DSP- Block 4) for 388 – 394 E. Evelyn Ave. &amp; 151 - 153 S. Bayview Ave.</p> <p>Service Commercial/Planned Development (C-4/PD) for 457 – 475 E. Evelyn Ave. &amp; 470 Marshall Ave.</p> <p>Regional Business/Planned Development (C-3/PD) for 295 W. Evelyn Ave., 111 W. Evelyn Ave., &amp; 295 – 395 E. Evelyn Ave</p>
General Plan	<p>Downtown Specific Plan</p> <p>Southern Pacific Corridor Site Specific Plan</p> <p>Commercial General Business</p> <p>Commercial Central Business</p>
Other Public Agencies whose approval is required	None

**DETAILED PROJECT DESCRIPTION:**

2012-7990

The project includes a General Plan Amendment to modify the Downtown Specific Plan to include 9 additional parcels currently with the General Plan designation of Commercial Central Business and Commercial General Business along the north side of Evelyn Avenue between N. Mathilda Ave and Marshall Ave. The project also includes Zoning Code Amendments to establish new zoning districts for the Downtown Specific Plan (DSP) and related development standards consistent with amendments to the Downtown Specific Plan. A General Plan Amendment from Commercial General Business (CGB) to Residential Medium Density (RMED) for 470 Marshall Avenue is under consideration as well as a rezoning from C-4 (Service Commercial) to R-3 (Medium Density Residential) for 470 Marshall Avenue.

The project would repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5. The project would establish land use, density and development standards for properties along Evelyn Avenue in the DSP, including Transit Center, Mixed Use and Residential with densities up to 48 dwelling units per acre. In addition, new streetscape standards for properties along Evelyn Avenue between the Caltrain Station and Marshall Avenue would be considered.

2012-7460

The proposed project is for the redevelopment of a four parcel site to a 67-unit apartment building. The site had been previously approved (2007-0828), in 2007, as a 47-unit condominium building. The 2007 approval is still valid; however, a new application has been filed that would supersede

this project. The site is composed of .98 acres (four parcels) and currently developed with a hotel, multi-tenant commercial building and a duplex.

The proposed project includes a Special Development Permit application for the site and architectural review and a Tentative Map application to merge the existing four parcels. The site is located in Block 4 of the City's Downtown Specific Plan. As part of the proposal, the applicant is requesting a Density Bonus pursuant to the State Density Bonus Law (Gov. Code § 65915 et seq.). Pursuant to Section 65915(f)(2), providing 11% Very Low income units which equates to a 35% Density Bonus of the base density (48 dwelling units per acre) allowed under the zoning of the site. In addition, the project is targeting 110 Built It Green (BIG) points, which allows for a 5% density bonus of the base density, per the City's Green Building incentive program. Staff's calculation of the allowable development size is 66 units, although the application requests 67 units for the project site.

#### 2012-7462

Concurrently, a project is being considered with a project (2012-7462) by the same applicant for 158 apartment units at 457-475 E. Evelyn which is located in close proximity to the site at 388-394 E. Evelyn. This project also includes a Special Development Permit application for the site and architectural review and a Tentative Map application to merge the existing two parcels. Two existing commercial office buildings would be demolished. There is no prescribed density under the current zoning for the site; however, the applicant is proposing a base density of 48 dwelling units per acre for the site. Similar to the other site, the applicant proposes to provide 11% Very Low income to achieve a 35% Density Bonus of the base density and 110 Built-It-Green (BIG) points which allows a 5% density bonus. Staff's calculation of the allowable development size is 156 units, although, the application requests 158 units for the project site.

The environmental studies discussed in this document include analysis of each site. The document also includes evaluation of the associated Downtown Specific Plan Amendments and Rezoning.

Off-site Improvements: Driveway cuts will be replaced and new sidewalks and street trees will be installed along the project frontage as needed in compliance with DSP streetscape plans and details. Overhead utility lines will be placed underground in accordance with City requirements.

Construction Activities and Schedule: Demolition is proposed to begin as soon as possible after vacancy. The proposed construction schedule spans a total of 18 months for demolition, site preparation, and construction. Construction of the project will not involve pile driving or other extremely high noise-generating activities, with the exception of jack hammering which will occur only during allowable construction hours of the demolition phase per City Code.

Surrounding Uses and Setting: The project area described at 388-394 E. Evelyn encompasses four parcels that total approximately .98 acres. The site is bounded by E. Evelyn Ave. to the north, S. Bayview Ave. to the east, a single-family home to the south and commercial office uses to the west. The immediate neighborhood is composed of a mix of commercial and residential uses. The site is located within the Downtown Specific Plan and is near multi-family and single family uses. The block and nearby properties have transitioned from lower density residential and commercial uses to higher density residential uses as permitted through the current zoning.

The project at 457-475 E. Evelyn encompasses two parcels totaling 2.31 acres. The site is bounded by E. Evelyn Ave. to the south, multi-family residential (Villa Del Sol) to the west, multi-family residential and Marshall Ave. to the east, and the Union Pacific railroad to the north. The immediate neighborhood is composed of a mix of commercial and residential uses. The site is proposed to be within the Downtown Specific Plan area subject to amendments to the General Plan, DSP and Zoning Code.

#### EVALUATION OF ENVIRONMENTAL IMPACTS:

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Yes  
 No

Mandatory Findings of Significance? Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?

Yes  
 No

Mandatory Findings of Significance? Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes  
 No

**DETERMINATION:**

On the basis of this initial evaluation:

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

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

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

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

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

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Checklist Preparer: Ryan Kuchenig

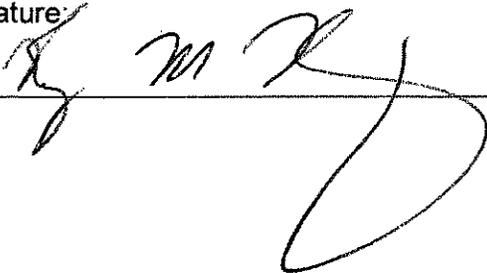
Date: January 28, 2013

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Title: Associate Planner

City of Sunnyvale

Signature:



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

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&amp;frames=off</a>
10. For a project located in 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"/>	Sunnyvale Zoning Map, Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
11. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no private airstrips in or in the vicinity of Sunnyvale
12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Air Installations Compatible Use Zones (AICUZ) Study Map
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, SMC <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> 19.42 Noise Ordinance <a href="http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off">http://qcode.us/codes/sunnyvale/view.php?topic=19&amp;frames=off</a>
15. Noise -Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Project Description
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
18. Biological Resources -Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
19. Biological Resources -Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description Project Plans General Plan Bio Survey
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees Tree Survey
21. Biological Resources -Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Plans 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"/>	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 The Ryan Hotel at 394 E. Evelyn

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
					Ave. was removed by the Heritage Preservation Commission from the City's "Heritage Resource" inventory (Project: 2006-0505 - July, 2006).
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project Description. Planned grading will disturb the site and may affect sub-surface resources if they exist.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	The following public school districts are located in the City of Sunnyvale: Fremont Union High School District, Sunnyvale Elementary School District, Cupertino Union School District and Santa Clara Unified School District. See discussion for information about school impacts
25. Air Quality - Conflict with or obstruct implementation of the <u>BAAQMD</u> air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale General Plan Map Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> Geier & Geier Consulting, Inc. report, June 19, 2012
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BAAQMD CEQA Guidelines Project Description Geier & Geier Consulting, Inc. report, June 19, 2012 AB 32
27. Air Quality -Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Geier & Geier Consulting, Inc. report, June 19, 2012 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"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element
29. Air Quality -Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
releasing emissions which exceed quantitative thresholds for ozone precursors)?					
30. Air Quality -Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
31. Seismic Safety -Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
33. Seismic Safety-Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
34. Seismic Safety-Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

**2. Aesthetics (Less than Significant)** - The Downtown Specific Plan contains specific Design Guidelines in both textual and diagrammatic form. The level of detail is precise for many guidelines (e.g. colors, exterior glazing, forms, landscape, materials and art features) and is most appropriately utilized for review of final building details. The City's implementation of the Downtown Specific Plan's Design Guidelines and staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission and City Council. The project will not degrade the visual character or quality of the site and its surroundings because the design will be consistent with the adopted Downtown Specific Plan. As a result, the impacts will be less than significant.

**4. Population and Housing (Less than Significant):** The proposed 225 (67 and 158) apartment units for the combined projects are considered slightly over the allowable density, based of the current zoning and General Plan designation while utilizing the 15% density bonus through state law by providing affordable units. The projects are also utilizing five percent density bonus allowed through a green building incentive per Municipal Code. Staff will be recommending a reduction in one unit (66) for the project at 384-394 E. Evelyn and two units (156) for the project at 457-475 E. Evelyn Avenue for consistency with local and state regulations. The

new apartments would have a slight incremental impact to the City's Jobs/Housing balance. This minor increase in population is considered a less than significant impact.

**8. Land Use Planning Conflict (Less than Significant):** The proposal (2012-7990) includes a request to modify the General Plan of the project sites and neighboring properties for inclusion into the Downtown Specific Plan. If approved, new standards and zoning would be created for properties along the north side Evelyn Ave. between Mathilda Ave. and Marshall Ave. The property at 470 Marshall Ave. is also under consideration for a General Plan designation to either Medium Density Residential or inclusion within Downtown Specific Plan. Three of the subject properties along the north side of Evelyn Avenue are located within the Southern Pacific Corridor Specific Plan, which was created in 1984 (updated in 1994). The application would remove the designation of Sites 3, 4 & 5 within this plan. Under the Southern Pacific Corridor Specific Plan, the subject sites retain their commercial designation and the intent of the plan was to have the property developed in a manner that is compatible and complementary with adjacent developments. Sites 4 & 5 have since been developed as townhomes (Villa Del Sol) at a density of 42 dwelling units per acres. The proposed modification would modify the zoning and General Plan for consistency of the current land use as well as allow potential increase up to 48 dwelling units per acre. Commercial uses for Site 3 could be retained; however, residential uses may also be considered under a Downtown Specific Plan General Plan and zoning designation.

**9. Transportation and Traffic (Less than Significant):** Parking is provided for each of the proposed projects through structured parking garages slightly below grade or at grade. As proposed, the projects would be deficient in parking according to Downtown Specific Plan standards by 12 spaces for the project at 388-394 E. Evelyn and 45 spaces for the project at 457-475 E. Evelyn Ave. The proposal includes a certain amount of stacked parking, which allows for a mechanical lift to vertically stack vehicles above each other. Current City ordinance does not count stacked spaces. If permitted, the projects would provide the required number of spaces. However, under the State Density Bonus Law, the project applicant can request an alternative rate that allows for a parking rate of one space per one-bedroom unit and two spaces per two-bedroom units. Under this rate, each project would exceed parking standards.

**14. Noise (Less than Significant with Mitigation):** A Noise and Land Use Compatibility Assessment was prepared for each project by Edward L. Pack Associates Inc. (June 2012). A copy of the full reports for each site is available at the City of Sunnyvale's One-Stop Center.

The noise exposures at the site were evaluated against the standards of the City of Sunnyvale Safety and Noise Chapter of the General Plan, Ref. (b), and the State of California Code of Regulations, Title 24, Ref. (c), which applies to all new multi-family housing. The analysis of the on-site sound level measurements indicates that the existing noise environment is due primarily to traffic sources on Evelyn Avenue and railroad operations on the adjacent Union Pacific Railroad, which includes Caltrain trains. The results of the study indicate that the exterior noise exposures will be in compliance with the standards. However, the interior noise exposures and noise levels will exceed the limits of the standards. Mitigation measures for the interior living spaces will be required.

The noise assessment results presented in the findings were evaluated against the standards of the City of Sunnyvale Safety and Noise Chapter, which utilizes the Day-Night Level (DNL) descriptor. The Safety and Noise Chapter standards specify a limit of 60 dB DNL for exterior living areas. Historically, the City of Sunnyvale has applied the exterior noise standard to larger exterior living areas, such as rear yards, patios and large balconies/decks and common areas, but not to small balconies. This reason is two-fold; 1) small balconies have limited use because of their size and, 2) are often facing major roadways which would necessitate high, solid railings, which in turn also limits the desire to use the balcony. Therefore, noise controls for small balconies may be waived by the City of Sunnyvale.

When the noise source is a railroad, the exterior noise exposure limit is 70 dB DNL.

A limit of 45 dB DNL is specified for interior living spaces. However, when the source is a railroad or aircraft and the exterior noise exposure is 55 dB DNL or more, Policy SN-8.3 states, "Attempt to achieve a maximum instantaneous noise level of 50 dBA in bedrooms and 55 dBA in other areas of residential units exposed to trains or aircraft noise, when the exterior LDN exceeds 55 dBA".

Our experience with applying maximum noise limits reveals that there are problems achieving these very stringent standards. The window and glass door sound ratings usually need to be unreasonably high for a single, 1 second noise event. The reasoning behind the 50 dBA maximum limit for bedrooms is to minimize sleep disturbance. The reasoning behind the 55 dBA maximum limit for other living spaces is to minimize speech interference.

Rather than evaluating the highest maximum sound level, which by definition, is a 1 second rms (root means square - power) level of the peak noise event over the entire 24-hour day, the highest L1 value could be used. The L1 is the level of noise that is exceeded for 1% of the period, in this case each hour of the 24-hour day. Since 1% of 1 hour is 36 seconds, the hourly L1 represents a 36 second cumulative period in the hour where the noise levels exceeded that level. For instance, an L1 of 70 dBA means that 70 dBA was exceeded for a total of 36 seconds during the hour.

For sleep disturbance, 36 seconds of sound in excess of 50 dBA in a bedroom has a low probability (less than 15%) of awakening a person in second stage or third stage (REM) sleep. A sound level of 55 dBA in other living spaces (kitchens, living rooms, etc.) is roughly equivalent to the level of two people having a normal conversation or of typical television or stereo sound levels.

The Edward L. Pack Associates study evaluates the highest hourly L1 noise level during the daytime hours of 7:00 a.m. to 10:00 p.m. calculated for the interior living spaces against the 55 dBA limit for other living spaces (other than bedrooms). The noise analysis also evaluates the highest hourly L1 noise level during the nighttime hours of 10:00 p.m. to 7:00 a.m. calculated for the bedrooms against the 50 dBA limit for bedrooms.

The Title 24 standards also use the DNL descriptor and specify that when the exterior noise exposures exceed 60 dB DNL at planned apartment building setbacks an acoustical analysis must be performed to limit interior noise exposures to 45 dB DNL or lower.

The Title 24 standards also specify minimum sound insulation ratings for common partitions separating different dwelling units and dwelling units from interior common spaces. The standards specify that common walls and floor/ceiling assemblies must have a design Sound Transmission Class (STC) rating of 50 or higher. In addition, common floor/ceiling assemblies must have a design Impact Insulation Class (IIC) rating of 50 or higher. As design details for the interior partitions of the project were not available at the time of this study, an evaluation of the interior partitions has not been made.

Recommended mitigation measures will create a projected noise level range to meet Title 24 required levels for interior noise.

#### MITIGATION for 388 – 394 E. Evelyn Ave (2012-7460)

WHAT: To achieve compliance with the 45 dB DNL limits of the City of Sunnyvale Noise Element and Title 24 standards, the following noise mitigation measures are required:

1. Maintain closed at all times all windows and glass doors of living spaces within 130 ft. of the centerline of Evelyn Avenue and with a direct or side view of the roadway. Install windows and glass doors rated minimum Sound Transmission Class (STC) 28 at these locations.
2. Provide some type of mechanical ventilation for all living spaces with the closed window condition.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the City Council. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during construction of the project.

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

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

MITIGATION for 457-475E. Evelyn Ave (2012-7462)

WHAT: To achieve compliance with the 45 dB DNL limits of the City of Sunnyvale Safety and Noise Chapter and Title 24 standards and the 50 dBA L1 bedroom and 55 dBA L1 living space limits of the Noise Element, the following noise mitigation measures are required:

1. Maintain closed at all times all windows and glass doors of living spaces on the outer periphery of the project, i.e., with a view to either the railroad tracks or Evelyn Avenue.
2. Maintain closed at all times all windows and glass doors of all living spaces with a view into the swimming pool area.
3. Install windows and glass doors with the minimum Sound Transmission Class (STC) ratings shown in Figure 1 (Page 7 of the Edward L. Pack Associates Noise Assessment Study, June, 2012 is attached).
4. All windows and glass doors rated STC 36 (or higher) shall have glass lite thicknesses no less than 3/16".
5. Provide some type of mechanical ventilation for all living spaces with the closed window condition.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit and Vesting Tentative Map prior to final approval by the City Council. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during construction of the project.

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

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

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

**20. Biological Resources - (Less than significant with mitigation):** A Tree Inventory was prepared for each project by Barry D. Coate & Associates. There are 11 trees (including 3 street trees) identified on the 388-394 E. Evelyn Ave site and 21 trees on the 457-475 E. Evelyn Ave. site which meet the City of

Sunnyvale's criteria as a "protected tree." A total of 10 additional trees were evaluated on an adjacent property that are considered "protected." Of the protected trees, most are in good condition. Certain trees on the 457-475 E. Evelyn site are planned to be preserved.

### MITIGATION

#### WHAT:

1. Prior to building permit issuance, submit a final landscape planting plan which indicates all "protected sized" trees that are removed to be replaced with a minimum of new trees of 36-inch box size or greater size as determined by the Director of Community Development to address the dollar value of each removed tree.
2. No more than 25% of the foliage of the oaks on the adjacent property be removed and that no excavation or trenching occur within 10 feet of their trunks.
3. The trees in the mounded area (#27-34) west of the existing parking area must be protected by a 6 foot tall, chainlink fence, mounted on 2 inch diameter galvanized iron stakes driven 2 feet into the ground surrounding the entire landscape area.
4. Any pavement which will be removed beneath the canopy of a tree which will be preserved must be removed by breaking it into pieces which can be hand loaded into a tractor which is standing on previously undisturbed pavement.
5. Newly exposed root zones from which pavement has been removed must be irrigated weekly.
6. No open trenching beneath the canopies of retained trees is permitted. Tunneling at 3 feet or deeper within 15 feet of a tree trunk may be used when necessary.

WHEN: These mitigations shall be converted to conditions of approval for this Special Development Permit to final approval by the City Council. The conditions will become valid when the SDP is approved. Condition will be applicable during the Building plan check period and during construction of the project.

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

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

### **23. Historic and Cultural Resources - (Less than significant with mitigation)**

Neither the site nor the existing buildings are on the City of Sunnyvale list of Heritage Resources. In 2006, the Sunnyvale Hotel, at 394 E. Evelyn Ave. A determination was made by the City's Heritage Preservation Commission to remove the property from the City's Heritage Resource list. Although there are no known recorded archeological sites in the immediate area of the proposed building locations, there still remains the possibility of discovery of Native American remains during grading since there are archeological sites in the greater vicinity. In the event of a discovery, project grading could result in potential disturbance of subsurface cultural resources which would result in a significant impact unless mitigated. There are no surface historic resources currently known to be on the project sites. Although the discovery of cultural resources on these sites is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level:

**WHAT:**

1) For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future development projects that the CHRIS determines may be located in a sensitive area, on or adjoining an identified archaeological site, shall proceed only after the project sponsor contracts with a qualified archaeologist to provide a determination in regard to cultural values remaining on the site and warranted mitigation measures.

2) In the event that subsurface cultural resources are encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described below. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

3) When in-place mitigation is determined by the City to be infeasible, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities. A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

**WHEN:**

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

**WHO:**

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

**HOW:**

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

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

**25. and 26. Air Quality (Less than Significant with Mitigation):** The Bay Area Air Quality Management District (BAAQMD) 2011 CEQA Guidelines thresholds of significance provide that a development project would have a significant cumulative impact unless: 1) the project can be shown to be in compliance with a qualified Climate Action Plan, 2) project emissions of CO<sub>2</sub> equivalent greenhouse gases (CO<sub>2</sub> e) are less than 1,100 metric tons per year, or 3) project emissions of CO<sub>2</sub> equivalent greenhouse gases are less than 4.6 metric tons per year per service population (residents plus employees). The City of Sunnyvale does not have a Climate Action Plan at the time of the writing of this Initial Study.

The applicant provided an Air Quality and Greenhouse Gas Analysis for the redevelopment of each project site. The study was completed by Geier & Geier Consulting, Inc. on June 19, 2012 and is available for review at the City of Sunnyvale's One-Stop Counter. The report concludes that the project will result in both one-time (construction related) and annual (operational-related) emissions. Geier & Geier's analysis indicates that the project does not exceed the thresholds of significance according to the current BAAQMD CEQA guidelines.

Criteria pollutant emissions were estimated for proposed uses at both sites using the CalEEMod model, consistent with current guidance from the BAAQMD. Construction-related and operational criteria pollutant emissions estimated for both of the projects would not exceed the BAAQMD's previously recommended significance thresholds for construction-related and operational criteria pollutants.

GHG emissions were estimated for existing and proposed uses at both sites using the CalEEMOD model, consistent with current guidance from the BAAQMD. When estimated GHG emissions associated with existing uses are subtracted from GHG emissions for proposed uses, the net increase in project related operation GHG emissions would not exceed the BAAQMD's previously recommended operational GHG significance threshold of 1,100 metric tons (MT) Co<sub>2</sub>e per year. Therefore, operational GHG emissions associated with both of the projects would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, a less-than-significant impact.

The following mitigation measures shall apply to each project:

- WHAT: Permits must be obtained from the City of Sunnyvale (grading permit and Storm Water Pollution Prevention Plan) and BAAQMD (J-Permit) prior to demolition or new construction. The City of Sunnyvale permit shall, amongst others, specifically include the following mitigation measures:
1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  6. Idling times shall be minimized either by shutting equipment off when not in uses or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- 8. A publically visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted at the site. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

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

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 28, 2013

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	City's Land Use and Transportation Chapter, Santa Clara County Transportation Plan
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 checked="" type="checkbox"/>	<input type="checkbox"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds).
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan including the Land Use and Transportation Chapter.
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications.
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, and VTA Short Range Transit Plan.
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual

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

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

**35 & 36. Transportation (Less than Significant)** – The combined two projects introduce 225 apartment units to the project areas. A Traffic Impact Analysis (TIA) was not required since less than 100 net new peak hour trips would be generated over current uses occupying the site. In response to community concerns, the applicant hired a transportation consultant, AECOM, to conduct a traffic analysis for the project. When this project was initially proposed, it was Transportation staff's finding that the project will not entitle significant new trip making at levels that would require a Transportation Impact Analysis, and it likely would not create traffic impacts in an area that currently features largely free flowing traffic.

Staff further noted that potential modification to the zoning and allowable density of neighboring sites as considered up 65 dwelling units per acre would still not necessitate the need for a traffic study based on the net increase of traffic over current levels. Transportation staff notes that a purpose for preparation of the study for the two proposed development projects was to provide information on traffic to residents in the immediate project area, primarily on Bayview Avenue. The study was not required to address environmental impacts. A copy of the study is available at the City of Sunnyvale's One-Stop Center.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date January 28, 2013

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
43. Hydrology and Water Quality - Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEMA Flood Insurance Rate Map Effective 5/18/09 <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1995 ABAG Dam Inundation Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a> , California Building Code, Title 16 (Building) of the Sunnyvale Municipal Code Project Description
46. Geology and Soils -Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Municipal Code 12.60, Storm Water Quality Best Sunnyvale Management Practices Guideline Manual Project Description
47. Geology and Soils -Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan, <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a> California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code
48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code

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

**46. Geology and Soils (Less than Significant):** The proposed project will have a significant amount of grading intended to clear the existing site prior to construction. During the time the existing topsoil is exposed

and there is a potential for erosion and loss of soil. There is no surface run-off anticipated during construction and no long-term run-off expected after construction. This aspect of the project will be less than significant with the implementation of Sunnyvale's Municipal Code 12.60, Storm Water Quality Best Management Practices, Regional Water Quality Boards C.3 permit requirements, and the Blueprint for a Clean Bay.

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

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 28, 2013

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

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a>
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description Water Resources Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RWQCB, Region 2 Municipal Regional Permit, Stormwater Quality BMP Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a> City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
60. Utilities and Service Systems: Comply with federal, state, and local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solid Waste Management Sub-Element of the Sunnyvale General

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
statues and regulations related to solid waste?					Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
61. Public Services Infrastructure? Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description

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

**51. and 58. Utilities and Service Systems (Less than Significant):** The projects will require the construction of new stormwater management systems on private property. The stormwater treatment devices consist of a combination of low impact development (LID) based treatment, media filters and bio-treatment. These projects qualify as "special projects" through the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURP), as they are within 1/3 mile of an existing transit hub (Sunnyvale Caltrain station), characterized as a non-auto related use, and have a minimum density of 25 dwelling units per acre. The stormwater management measures will be privately constructed and maintained by the project developer. The project will not require an expansion of the City's existing treatment or stormwater system since the stormwater is being treated on-site or filtered into the ground via retention.

Public Safety	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
62. Public Services Police and Fire protection - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

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

Responsible Division: Department of Public Safety

Completed by: Ryan Kuchenig

January 28, 2013

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description  Hazardous Waste & Substances List (State of California) List of Known Contaminants in Sunnyvale
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map Project description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project Environmental Site Assessment by PII Environmental, March 2012
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a>

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

**67. Hazards and Hazardous Materials (Less than Significant):** A Phase 1 soil analysis was completed by PII Environmental for both sites in March, 2012. This assessment has revealed no recognized environmental conditions at either subject property. During the site reconnaissance of 388-394 E. Evelyn, PII Environmental observed one exterior electrical box and asphalt staining. For the property at 457-475 E. Evelyn, PII observed an Electrical Transformer, asphalt staining and HVAC Equipment. PII also observed several suspect asbestos containing building materials (ACBM) in the two buildings. Suspect ACBM consisted of typical items such as floor tiles, linoleum, and mastic in the bathrooms and kitchens, and asphalt roofing materials. None of the items observed during the site reconnaissance represents a serious condition and does not warrant any special mitigation or investigation. All observed items are typical for an operational office building and tenant

housekeeping practices were good to excellent. PIIE recommends that all tenants properly dispose or recycle all chemicals and materials used or stored at their respective offices prior to vacating the premises.

Within 0.5 mile of the subject properties, there are several sites with documented releases of hazardous substances and/or petroleum products. However, there is no documented evidence that constituent plumes originating from any of these sites have migrated to the subject properties.

Responsible Division: Planning

Completed by: Ryan Kuchenig

Date: January 28, 2013

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

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

**ENVIRONMENTAL SOURCES**

Initial Study Checklist  
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,  
& Associated DSP Amendments & Rezoning  
File: 2012-7460, 2012-7462, 2012-7990  
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**City of Sunnyvale General Plan:**  
Sunnyvale General Plan Consolidated in (2011)  
[generalplan.InSunnyvale.com](http://generalplan.InSunnyvale.com)

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

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

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

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

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

- Legislation / Acts / Bills / Resource Agency Codes and Permits:**
- Subdivision Map Act
  - San Francisco Bay Region
  - Municipal Regional Stormwater NPDES Permit
  - Santa Clara County Valley Water District Groundwater Protection Ordinance
  - Section 404 of Clean Water Act

## ENVIRONMENTAL SOURCES

Initial Study Checklist  
Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,  
& Associated DSP Amendments & Rezoning  
File: 2012-7460, 2012-7462, 2012-7990  
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### Lists / Inventories:

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

### Guidelines and Best Management Practices

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

### 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

## ENVIRONMENTAL SOURCES

ATTACHMENT <sup>C</sup>

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Initial Study Checklist

Project Name: 388-394 E. Evelyn Ave., & 457 -475 E. Evelyn Ave.,  
& Associated DSP Amendments & Rezoning  
File: 2012-7460, 2012-7462, 2012-7990

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- 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

- 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

### Miscellaneous Agency Plans:

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

### Building Safety:

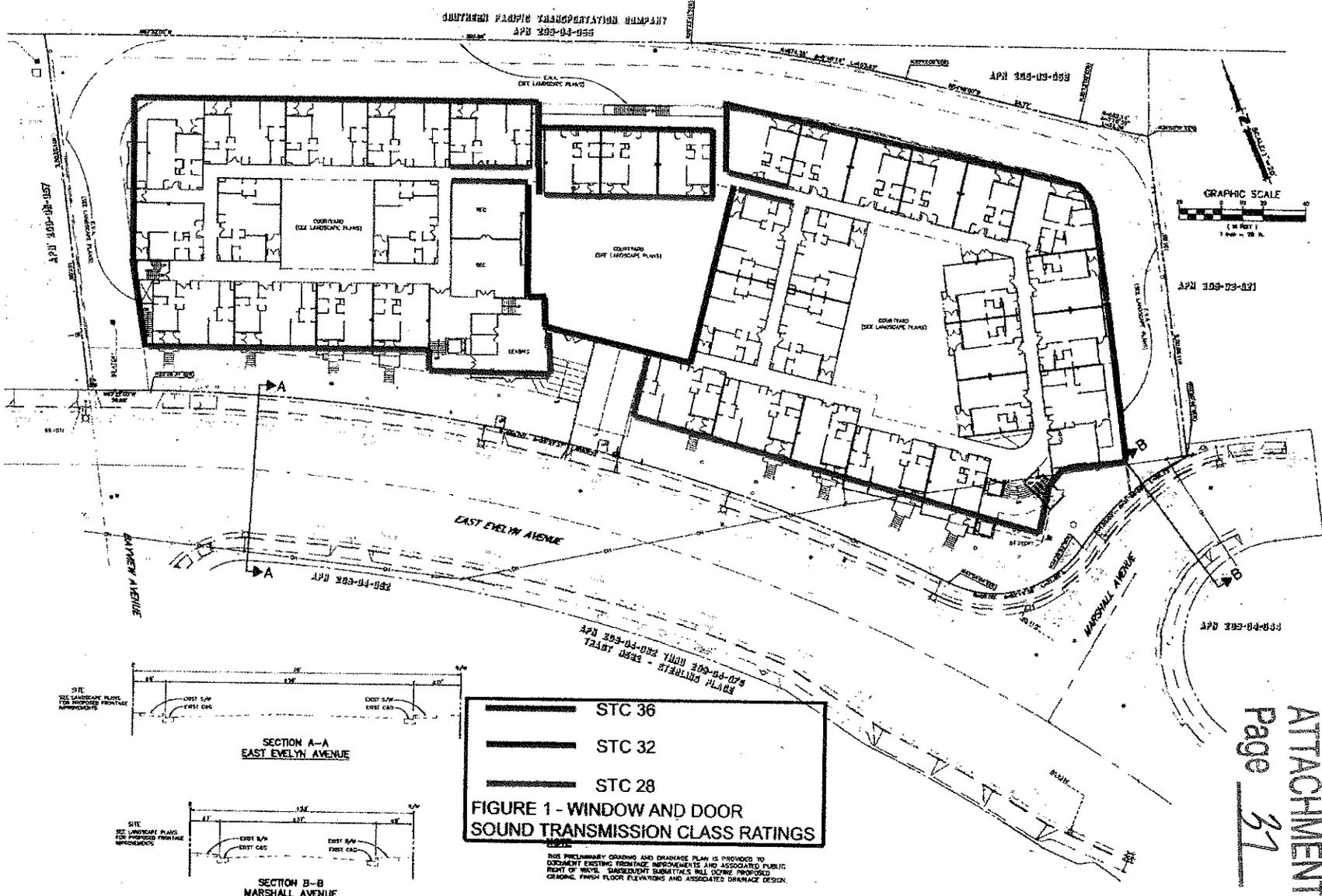
- California Building Code,
- California Energy Code

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### Other

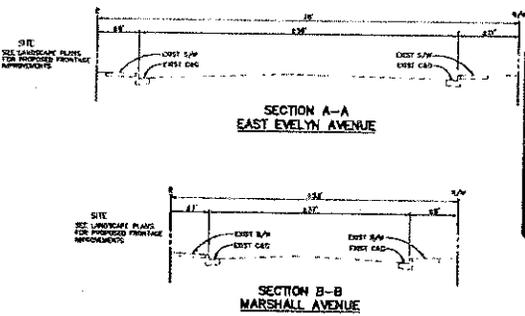
#### Project Specific Information

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 11/13/12
- Field Inspection
- Project Site Plan dated 11/13/12
- Project construction schedule
- Project Draft Storm Water Management Plan
- Project Tree Inventory by Barry D. Coate & Associates, 5/9/12
- Project LEED Checklist
- Air Quality and Green House Gas reports by Geier & Geier Consulting, Inc., dated June 19, 2012.
- Phase 1 Studies performed by PII Environmental, dated March, 2012.
- Noise Assessment Studies by Edward L. Pack Associates, Inc., dated June 15, 2012

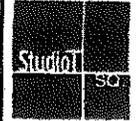


——— STC 36  
 ——— STC 32  
 ——— STC 28

**FIGURE 1 - WINDOW AND DOOR SOUND TRANSMISSION CLASS RATINGS**



THIS PRELIMINARY GRADING AND DRAINAGE PLAN IS PROVIDED TO DOCUMENT EXISTING TERRAIN, PROPOSED ELEVATIONS AND ASSOCIATED PUBLIC RIGHT OF WAY. SUBSEQUENT SUBMITTALS WILL DEFINE PROPOSED GRADING, FINISH FLOOR ELEVATIONS AND ASSOCIATED DRAINAGE DESIGN.



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PROMETHEUS REAL ESTATE GROUP  
 1500 S. MONTECALVO AVENUE  
 SAN ANTONIO, CALIFORNIA

PRELIMINARY GRADING AND DRAINAGE PLAN

Job No.: 14-101  
 Date: 04/20/14  
 Scale: 1"=20'  
 Drawn By: CH

Sheet No.: C1

ATTACHMENT C  
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