



**Draft for Planning Commission Review on April 22, 2013**

**City Council Hearing Date:** April 30, 2013

**File Number:** 2013-7112

**SUBJECT:** Discussion and possible action on an application to develop a multi-family structure on a 2.28-acre site (Armory site) with 117 affordable dwelling units, associated parking and landscaping located at 620 E. Maude Avenue in a M-S/ITR/R-3 Zoning District (APN: 205-29-014).

Resolution **Amendment to the General Plan Land Use designation** from Industrial to Residential/Residential Medium Density to Residential High Density.

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

Motion **Special Development Permit** to allow the development of 117 affordable housing units; and

Motion **Mitigated Negative Declaration** for the General Plan Amendment, Rezone and Special Development Permit.

**Applicant** MidPen Housing Corporation and Charities Housing

**Property Owner** City of Sunnyvale

**Existing Site Conditions** Industrial/Commercial and Cold Winter Shelter

**Surrounding Land Uses**

North	Residential
South	Residential
East	Park
West	Residential

**Issues** General Plan change, Rezoning, Architecture and Neighborhood Compatibility

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

**Staff Recommendation** Approve the Mitigated Negative Declaration, General Plan Amendment, Rezoning and Special Development Permit with conditions

## **PROJECT DESCRIPTION**

The proposed development is located at 620 East Maude Avenue (Attachment A) and consists of demolishing an existing structure to construct at-grade structured parking, a four-story multi-family residential structure with 58 dwelling units for MidPen Housing Corporation (MidPen), a three-story multi-family residential structure with 59 dwelling units for Charities Housing (Charities), usable open space, site landscaping and other site improvements. The proposed development will be 100% affordable housing qualifying it for the maximum allowable State Density Bonus of 35 percent. The proposal also includes an allowable 5 percent Green Building Incentive. In addition, the site will have a shared ingress/egress easement over a small area of the triangular parcel to the east, which is owned by the Living Rock Christian Church (LRCC).

- **General Plan Amendment and Rezone**

A General Plan Amendment and Rezone are being requested to change the current General Plan Land Use designation from “Industrial to Residential Medium Density” to “Residential High Density”. In addition, the applicant is requesting to change the current zoning from ITR/R-3/PD to R-4/PD (see Findings in Attachment C).

- **Special Development Permit**

A Special Development Permit (SDP) is required for projects within the PD Combining Zoning District for site and architectural review. An SDP also allows for deviations from Zoning Code requirements and in this case the applicant is requesting three deviations: front setback, lockable storage and distance between buildings. The findings for the SDP deviations have been included in the findings in Attachment C. The applicant is also requesting three concessions/incentives as part of the State Density Bonus. The requested concessions include Lot Coverage, Open Space and Private Usable Open Space. A separate discussion regarding State Density Bonus Law is included below.

## **BACKGROUND**

On September 20, 2011, the City Council initiated a General Plan study to consider changing the General Plan and zoning to High Density Residential (see RTC 11-195). The site is owned by the City of Sunnyvale and was previously occupied by the National Guard Armory, which also subleased the facility for a homeless shelter during the winter months. The requested General Plan Amendment will allow MidPen and Charities to transfer their current housing claims from the Onizuka Air Force Station site as part of the Base Realignment and Closure Act. The Onizuka site was determined not to be well suited for lower income residents due to limited residential services in the area. The proposed site at the Armory site is better suited for residential development since it is convenient to community facilities, bus transit and other services.

The requested General Plan Amendment, Rezone and Special Development Permit are part of the necessary steps to allow for transferring the housing claims held at the Onizuka Air Force Station by both MidPen and Charities.

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

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

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2012-7998	Preliminary Review	Staff /Completed	1/2/13
2011-7552	General Plan Initiation	City Council/Approved	9/20/2011
7794	Futures Study/General Plan Amendment	City Council / Approved	7/27/1993

### **ANALYSIS:**

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#### **General Plan Amendment and Rezone**

The current General Plan and zoning designations allow for a residential density up to 24 dwelling units per acre (or more with applicable density bonuses). The requested General Plan and Rezone changes will allow up to 36 units per acre. Applying the current Green Building Incentive and State Affordable Housing Density Bonus, the site could accommodate up to 115 dwelling units or 49 units per acre. As noted above the housing providers are in negotiations with the LRCC for ingress/egress easements of approximately 2,948 square feet. The LRCC area can accommodate an additional two dwelling units resulting in the proposed 117 dwelling units. The following table indicates the site area and allowable units based on the proposed zoning for the Armory site and existing zoning for the LRCC easement area.

<b>Site Reference</b>	<b>Zoning</b>	<b>Site Acres</b>	<b>Site (sf)</b>	<b>Base Density</b>	<b>Green Building</b>	<b>State Density</b>	<b>Total</b>
Armory Site	R-4	2.28	99,316.8	82	4	29	115
LRCC Easement	ITR/R-3	0.07	2,948	1	0	1	2
<b>Total Allowed</b>							<b>117</b>

The immediate neighborhood contains a mix of medium and high residential densities. The higher densities are located adjacent to street edges, larger corners or commercial areas. Attachment G indicates the zoning for the area, which illustrates the location of two other R-4 sites in the vicinity. The

perceived density of a project is often managed through the design and massing of the structure in a similar manner as the proposed project. Although the density for the site is higher than the surrounding neighborhood, the density will actually appear to be less than a typical R-4 project due to the smaller units for the Charities building and the three-story perimeter of the MidPen building. This design allows for a denser project within a smaller footprint.

As noted above, the proposed development on this site allows the housing providers the opportunity to transfer their homeless housing claims at Onizuka to the Armory site. The Armory site allows the providers the ability to provide a greater range of affordable housing unit types, which benefits the community by providing permanent homeless housing as well as lower-income workforce housing. The General Plan contains several policies that encourage this type of development in the community, which have been included in the findings in Attachment C.

The Sunnyvale School District has submitted a letter (see Attachment M) indicating that the District can accommodate the additional children that may be generated from the project, and that San Miguel Elementary School is equipped with programs to assist children from lower-income households, through Federal funding and additional afterschool programs.

### **Balanced Growth Profile (BGP)**

The City has a Balance Growth Profile (BGP) that tracks the changes to seven indicators; it is updated at least annually. Attachment H shows a tabulation of the change in residential housing units and commercial square footage associated with the General Plan Amendment. It also shows the BGP for 2012 and the 2012 BGP with the recommended changes to the Downtown Specific Plan and General Plan.

### **Architecture and Site Design**

Although the architecture of both buildings is a more modern architectural vernacular they have been designed to complement the character of the existing neighborhood through building height, setbacks and massing. In addition to the architecture, the buildings have been sited to provide increased setback from adjacent residential developments (see Attachment I). Specific details regarding each building have been provided below.

#### **MidPen Building**

The MidPen building includes a mix of 1, 2 and 3 bedroom units with covered parking and community room space at the ground floor and open courtyard on the second floor level on top of the podium. The building has been designed to maintain a three-story massing on three sides of the structure to better reflect the adjacent neighborhood. The fourth floor has been pulled in approximately 25 feet from the third floor below. Exterior materials include stucco at the

ground floor, wood siding for the floors above, aluminum windows, stained wood elements at the balconies, vertical architectural elements, and roof elements over the third floor.

### Charities Building

The Charities building is a three-story building with studio apartments and one two bedroom managers unit. The building is a fairly simple form on the west and southern facades, which reflects the uniform housing unit type. The building also includes community space at the ground floor with courtyard open space at the second floor podium level. This building is slightly more modern with simple forms and exterior materials and a flat roof. Exterior materials include stucco, stained wood siding, painted wood panels, lattice screen and concrete masonry unit (CMU).

Both buildings have been designed to use massing techniques to provide transition to the lower density uses surrounding the site. While staff generally finds that the project is well-designed and is compatible with the character of the area, architectural refinements are recommended to further enhance neighborhood compatibility and design continuity between the two buildings:

- MidPen building:
  - Incorporate a roof element or roof parapet on the fourth floor (similar to the third floor).
  - Strengthen the base of the building through additional architectural treatment to reduce the appearance of floors above.
  - Modify the balcony railing, wood enclosure and trellises using a stained wood and quality material similar to the Charities building.
- Charities building:
  - Incorporate a sloped roof parapet element, which can have a shallow pitch, in the middle portions of the building.
  - Modify all stained wood elements with quality material and coloring consistent with the MidPen building.
  - Specify slim style air conditioning units with architectural grid attachment on the exterior of the unit to match the building colors and style.

### **Development Standards**

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

### State Density Bonus Concessions and Incentives

State Density Bonus Law allows a developer to request concessions/incentives from the City's Zoning code based on the affordability of the development, which allows up to three concessions in this case. The applicants have submitted a letter (see Attachment G) requesting the following:

1. **Lot Coverage:** allow 60% when 40% is the maximum.
2. **Useable Open Space:** allow 286 square feet per unit, where 380 square feet is required.
3. **Private Open Space:** allow an average of 47 square feet per unit where 80 square feet per unit is required.

While the above concessions must be considered by the City per State Law, these types of deviations are common for larger residential developments and have been granted in the past through the SDP process. The lot coverage concession is reasonable in that the structures have been stepped down to three stories and the parking is located under the structure. This increases the building footprint while allowing increased site landscaping over the 20% minimum landscaping requirement. In regards to open space, the Zoning Code requires a minimum of 380 square feet of useable open space per unit. Based on the strict interpretation of the Zoning Code, the development provides 286 square feet per dwelling unit. The development does include additional landscape areas such as the area in the front setback and the private balconies which may be used by residents as open space. If these areas are added into the calculations, then the development would be at 336 square feet per dwelling unit. In addition, the Zoning Code also requires a minimum of 80 square feet of private open space per unit with minimum dimensions in one direction. The balconies all meet the minimum dimensions, but are short on square footage. A mitigating factor that supports this concession/incentive is that the site is directly across the street from Fair Oaks Park.

#### Other Requested Deviations

Along with the above requested concessions, the proposal includes three additional deviations from the code which can be considered through the SDP process. These deviations are discussed below:

1. **Setbacks:** The proposed development complies with the side and rear setback requirements based on the R-4 zoning. The required front setback for the buildings is 30 feet, where 20 feet is proposed. The 30-foot setback is due to the fourth floor of the MidPen building (for reference, a three story building in the R-4 district would be required to have a front setback of 25 feet). The proposed MidPen building has been designed to maintain a three story element on all sides to provide a transition from the lower R-3 density around the site. A deviation from the required front setback of 30 feet is supportable since the building is generally 25 feet from the Maude frontage and the fourth floor is setback over 50 feet from the front property line. In addition, the reduced front setback also allows the structure to be located further away from the rear

and south side property lines. This type of front setback deviation has been supported for similar projects in the past that have provided a setback for the fourth floor.

- 2. Lockable Storage:** Residential projects are required to provide a minimum of 300 cubic feet of lockable storage space for each unit. The applicants are proposing to provide 150 cubic feet of storage in common storage areas within the buildings. Dwelling units will also provide standard size closets and some units will have an additional entry closet. In addition, each building will also be providing bicycle storage in a secured room for residents. It is expected that storage needs for residents should be less than normal and the proposed 150 cubic feet should be satisfactory, especially for the studios and one bedroom apartments.
- 3. Distance Between Buildings:** When a development has more than one structure located on the site, they are required to provide a minimum distance between the buildings. The proposed development is providing a 5 foot distance between the two podium structures (the building may be constructed at separate times). The residential structures above will be approximately 5 feet apart at the narrowest part and then generally 25 feet apart for the remainder of the structure. The proposed reduction is at the podium level and the manager unit for the Charities building (which provides architectural interest).

### Building Height and Compatibility

The requested Rezone to R-4 would allow structures up to 55 feet in height, which is approximately 20 feet taller than the height allowed for townhomes in the surrounding R-3 zoning. The applicants have designed the buildings to maintain three stories around the perimeter structures which keeps the height around 35 feet, well below the allowable height in R-4 and similar to the allowable height in R-3. As noted above, the additional fourth floor of the MidPen building has been setback approximately 25 feet from the third floor and this area is approximately 53 feet tall. In addition to the three-story perimeter, the structures are also setback approximately 30 feet from the south and west property lines and four foot planters have been included to provide additional landscape screening for the adjacent neighbors. Furthermore, the applicant conducted a solar analysis which indicates that the development will not impact adjacent neighbors.

### Parking

The proposed development exceeds the minimum parking requirement of 147 spaces for affordable housing by providing 156 parking spaces. The additional parking leaves five parking spaces available for guests on the MidPen site and four spaces available for guests for the Charities site. The development also includes the reconfiguration of the small triangular parcel to the east to accommodate site access for Charities housing and to update the parking area

for the LRCC. MidPen and Charities will be funding the improvements as part of the negotiations with the LRCC for the ingress/egress easement on the site. The improvements will result in 14 parking spaces for the LRCC.

The applicant has provided a parking study which evaluated the parking demand for an affordable housing and mixed use project in the City of Mountain View (see Attachment K). The study evaluated four different types of affordable housing projects and found that the average demand for parking was 0.53 parking spaces per unit. Based on the evaluation, the proposed development would only need 62 parking spaces, which is less than half of what is proposed to be provided.

There has been concern regarding overflow parking as there is no on-street parking available for the development. The applicants have reduced the number of units from 121 to 117 while retaining the parking needed for 121 units. This leaves nine spaces available for guests. This should be more than sufficient based on the study conducted for the City of Mountain View.

#### Pedestrian Circulation and Sense of Place Plan

The subject site is located within the boundaries of the Fair Oaks Junction Sense of Place Plan. Developments within the plan area are required to pay a Sense of Place fee of \$1,071.00 per dwelling unit, which results in a fee of \$125,307.00 to be used to implement elements of the Plan as determined by the City. The applicants will be providing improvements along the street frontages for the 620 E. Maude site and the Wolfe Road frontage of the LRCC site. The nearest transit stop is located on Fair Oaks Avenue. Safe access to the transit stop needs to be provided as part of this development. The current sidewalk connection going west on Maude is asphalt paving and does not meet the City design requirements. The Sense of Place Plan requires a larger sidewalk and tree wells along Maude Avenue, which is proposed to be installed on the subject site frontage.

The frontage of the property to the west is limited and the property owner has indicated concern regarding ability to park in his driveway without overhanging into a sidewalk. A concrete sidewalk meeting accessibility requirements should be installed along this property. Due to concerns noted from the property owner, staff recommends installing a narrower sidewalk by eliminating the tree wells along this property frontage. However, when the site redevelops, the sidewalk would need to be brought into compliance with the Sense of Place Plan.

#### Green Building Requirements

The development will be using the City Green Building incentive to get an additional 5% density bonus for achieving at least 110 Build It Green Points. The incentive results in four of the 117 residential units.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (MND) was prepared in compliance with the California Environmental Quality Act (CEQA) (see Attachment E). The MND found that the proposed density would result in a slight increase in population and it would be compatible with the surrounding neighborhood as there are R-4 parcels in the area. The noise study indicated that the development would need to provide mitigation for interior noise levels and exterior noise levels at the balconies facing Wolfe Road. The MND has also included standard mitigation measures that relate to demolition and construction. The development is below the threshold for requiring a Traffic Impact Analysis (TIA). In addition, survey data indicates that car ownership is significantly lower in affordable housing developments. Staff also evaluated the left turn lanes into the MidPen portion of the site and found that the current configuration can accommodate the proposed development. The MND also noted that there may be Asbestos Containing Materials located on the site and recommended mitigations to address demolition.

## **FISCAL IMPACT**

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No fiscal impacts other than normal fees such as Transportation Impact Fees, Sense of Place, Sewer and Water connections are expected. Affordable rental development is exempt from Park Dedication requirements. In addition to the normal fees, the City will enter into a ground lease with each of the housing providers for their respective portions of the Armory site. Each ground lease will be for a ninety-year term, for a one-time lump sum payment of \$3.7 million from each provider for a combined total of \$7.4 million. The source of the funds for the lease payment will be Housing Mitigation Funds. The lease payments will be deposited into the City's General Fund. The leases include additional terms regarding: financing, housing affordability requirements, construction and management obligations, time schedule for project completion, and maintenance provisions. Requirements also cover insurance, bonding, permitting, and other typical review and enforcement mechanisms to protect the City as the landlord. The leases are included in the project description in the environmental review documents. The complete text of the leases and regulatory agreements will be brought to Council for consideration and possible approval in May, and are expected to be executed by the end of the fiscal year.

## **PUBLIC CONTACT**

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The applicant conducted an Open House on March 12, 2012 (17 attendees) and March 6, 2013 (28 attendees). The applicants provided an overview of the organizations (MidPen and Charities) and the conceptual proposal for architecture. At the second meeting, the applicant provided a similar overview

and representatives from various organizations related to the development attended (see Attachment L, Meeting Notes and Comments). In addition, the applicant's architects provided color renderings to illustrate the pedestrian view from different vantage points. Materials from both outreach meetings are available online at [Armory.inSunnyvale.com](http://Armory.inSunnyvale.com). The applicant has also been conducting additional outreach with surrounding neighborhood associations and home owners associations. Staff has received letters in support of the proposal from the Sunnyvale School District, Santa Clara County Housing Action Coalition and EHC LifeBuilders (see Attachment M).

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 211 notices mailed to the property owners and tenants within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

#### **Joint City Council/Planning Commission Study Session**

On March 19, 2013, the City Council and Planning Commission held a Joint Study Session to discuss the proposal. The Council Members had several questions and points of clarification about the development. The notes of that meeting are included in Attachment N.

#### **Planning Commission Study Session**

On March 25, 2013, the Planning Commission reviewed the proposed development. The Planning Commission was generally supportive of affordable housing in the area, but had questions about how this development related to the Onizuka Base closure. There was concern noted about the proposed density and how it would fit into the existing neighborhood.

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## **CONCLUSION**

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

## **ALTERNATIVES**

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1. Adopt the Mitigated Negative Declaration (Attachment E), amend the General Plan, Rezone properties and approved the Special Development Permit with the following actions:
  - A) Adopt a Resolution to amend the General (Attachment F) to Change the General Plan land use designation of 620 E. Maude Avenue from Industrial to Residential Medium Density (ITRMED) to Residential High Density (RHI)
  - B) Introduce an ordinance to rezone 620 E. Maude Avenue Industrial Service/Industrial to Residential/ Medium Density/Planned Development (M-S/ITR/R3/PD) to High Density Residential Planned Development (R4/PD) (Attachment G).
  - C) Approve the Special Development Permit with conditions listed in Attachment D.
2. Alternative 1, with modifications
3. Adopt the Mitigated Negative Declaration and deny the request to modify the General Plan for the subject site.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

## **RECOMMENDATION**

Alternative 1 – City Council approve Alternative 1 to Adopt the Mitigated Negative Declaration and Resolution to change the General Plan land use designation to Residential High Density High and to introduce an ordinance to Rezone to the site to Residential High Density/Planned Development (R-4/PD) and approve the Special Development Permit with attached conditions.

Staff finds that the proposed R-4 density can be accommodated on the site and will be compatible with adjacent uses due to the proposed architectural and site design. The surrounding land uses include a mix of R-3 and R-4 densities. The base density of 36 units per acre may be increased through the provisions of the State Density Bonus Law and the City’s adopted Green Building Incentive, which result in a density of 49 units per acre for the site. In this instance, the perceived density is lessened through a large number of smaller units (studios) and the massing of the MidPen structure (fourth story setback). Through these provisions, a higher density can be supported.

Staff was able to make the required Special Development Permit 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 C.

Reviewed by:

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

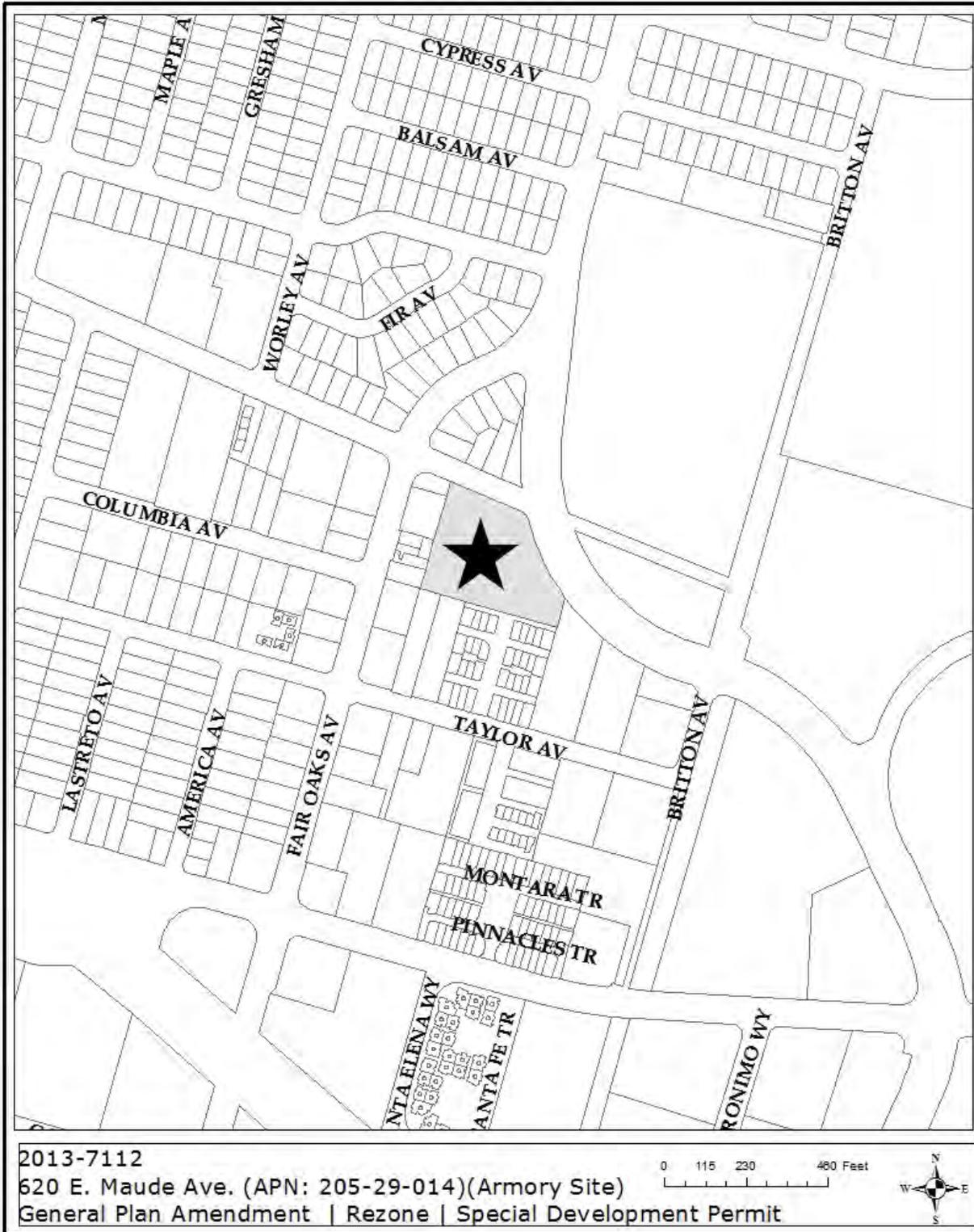
Approved by:

Gary M. Luebbbers  
City Manager

**Attachments**

- A. Vicinity Map
- B. Data Table
- C. Findings for Approval
- D. Conditions of Approval
- E. Mitigated Negative Declaration
- F. Resolution Amending the General Plan for 620 E. Maude Avenue from Industrial to Residential Medium Density to Residential High Density (with map)
- G. Draft Ordinance rezoning 620 E Maude Avenue M-S/ITR/R3/PD to R4/PD (with map)
- H. Balanced Growth Profile 2012 and with GPA
- I. Plans dated April 1, 2013
- J. Applicant State Density Bonus Concession Letter
- K. Mountain View Parking Study dated June 2012
- L. March 6, 2013 Outreach Meeting Notes & Comments
- M. Letters in Support of the proposal.
- N. March 19, 2013 Joint City Council and Planning Commission Study Session

### VICINITY MAP



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial-to-Residential Medium Density	Residential High Density	Residential High Density
<b>Zoning District</b>	M-S/ITR/R-3/PD	R4/PD	R4/PD
<b>Lot Size (s.f.)</b>	99,489	99,489 <i>(plus 2,948 Easement)</i>	8,000 sf. min.
<b>Gross Floor Area (s.f.)</b>	13,920 sf.	158,065	No max.
<b>SDC Lot Coverage (%)</b>	13%	60%	40% max.
<b>Floor Area Ratio (FAR)</b>	14%	1.59%	No max.
<b>No. of Units</b>	N/A	1 Bed-27 2 Bed-12 3 Bed-19 <i>MidPen Total- 58</i> Studio-58 2 Bed-1 <i>Charities Total- 59</i>	117 max. for R-4 (Plus up to 35% with State Density Bonus & 5% Green Building Incentive)
<b>Density (units/acre)</b>	N/A	49	36 max. for R-4 <i>(50 with State Density and Green Building)</i>
<b>Meets 75% min?</b>	N/A	117	82 min.
<b>Unit Sizes (s.f.)</b>	N/A	400 sf -780 sf	---
★ <b>Lockable Storage/Unit</b>	N/A	150 cu per unit	300 cu. ft. min.
<b>No. of Buildings On-Site</b>	N/A	2	---
★ <b>Distance Between Buildings (ft.)</b>	N/A	5	26 min.
<b>Building Height (ft.)</b>	N/A	53	55 max. R-4
<b>No. of Stories</b>	N/A	4	4 max R-4

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>Setbacks (ft.)</b>			
★ <b>Front -Wolfe</b>	N/A	20	30 min R-4
<b>Side - Maude</b>	N/A	22	11 min. R-4
<b>Left Side - south</b>	N/A	30	11 min. R-4
<b>Rear -west</b>	N/A	30	20 min. R-4
<b>Landscaping</b>			
<b>Total Landscaping (s.f.)</b>	N/A	33,502 (33%)	19,897 min. (20%)
<b>Landscaping/Unit (s.f.)</b>	N/A	286	375 min./d.u. (45,375 s.f. total)
<b>SDC Usable Open Space/Unit</b>	N/A	286	380 min./d.u. (45,980 s.f. total)
<b>SDC Private Usable Space</b>	N/A	49 (average)	80
<b>Frontage Width (ft.)</b>	N/A	20	15 min.
<b>Water Conserving Plants</b>	N/A	80%	80% + limit turf, or water budget
<b>Recreation Building (s.f.)</b>	N/A	± 2,109	450
<b>Parking</b>			
<b>Standard Spaces</b>	N/A	148	155 min.
<b>Compact Spaces/ % of Total</b>	N/A	0	10% max. of uncovered/guest spaces
<b>Accessible Spaces</b>	N/A	7	Per ADA requirements
<b>Covered Spaces</b>	N/A	All	121 min.
<b>Aisle Width (ft.)</b>	N/A	24	24 min. (30 for Fire Access)
<b>Bicycle Parking</b>	N/A	45	30 Secured (1 per 4 units)
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	33,489	68,874	No max.

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>Impervious Surface (%)</b>	92.5%	69%	No max.
<p>★ <i>Starred items indicate deviations from Sunnyvale Municipal Code requirements.</i></p> <p><b>SDC</b> <i>Indicates Concession per the State Density Bonus Law</i></p>			

## RECOMMENDED FINDINGS

### General Plan Amendment

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#### **Finding:**

The City Council may approve an amendment to the General Plan or precise zoning plan upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest.

The proposed development will provide an additional 117 affordable housing units to the City housing stock in an area that is centrally located. In addition, 32 units will be available as homeless housing. Although the density is higher than the immediate surrounding properties, the buildings have been designed in a manner to step down to the adjacent homes. In addition, the site has been designed in a manner that provides a larger setback than what is required along the sides and rear property lines. The development will also improve the streetscape along the property frontage.

### Rezone

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#### **Finding:**

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

The proposed 117 units require a Rezone of the site to R-4 (High Density Residential) and Planned Development to allow up to 36 dwelling units per acre (or higher with various density bonuses). The site is currently zoned Industrial to Residential (ITR) Medium Density Residential (R-3) and includes the Planned Development (PD) combining district. The proposed development would implement several General Plan and Council Policies including:

- **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
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.

- **Policy LT-4.4** Preserve and enhance the high quality character of residential neighborhoods.
- **Policy CC-1.4** Support measures which enhance the identity of special districts and residential neighborhoods to create more variety in the physical environment.
- **Policy CC-1.7** Encourage neighborhood patterns that encourage social interaction and avoid isolation.
- **Policy CC-2.1** Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.
- **Policy HE-1.2** Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance.
- **Policy HE-1.5** Work with Sunnyvale's major employers, educational and health care institutions to facilitate and encourage the development of workforce housing. Promote the City's affordable housing programs with local employers.
- **Policy HE-1.7** Support collaborative partnerships with non-profit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.
- **Policy HE-2.3** Strengthen multi-family neighborhoods through partnership with non-profit housing organizations in the acquisition and rehabilitation of older residential properties and maintenance as long term affordable housing.
- **Policy HE-4.1** Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

The proposed development is in the public interest as it supports and implements the policies above by locating a higher density residential development closer to services as opposed to the Onizuka site. In addition, the development is a 100% affordable, providing additional housing opportunities for work force and lower income residents. The Rezone also allows the implementation of the Onizuka Reuse Plan by moving the housing claims to a better suited site. The proposed development has been designed to fit into the neighborhood and it implements the intended transition from industrial to residential.

## **Special Development Permit**

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

The proposed development meets the goals and policies of the General Plan as listed in the Rezone Finding above by creating 117 affordable residential units that promote housing goals for the community. The development also meets the policy for a minimum 75% of the allowable density for the zoning district.

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

The development has been designed to complement the adjacent neighborhood through varied setbacks, building height and site design. The requested deviations are consistent with other residential projects with a similar higher density. The development will use exterior materials that are found in the neighborhood. In addition, the recommended conditions will ensure that additional changes are incorporated for a better fit into the community.

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application 2013-7112**

620 E. Maude Avenue

**General Plan Amendment to RHI, Rezone to R4/PD and Special Development Permit for the development of 117 affordable residential rental units with State Density Bonus (35%) and Green Building Incentive (5%).**

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

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

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

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

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

**GC-2. PERMIT EXPIRATION:**

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

- GC-3. ON-SITE AMENITIES:  
Swimming pools, pool equipment structures, play equipment, and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]
- GC-4. LEGALLY BINDING AGREEMENT (LBA):  
The development shall comply with the terms of the Legally Binding Agreement at all time. Changes in the terms of the LBA or project affordability are subject to review by the Director of Community Development. [COA] [PLANNING]
- GC-5. STORMWATER MANAGEMENT PLAN:  
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed “Stormwater Management Plan Data Form”, and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. The SWMP shall clearly delineate the responsible parties. [SDR] [PLANNING]
- GC-6. TEMPORARY TRAILERS:  
Temporary sales/rental trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development. Plans for temporary trailers (excluding construction trailers) shall include the following:
- a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;
  - b) Trailer entrances shall be oriented toward the nearest building;
  - c) Area lighting shall be provided in the vicinity of temporary trailers.  
[COA] [PLANNING]
- GC-7. ENCROACHMENT PERMIT:  
Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

GC-8. 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. All public improvement shall be installed with the first development on the site. [COA] [PUBLIC WORKS]

GC-9. INDEMNITY:

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

**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. Architectural plans shall clearly demonstrate the level of architectural detail indicated on the plans and as communicated to staff. This includes architectural elements and quality exterior materials implied in the plans. [COA] [PLANNING]

PS-2. REQUIRED REVISIONS TO THE PLANS:

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

**MidPen building:**

- a) Incorporate a roof element or roof parapet on the fourth floor (similar to the third floor).

- b) Strengthen the base of the building through additional architectural treatment to reduce the appearance of floors above.
- c) Balcony railing, wood enclosure and trellises shall be a stained wood and quality material similar to the Charities project.

**Charities building:**

- a) Incorporate a sloped roof parapet element, which can have a shallow pitch, in the middle portions of the building.
- b) Modify all stained wood elements with quality material and coloring consistent with the MidPen building.
- c) Specify slim style air conditioning units with architectural grid attachment on the exterior of the unit to match the building colors and style. [COA] [PLANNING]

PS-3. EASEMENTS (675 N. TAYLOR AVENUE):

This project is subject to and contingent upon consent from the adjacent property owner at 675 N. Taylor Avenue (APN 205-29-004) for the following:

- a) An emergency vehicle access easement to be granted to the applicants;
- b) An ingress/egress easement to be granted to the applicants; and
- c) A two-foot (2') wide public sidewalk easement to be granted to the City.

The project applicants shall be responsible for all required documentation and recordation of the easements noted above. All easements shall be recorded prior to submittal for demolition, grading or building permit. [COA] [PLANNING]

PS-4. DESIGN SIDEWALK CONNECTION TO FAIR OAKS:

The applicant shall develop civil drawings for the installation of a sidewalk connecting the subject site to the N. Fair Oaks Avenue. The sidewalk shall be monolithic and located within the existing right of way. The applicant shall work with the adjacent property owner as part of the design. The design shall be subject to review by the Public Works Department and Community Development Department. [COA] [PLANNING]

PS-5. ENVIRONMENTAL MITIGATION MEASURES:

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

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

BP-1. CONDITIONS OF APPROVAL:

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

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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

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 or the applicable Residential Green Building Points required at time of building permit submittal. Nonresidential structures or rooms should be consistent with appropriate LEED equivalent,

subject to consultation with the Building Division. The GreenPoint Rated Checklist shall be included on plans. [SDR] [PLANNING/BUILDING]

BP-6. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for multi-family projects. [COA] [PUBLIC WORKS]

BP-7. RECYCLING AND SOLID WASTE ENCLOSURE:

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

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

BP-8. RECYCLING AND SOLID WASTE CONTAINER:

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

BP-9. ROOF EQUIPMENT:

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

BP-10. FEES AND BONDS:

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

- a) PARK IN-LIEU FEE – None required for 100% affordable project.  
[SDR] [PLANNING]
- b) SENSE OF PLACE FEE – Pay Sense of Place fees for neighborhood pedestrian and streetscape improvements associated with industrial-to-residential transition. Sense of Place fees are estimated at \$1,071 per dwelling unit and shall be paid prior to issuance of a building permit. The final fee amount shall be calculated based on fee schedules in place at the time of payment.  
[COA] [PLANNING]
- c) TIF – A Transportation Impact Fee of approximately \$78,446.00 for Charities and \$77,160.00 for MidPen will be required to be paid prior to building permit issuance. The final fee shall be calculated at building permit submittal based on the current City Fee Schedule.[SDR] [PLANNING]

BP-11. MECHANICAL EQUIPMENT (EXTERIOR):

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

BP-12. LANDSCAPE PLAN:

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

- a) All areas not required for parking, driveways, or structures shall be landscaped.
- b) Provide trees at minimum 30-foot intervals along all property lines, except where mature trees are located immediately adjoining on neighboring property.
- c) Deciduous trees shall be provided along southern and western building exposures where possible for passive solar heating purposes.

- d) For new tree selection, preference shall be given to California native species, and sizes selected shall be as large as appropriate for the proposed locations. At least ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. Any “protected trees” (as defined in SMC 19.94) approved for removal shall be replaced with a specimen tree of at least 36-inch box size.
- e) Tree Preservation: The Landscape Plan shall include the preservation of the existing Cedar tree located in the front setback. If retention is infeasible, then the applicant shall submit arborist letter indicating why the tree cannot be saved and this is subject to review and approval by the Director of Community Development.
- f) Provide a 15-foot wide landscaped buffer along the property’s street frontages, except that the width may be reduced in limited locations as per the deviations granted and indicated on the approved project plans.
- g) Ground cover included in the landscape plans shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving shall be provided as required by the Director of Community Development to distinguish entry driveways, pedestrian paths, pedestrian crossings, and common areas.
- i) The plans shall indicate compliance with the parking lot shading requirements.
- j) Design of all proposed fencing and walls shall be included in the landscape plans and shall comply with 19.37.080.
- k) Patio and landscape walls shall not be higher than three feet.  
[COA] [PLANNING]

BP-13. LANDSCAPE MAINTENANCE PLAN:

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

BP-14. TREE PROTECTION PLAN:

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

- a) An updated inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant

Appraisal” published by the International Society of Arboriculture (ISA). The inventory shall include trees proposed for removal as well as trees to remain.

- b) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) The Director of Community Development has discretion over the final list of trees to be removed.
- d) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.
- f) The measures specified in the tree protection plan shall be installed prior to issuance of any building or grading permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

**BP-15. CITY STREET TREES:**

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

**BP-16. STORMWATER MANAGEMENT PLAN:**

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

**BP-17. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:**

Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan

Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

BP-18. BEST MANAGEMENT PRACTICES (STORMWATER):

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

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

BP-19. EXTERIOR LIGHTING PLAN (ON-SITE):

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

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

- f) Lighting plans shall be developed to provide coverage of all parking areas, driveways, and building entrances for safety and security purposes. [COA] [PLANNING]

BP-20. PHOTOMETRIC PLAN:

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

BP-21. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

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

- a) All uncovered spaces shall be reserved as guest and unassigned residential parking spaces and shall remain unassigned.
- b) Clear designation of a recessed gate area to allow visitor parking and secure resident parking (if needed).
- c) A clear definition of “guest” as proposed by the property manager/homeowner’s association.
- d) Clearly indicate that the property manager/homeowner’s association shall not rent or sell unassigned spaces, except that a nominal fee may be charged for parking management.
- e) Residents shall use their assigned parking spaces prior to using unassigned parking spaces.
- f) Prohibit residents from parking RV’s, trailers, or boats on the property.
- g) Notify potential residents of the number of parking spaces provided for each unit on-site as per the approved plans. [COA] [PLANNING]

BP-22. BICYCLE SPACES:

Provide a minimum of 1 secured bicycle parking spaces per 4 dwelling units or as approved by the Director of Community Development. An additional 4 racks shall be available for guests for each building and shall be located near the lobby of each building. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING]

BP-23. UNDERGROUND UTILITIES:

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

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

BP-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. NOISE:

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

WHAT: 1) The use of a solid railing (masonry, metal or acrylic) 42 inches high at the second floor terrace and the balconies along N. Wolfe Road. The railing shall not be noticeable different that the architectural drawings and railing found throughout the development.

2) Based on the type of construction and the exterior noise levels, sound-rated windows on the facades facing E. Maude Avenue and N. Wolfe Road are required to achieve the interior noise standard of DNL 45 dB. Recommendations for the exact Sound Transmission Class (STC) ratings for windows and exterior doors should be determined as the architectural design progresses.

3) 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. Affected units shall be provided with mechanical air ventilation system with a minimum flow rate as required by the current building codes.

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

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

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

BP-27. CONSTRUCTION ACTIVITIES:

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

WHAT: 1) Per Chapter 16.08 of the Sunnyvale Administrative Code, construction activities shall be limited to the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday, and Saturday between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.

2) Construct solid plywood fences (minimum 8 feet in height) or noise barriers around the construction site to shield adjacent residences or other noise sensitive land uses prior to major noise generating phases of demolition and construction.

- 3) Acoustically shield stationary equipment located near existing residential properties.
- 4) Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- 5) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- 6) Prohibit all unnecessary idling of internal combustion engines.
- 7) Locate stationary noise generating equipment as far as possible from adjacent residential properties.
- 8) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
- 9) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible. Construction workers will not be permitted to park on neighborhood streets.
- 10) Notify all adjacent business, residences, and noise-sensitive land uses of the construction schedule in writing. Notification by door hangars of nearby residence re: significant upcoming construction activities.
- 11) Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. Noise disturbance coordinator authorized to address and accommodate special circumstances (home bound or medical condition-adjacent homeowners only).

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

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

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

BP-28. BIOLOGICAL RESOURCES:

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

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

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

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

3. *Inhibit Nesting.* If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1<sup>st</sup>), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

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

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

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

[COA] [PLANNING] **Mitigation Measure**

BP-29. ARCHAEOLOGICAL RESOURCES:

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

A records search and limited literature review by the California Historical Resources Information System, Northwestern Information Center (CHRIS/NWIC) was conducted for the project area in February 2013. In addition, a field review and a consultation with the Native American Heritage Commission (NAHC) were performed to determine if any archaeological resources are within or adjacent to the proposed project site. The search revealed that there are locations within one-quarter mile of the project site where historic and/or prehistoric materials have been found. Given the proximity of the project area to historic and prehistoric archaeological discoveries, the project site has a moderate to high potential to contain buried or obscured archaeological materials. The project includes the following measures to reduce or avoid impacts to prehistoric resources, should they be encountered during construction. With implementation of these measures, impacts to archaeological resources would be reduced to less than significant.

WHAT: 1) Upon demolition of the existing buildings and removal of the concrete and asphalt on-site, a qualified archaeologist meeting the Secretary of the Interior’s standards (CEQA Guideline 15064.5(f)), shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources. The testing program shall be implemented with the results presented in Presence/Absence Testing Report commensurate with the findings.

2) If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;

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

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 should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

4) In the event prehistoric or historic cultural resources are otherwise encountered during approved ground-disturbing activities for project construction, all work within 25 feet of the discovery shall be stopped to allow for the identification and evaluation of the significance of the cultural materials by a qualified archaeologist. If the cultural materials are determined to be significant, the qualified archaeologist shall develop an appropriate treatment plan in consultation with the City's Planner to mitigate the discovery, according to the procedures described above. The plan could include avoidance and preservation measures to preserve the materials in place; scientific collection and analysis; preparation of a professional report in accordance with current professional standards; and, professional museum curation of collected cultural materials and resource documentation.

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

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

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

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

BP-30. HISTORIC AND PREHISTORIC RESOURCES:

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

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

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

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

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

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

BP-31. AIR QUALITY (OFF-ROAD EQUIPMENT):

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

WHAT: 1) All off-road equipment (more than 50 horsepower and on site for more than two consecutive workdays) to be used in project construction shall achieve a 35 percent reduction in exhaust particulate matter emissions, compared to similar equipment that meets U.S. EPA Tier 2 standards. Based on the construction plans presented for this project, a feasible method to achieve this objective would be the following:

Use only diesel-powered forklifts, generators and air compressors during all construction phases that meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions, or substitute that equipment with alternatively-fueled equipment. Additionally, the concrete pumper truck shall be operated for a total of no more than 810 hours while on-site. This reflects a utilization rate of 90 percent over the period the pumper truck would be on-site.

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

WHO: The project contractor/applicant will be solely responsible for implementation and maintenance of these mitigation measures. [COA] [PLANNING] **Mitigation Measure**

BP-32. AIR QUALITY (DEMOLITION AND GRADING):

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

WHAT: 1) The project contractor/applicant shall implement the following:

- a) Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- b) Cover all hauling trucks or maintain at least two feet of freeboard.

- c) Pave, apply water at least twice daily, or apply (nontoxic) soil stabilizers on all unpaved parking areas and staging areas.
- d) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- e) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- f) Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles.
- g) Limit traffic speeds on the construction site to 15 mph.
- h) Replant vegetation in disturbed areas as quickly as possible.
- i) Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- j) Install windbreaks or fences along adjacent residential properties.
- k) During demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
- l) A Disturbance Coordinator will be assigned to the project for the full duration of asbestos abatement, demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.
- m) Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke three minutes after start up is in violation of this measure.
- n) Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite. The contractor shall post signs indicating the idling restrictions.
- o) Properly tune and maintain equipment for low emissions.

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

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

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

BP-33. AIR QUALITY (OFF-ROAD EQUIPMENT):

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

WHAT: 1) All off-road equipment (more than 50 horsepower and on site for more than two consecutive workdays) to be used in project construction shall achieve a 35 percent reduction in exhaust particulate matter emissions, compared to similar equipment that meets U.S. EPA Tier 2 standards. Based on the construction plans presented for this project, a feasible method to achieve this objective would be the following:

Use only diesel-powered forklifts, generators and air compressors during all construction phases that meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions, or substitute that equipment with alternatively-fueled equipment. Additionally, the concrete pumper truck shall be operated for a total of no more than 810 hours while on-site. This reflects a utilization rate of 90 percent over the period the pumper truck would be on-site.

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

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

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

BP-34. WATER QUALITY (SWPP):

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

WHAT: Prior to construction and grading for the proposed land uses, the applicant will file a Notice of Intent (NOI) to comply with the NPDES General Permit for Construction Activities (No. 2009) 0009-DWQ) administered by the Regional Water Quality Control Board (RWQCB) and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction runoff.

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

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

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

BP-35. ASBESTOS CONTAINING MATERIALS (ACM-DEMOLITION):

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

WHAT: 1) Suspected ACMs will be sampled for asbestos content by a licensed asbestos inspector prior to any planned demolition activities.

2) If ACMs are found, all demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos.

3) If ACMs are found, all demolition and disposal of asbestos will be required to be conducted in accordance with the procedures specified in BAAQMD’s Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation and Manufacturing.

4) Upon demolition of the shed area, a visual inspection of the soil will be completed by a qualified hazardous materials consultant once the pavement on-site is removed. If any stains are detected, the soil will

be tested and, if necessary, removed and hauled off-site to be disposed of at a licensed hazardous materials disposal site prior to issuance of grading permits.

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

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

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

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

EP-1: RIGHT-OF-WAY DEDICATION:

The City of Sunnyvale shall dedicate two feet (2') in easement to the City of Sunnyvale to accommodate a new ten feet (10') wide sidewalk along Wolfe Road in accordance with the Fair Oaks Junction Sense of Place Plan (2012). [COA][PUBLIC WORKS]

EP-2: DEVELOPMENT FEES:

Developer shall pay incremental sewer connection fee and incremental water connection fee prior to building permit issuance or encroachment permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

EP-3: CURB, GUTTER, AND SIDEWALK:

Install new curb, gutter, and sidewalk along the Maude Avenue project frontage where none exists. Install new and/or replace existing driveway(s) to current City standard detail 5C-5. Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk. A continuous root barrier shall be installed as part of the new sidewalk if adjacent to a City trees per City standard details and specifications and spaced approximately 35 feet apart (consistent with the Fair Oaks Junction Sense of Place Plan). No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line. [COA] [PUBLIC WORKS]

EP-4: CURB RAMP AND CORSSWALK STRIPING:

Remove the existing curb ramp and install a new City standard curb ramp 13C-1 at the corner of Maude Avenue and Wolfe Road and install new crosswalk striping across Maude Avenue. Installation of the striping shall ensure safe public access and possible pedestrian controls or additional traffic control signs. The applicant shall include items in the proposed plans. It is recommended that the applicant work on the design and coordinate with Public Works prior to formal submittal of plan. [COA][PUBLIC WORKS]

EP-5: STREET LIGHTS:

Remove existing marbelite streetlight and install new pedestrian scale decorative streetlights along the project frontage. Install new streetlights approximately every 35' in accordance to Fair Oaks Junction Sense of Place Plan. [COA] [PUBLIC WORKS]

EP-6: PUBLIC SIDEWALK:

Along Wolfe Road, install a ten-foot (10') wide sidewalk with 4'x4' tree wells (spaced approximately 35 feet apart) in accordance with the Fair Oaks Junction Sense of Place Plan (2012), including along the frontage of the adjacent property to the east. Along Maude Avenue, install a six-foot (6') wide detached sidewalk and a three-foot (3') wide landscape strip with City trees space approximately 35 feet apart.

EP-7: CITY STREET TREES:

The landscape plan shall include installation of new city street trees and shall be submitted for review and approval by the City prior to issuance of encroachment permit. The street tree shall be 15 gallon (or 24-inch box) of Deodar Cedar (*Cedrus Deodorus*) along Wolfe road and Valley Oak (*Quercus Lobata*) on Maude Avenue. The city tree spacing should be approximately 35 feet apart. The tree wells along Wolf Road shall be in accordance with the Downtown Streetscape Standard Details and Specifications. [SDR] [PUBLIC WORKS]

EP-8: ROOT BARRIER:

A continuous root barrier shall be installed along new sidewalk adjacent to City trees per City standard details and specifications. [SDR][PUBLIC WORKS]

EP-9: DRY UTILITIES:

All dry utility plans (PG&E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public

right-of-way or public utility easements. Separate encroachment permits shall be required for all dry utility construction.

EP-10: UTILITY ABANDONMENT/RELOCATION:

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

EP-11: INSTALL NEW METERS:

Install new radio-read domestic master water meter entering the complex with approved backflow prevention device. Provide hydraulic calculations to correctly size the master water meter. Provide separate water meters for the domestic and irrigation water systems. [COA] [PUBLIC WORKS]

EP-12: FIRE SERVICE:

Provide separate fire and domestic service lines to each development. Install a double check detector assembly (DCDA) for fire sprinkler service. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-13: FIRE HYDRANTS:

Remove and replace the existing fire hydrant along Maude Avenue with a new Clow Model 75 hydrant. Remove and replace the existing fire hydrant along Wolfe Road with a new Clow Model 865 hydrant. [COA][PUBLIC WORKS]

EP-14: SANITARY SEWER:

Submit a focused sanitary sewer analysis to evaluate the impacts of the City's sanitary sewer system, in particular, the incremental and cumulative impact analysis. Sewer flow data may be required as needed. Impacts creating a greater than 75% volume capacity in the existing line require upsizing. [COA][PUBLIC WORKS]

EP-15: SANITARY SEWER:

Install sanitary sewer cleanout(s) at the property line per City standard detail 15A. Manholes may be used for sanitary sewer laterals that are privately maintained for high density developments. [COA][PUBLIC WORKS]

EP-16: UTILITY PROVIDERS:

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

EP- 17: UNDERGROUNDING:

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

EP-18: FINAL PLANS:

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

EP-19: RECORD DRAWINGS:

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

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

DC-1. FIRE ACCESS:

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

DC-2. BLUEPRINT FOR A CLEAN BAY:

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

DC-3. TREE PROTECTION:

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

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

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

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

- AT-1. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

- AT-2. **SOLID WASTE RECYCLING MANAGEMENT:**  
Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]
- AT-3. **BALCONY STORAGE - PROHIBITED:**  
Outdoor storage on the balconies is prohibited. Outdoor furniture and plants are allowed to be located on the balconies. Property management shall be responsible for enforcement of this condition. [COA] [PLANNING]
- AT-4. **EXTERIOR EQUIPMENT:**  
Exterior equipment shall be maintained within approved enclosure areas. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-5. **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) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the building permit plans and completed prior to occupancy.
  - b) Maintain all parking lot striping and marking.

- c) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and guests. [COA] [PLANNING]

- AT-8. UNENCLOSED STORAGE PROHIBITED:  
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-9. VEHICLE SALES, LEASING, AND RENTAL PROHIBITED:  
The sales, leasing, or rental of vehicles or trailers are prohibited on the subject property. [COA] [PLANNING]
- AT-10. OFF-STREET PARKING:  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-11. RECREATIONAL VEHICLE STORAGE PROHIBITED:  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels, and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-12. BMP MAINTENANCE:  
The project applicant, owner, landlord, or homeowners association must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-13. BMP RIGHT OF ENTRY:  
The project applicant, owner, landlord, or homeowners association shall provide access to the extent allowable by law for representatives of City, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the stormwater treatment best management practices contained in the approved Stormwater Management Plan. [SDR] [PLANNING]
- AT-14. FIRE DEPARTMENT ACCESS:  
A Knox system (key switch) shall be provided and maintained for all locked gates in accordance with Fire Prevention requirements. [COA] [PUBLIC SAFETY-FIRE PREVENTION]

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

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



Santa Clara County Clerk-Recorder's Office
State of California



Document No.: 650
Number of Pages: 41
Filed and Posted On: 3/28/2013
Through: 4/18/2013
CRO Order Number:
Fee Total: 0.00

CEQA DOCUMENT DECLARATION

REGINA ALCOMENDRAS, County Clerk-Recorder
by Laura Luna, Deputy Clerk-Recorder, [Signature]

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

- 1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a General Plan Amendment, Rezone & Special Development Permit.
3. APPLICANT NAME: Mid-Pen Housing PHONE: 408-730-7429
4. APPLICANT ADDRESS: 620 E. Maude Ave., Sunnyvale, CA 94085
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

Table with 3 columns: Item description, Amount, Fee. Includes Environmental Impact Report, Negative Declaration, Application Fee Water Diversion, etc.

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

Table with 3 columns: Item description, Amount, Fee. Includes Notice of Exemption, Completed CEQA Filing Fee No Effect Determination Form, etc.

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

Table with 3 columns: Item description, Amount, Fee. Includes Notice of Preparation, Notice of Intent.

- 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

ATTACHMENT E  
 File Number: 2013-7112  
 No. 13-06

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

File#: 650 3/28/2013

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

**PROJECT TITLE:**

Application for a **General Plan Amendment, Rezone & Special Development Permit** filed by **Mid-Pen Housing**.

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

**FILE #:** 2013-7112  
**Location:** 620 E. Maude Ave. (APN: 205-29-014)(Armory Site)  
**Proposed Project:** **General Plan Amendment** to change the General Plan Land Use Designation from Industrial to Residential Medium Density to Residential High Density  
**Rezone** from M-S/ITR/R-3/PD (Industrial & Service/Industrial to Residential/Medium Density Residential)to R-4/PD (High Density Residential/Planned Development)  
**Special Development Permit** to allow the development of 121 affordable dwelling units  
**Applicant / Owner:** Mid-Pen Housing/Charities Housing  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Shaunn Mendrin, (408) 730-7429, smendrin@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 **Tuesday, April 30, 2013**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

**HEARING INFORMATION:**

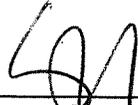
A public hearing on the project is scheduled for:

**Monday, April 22, 2013** at 8:00 p.m. and **Tuesday, April 30, 2013** at 7:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

**TOXIC SITE INFORMATION:**

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

Circulated On March 28, 2013

Signed:   
 Shaunn Mendrin, Senior Planner

Project Title	<b>Armory Site Affordable Housing:</b> Application (#2013-7112) for a General Plan Amendment to High Density Residential (RHI) , Rezone to High Density Residential (R4)/Planned Development, and Special Development Permit to allow the construction of 121 affordable residential dwelling units.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Shaunn Mendrin
Phone Number	408-730-7429
Project Location	620 E. Maude Avenue between N. Wolfe Road and N. Fair Oaks Boulevard
Applicant's Name	Midpen Housing Corporation Charities Housing Development Corporation
Project Address	620 E. Maude Avenue
Zoning	Industrial and Service/Industrial to Residential (MS/ITRR3)
General Plan	Industrial to Residential (Medium Density[RMED])
Other Public Agencies whose approval is required	None

**DESCRIPTION OF THE PROJECT:** The project consists of the demolition of the existing single-story industrial building, site clearing and grading, and the construction of 121 affordable residential units in two separate buildings, requiring the following permit types:

1. General Plan Amendment to change from Industrial to Residential (Medium Density[RMED]) to Residential High Density (RHI);
2. Rezone of the property from MS/ITRR3 to R4/PD; and
3. Special Development Permit application to allow demolition of the existing industrial building, site grading and construction of 121 affordable housing units.

**DETAILED PROJECT DESCRIPTION:**

On-site Development: The project site is currently developed with a large one-story building, paved parking lot, unpaved parking area, and small shed. Under the proposed project, the existing building and parking lot on site would be demolished and 60 units of affordable family housing, to be managed by MidPen Housing Corporation, would be constructed in one 98,044 square foot building at the northern portion of the site. The proposed unit mix for the family

housing includes 27 one-bedroom units, 13 two-bedroom units, and 20 three-bedroom units. The 60,021 square foot building constructed at the southern portion of the site would include 61 units (60 affordable studio apartments and one, two-bedroom manager's unit), to be managed by Charities Housing Development Corporation. The proposed project would include a total of 156 at-grade parking spaces (95 for family housing, 61 for studio apartments), per the City Code requirements for affordable housing (Section 19.46.050). The City would lease the property to MidPen Housing Corporation and Charities Housing Development Corporation on a long-term basis as part of the project. The proposed units are part of the Onizuka Air Force Station Base Realignment and Closure process. The City and housing providers have been in discussions to find alternative sites for the housing claims to facilitate redevelopment of the Onizuka base. The City has identified the Armory site as an alternative location to relocate the housing claims from the base.

The family housing building would be four stories tall with a maximum height of 53 feet. The family housing building would include a 1,097 square foot community room on the first floor, as well as three common area courtyards on the second floor. The studio apartments building would be three stories tall with a maximum height of 44 feet. The studio apartments building would include an open-air front plaza and community room on the first floor, and a common area terrace on the second floor.

The buildings would be setback a minimum of 20 feet from N. Wolfe Road, approximately 25 feet from the E. Maude Avenue, and approximately 30 feet from the multi-family residential development to the south and west. The family housing project has been designed to step back the building height from the existing residences to the west and south as a way to address neighborhood compatibility.

All existing trees on-site would be removed. The project would include a planting buffer around the perimeter of both buildings and street trees along the frontage of E. Maude Avenue and N. Wolfe Road per the Fair Oaks Junction Sense of Place Plan.

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

Excavation and grading would be necessary for site preparation and construction of the proposed project. Excavation for the project would be up to one foot depth. The excavation would generate approximately 1,330 cubic yards of dirt to be exported from the site, which would result in up to 111 truck trips. Approximately 1,285 cubic yards of fill would be imported to raise the site, resulting in up to 108 truck trips.

Surrounding Uses and Setting: The proposed development is located at 620 E. Maude Street in the City of Sunnyvale, at the junction of East Maude Avenue and North Wolfe Road (APN 205-29-014). The project site is bounded by N. Wolfe Road to the east, multi-family residential development to the south and west, and E. Maude Avenue to the north. Across N. Wolfe Road from the site is Fair Oaks Park. Adjacent to the southeast corner of the project site is an industrial-service building that is currently occupied by the Church of The Living Rock.

Off-site Improvements: The project would include improvements to the existing parking at the parcel adjacent to the southeast of the project site. The project would also provide a new driveway access at the southeast corner of the project site along N. Wolfe Road. This driveway would include a portion of exclusive use easement for the project site, as well as a portion of joint use easement at the existing entrance driveway to the parcel adjacent to the southeast of the project site. The project would be required to remove the existing sidewalk and install new sidewalks, curb gutter, street lamps and street trees adjacent to the project site.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

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

Yes  
 No

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

Yes  
 No

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

Yes  
 No

**DETERMINATION:**

On the basis of this initial evaluation:

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

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

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

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

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

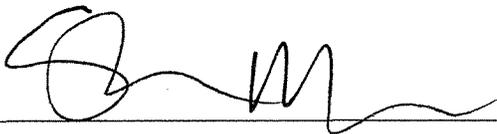
Checklist Planner Name: Shaunn Mendrin, AICP

Date: 3/21/13

Title: Senior Planner

City of Sunnyvale

Signature:



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

7. Land Use Planning - Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Sunnyvale General Plan Map</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>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></li> </ul>
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>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></li> </ul>
10. For a project located within the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Moffett Field Air Installations Compatible Use Zones (AICUZ)</li> <li>Sunnyvale Zoning Map</li> <li>Sunnyvale General Plan Map <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
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"/>	<ul style="list-style-type: none"> <li>Moffett Field Air Installations Compatible Use Zones (AICUZ) Study Map</li> </ul>
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Sunnyvale Zoning Map</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>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></li> <li>Site Noise Assessment</li> </ul>
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>Site Noise Assessment</li> </ul>
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>Site Noise Assessment</li> </ul>

17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Santa Clara Valley Habitat Conservation Plan (adopted January 29, 2013), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a></li> </ul>
18. Biological Resources - Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Santa Clara Valley Habitat Conservation Plan (adopted January 29, 2013), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a></li> </ul>
19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Santa Clara Valley Habitat Conservation Plan (adopted January 29, 2013), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a></li> </ul>
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees</li> <li>• Fair Oaks Junction Sense of Place Plan</li> </ul>
21. Biological Resources - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Santa Clara Valley Habitat Conservation Plan (adopted January 29, 2013), <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a></li> </ul>
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Community Character Chapter of the Sunnyvale General Plan</li> <li>• Sunnyvale Inventory or Heritage Resources</li> <li>• The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places</li> <li>• Project archeological study and cultural resource survey</li> </ul>
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Project archeological study and cultural resource survey</li> </ul>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The following public school districts are located in the City of Sunnyvale:          Fremont Union High School District,          Sunnyvale Elementary School District,          Cupertino Union School District and</p>

significant environmental impacts, in order to maintain acceptable performance objectives?					Santa Clara Unified School District. <ul style="list-style-type: none"> <li>• Myths and Facts About Affordable &amp; High Density Housing</li> <li>• National Multi Housing Council, Research Notes, August 24, 2000</li> </ul>
25. Air Quality - Conflict with or obstruct implementation of the BAAQMD air quality plan? How close is the use to a major road, hwy. or freeway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• Sunnyvale General Plan Map</li> <li>• Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• BAAQMD Screening Analysis Tables - Advanced Screening for Mobile Hazardous Sources within 1,000 feet of Project Site</li> </ul>
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• AB 32</li> <li>• CalEEMod Results</li> </ul>
27. Air Quality - Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• AB 32</li> </ul>
28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• Sunnyvale Air Quality Sub-Element</li> <li>• CalEEMod Results</li> </ul>
29. Air Quality - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• BAAQMD CEQA Guidelines</li> <li>• Sunnyvale Air Quality Sub-Element <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
31. Seismic Safety - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• California Geological Survey - Alquist-Priolo Earthquake Fault Zones Map</li> </ul>

32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
33. Seismic Safety - Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>California Building Code</li> </ul>
34. Seismic Safety - Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>2001 ABAG Liquefaction Hazard Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a></li> <li>California Building Code</li> </ul>

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

**1. Aesthetics (Less Than Significant)** – The proposed project site is located within an urban area of mixed uses (commercial and residential) that has no designated scenic resources. The project would result in the removal of all the existing trees on-site. In accordance with Chapter 19.94 of the Sunnyvale Municipal Code, the project will provide street trees along the frontage of E. Maude Avenue and N. Wolfe Road per the Fair Oaks Junction Sense of Place Plan. The replacement of trees and landscaping along the street frontages would improve the visual/aesthetic character of the area. Therefore the proposed project would have a less than significant impact on scenic resources at the project site.

**2. Aesthetics (Less Than Significant)** - Construction of the proposed project will alter the visual character of this site by transitioning the site from an industrial use to a residential use by placing one three-story and one four-story residential building on a site currently containing one single story industrial structure, pavement, and unpaved areas. The proposed project is subject to the City-Wide Design Guidelines, and the design of the residential structure and site layout will be in general conformance with the adopted design guidelines. The building would be designed with varying rooflines, alternating porches and pediments that delineate front entrances, and a façade varied in depth. There is a significant amount of residential development within the project area and development of the proposed residences with landscaping will be compatible with the area by introducing multi-family housing similar to other residential development in the adjacent neighborhood to the north and west. The new family housing building will be one story taller than the nearby buildings, but will still be within the scale of adjacent and nearby residential uses. The City’s implementation of the City-Wide Design Guidelines and staff’s review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with the plans reviewed by the Planning Commission. The project will not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, impacts would be less than significant.

Visual Intrusion: The proposed family housing building will be four stories in height adjacent to the neighborhood to the south and west, and the proposed studio apartment building will be three stories in height adjacent to the neighborhood to the south. The project proposes a minimum 30-foot setback of the buildings from the southern and western property line. Based on site visits and examination of aerial photographs of the project area, the adjacent residences to the west of the project site are one and two stories and appear to have setbacks from the property line that are ten to 18 feet deep. The adjacent residences to the south of the project site are three stories in height and appear to have setbacks from the property line that are ten to 20 feet deep. The proposed family housing building does not exceed four stories and includes a setback no less than 30 feet from the adjacent residences. In addition, the proposed family housing building has been designed in a manner that will step it back from the existing residences. The proposed landscaping will also provide a visual border between the project site and adjacent residences. Therefore, the project would not preclude the use of

the adjacent yards or provide visual access to neighboring yards and windows. The project design is typical for urban infill development and would not degrade the visual quality of the area. Therefore, impacts would be less than significant.

**Shade and Shadow Impacts:** As stated above, the proposed family housing building would be four stories with a maximum height of 53 feet, and the proposed studio apartments building would be three stories with a maximum height of 44 feet. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. Shade and shadow impacts can occur when a building or other structure substantially reduces natural sunlight on public or private open spaces. Maximum shading occurs on December 21<sup>st</sup>, during the winter solstice when the sun is at the lowest angle above the horizon. A shade and shadow analyses was prepared for December 21<sup>st</sup>, with data for 9:00 am and 3:00 pm. Throughout the cycle of each day, shadows move from a northwesterly to a northeasterly direction. The project would primarily shade itself and portions of E. Maude Avenue and N. Wolfe Road during the daytime. The results of the analysis show the proposed buildings will not impact the residences to the south. The proposed buildings will cast shadows on the private open space (i.e., backyard) of the single-family residences to the west during the morning hours. There are numerous large trees on the adjacent single-family properties that already shade portions of the existing backyard and shadows from the project would represent an incremental amount of additional shading in the mornings. In addition, the majority of the shadows would be cast onto the existing garage located at the single-family property to the northwest. The temporary shading of the single-family residential yards adjacent to the west side of the project site would only occur during the morning hours and would not preclude the use of the yards during the remainder of the day. The temporary shading would not interfere with useable open space and therefore, complies with the requirements of the Zoning Code.

The project site is surrounded by residential development where it is typical for houses to be located in close proximity to one another. Shadows that would result from the project would be expected to occur in a residentially zoned urban neighborhood. Implementation of the proposed project does not include any landscaping features that would limit current or future use of solar panels. There are no public open spaces or historic places in the vicinity of the project site which would be affected by shadows from the proposed project. The proposed project would not result in significant shade or shadow impacts. Therefore, impacts would be less than significant.

**3. Aesthetics (Less Than Significant)** - There is no lighting plan available for the project site at this time. Lighting on the project site will be reviewed by Planning staff prior to issuance of building permits, and will be reviewed for consistency with the City's policies and City-Wide Design Guidelines to reduce light and glare, and to ensure it will not adversely affect the visual quality of the area or create a substantial new source of light or glare.

**4. Population and Housing (Less Than Significant)** - Development of this site under the proposed project would result in a net increase in dwelling units citywide. The proposed units are part of the Onizuka Air Force Station Base Realignment and Closure process. The City and housing providers have been in discussions to find alternative sites for the housing claims to facilitate redevelopment of the Onizuka base. The City has identified the Armory site as an alternative location in that the housing claims are being relocated from the base to this site. As part of this process the City has held three community meetings within the project site neighborhood. On January 9, 2012 the City held a meeting with the San Miguel Neighbors Association, a registered Sunnyvale neighborhood association, at which MidPen and Charities Housing gave a presentation on their organizations. Open house meetings were also held on March 22, 2012 and March 6, 2013. Over 20 community members attended both these open house meetings and asked questions of MidPen and Charities Housing representatives, and City staff.

The increase in housing will slightly increase the residential population of Sunnyvale above current levels by approximately 210 people.<sup>1</sup> In 2008 Sunnyvale had a population of 137,538 people representing an increase of just four percent since 2000. The City is expecting to have a projected population of 150,725 people by 2025 (City of Sunnyvale General Plan, Housing and Community Revitalization Sub-element, Adopted August 11, 2009). The increase, however, represents a less than one percent increase (based on the City's current average number of individuals per household) in the total City population and will not be a substantial change. In addition, the project will be consistent with the goals and policies in the Sunnyvale General Plan to provide affordable housing and convert underutilized industrial sites to residential uses. Therefore, impacts would be less than significant.

**6. Population and Housing (Less Than Significant)** – The existing building on-site is currently used as a cold weather shelter in the winter months, from the Monday after Thanksgiving through the end of March, managed by the Emergency Housing Consortium of Santa Clara County (EHC LifeBuilders). The shelter is open in the evenings/overnight period from 6:00 pm to 6:00 am, and has beds available for 125 people<sup>2</sup>. With development of the proposed project, the existing building on-site will be removed, displacing the people who utilize the cold weather shelter. However, there are other shelters available in the area. Cupertino Community Services operates a rotating shelter program that provides shelter, food and case management to homeless men. The shelter rotates among churches and synagogues, with five churches in Sunnyvale participating in the program. EHC Lifebuilders Boccardo Regional Reception Center, located at 2011 Little Orchard Street in San Jose, is a year round 24 hour/day homeless shelter and cold weather shelter that offers 250 beds during the winter months. The Bill Wilson Center, located at 3490 The Alameda in Santa Clara, provides shelter to Sunnyvale runaway youth and counseling services to youth and their families to help strengthen and support families. Construction of the proposed project would displace people; however there are numerous shelter resources available within the area for these people and construction of replacement housing/facilities would not be needed. Therefore, impacts would be less than significant.

**8. Land Use Planning (Less Than Significant)** - The site currently has a General Plan designation of Industrial to Residential (Medium Density[RMED]) and a zoning designation of Industrial to Service/Industrial to Residential Medium (MS/ITRR3). The current General Plan designation allows for 14 to 27 dwelling units per acre and the current zoning designation allows for no more than 24 dwelling units per acre. The project proposes a total of 121 dwelling units on the project site, which would conflict with the current General Plan and Zoning designation for the site. The project proposes a General Plan Amendment to Residential High Density (RHI) and a rezoning to High Density Residential (R4). Several parcels located to the north and west have been developed with medium and high density residential projects. The density of the proposed project would not be out of character in the area. With approval of the proposed General Plan Amendment and rezoning, the proposed project will comply with applicable land use policies. Therefore, impacts would be less than significant.

**14. Noise (Less Than Significant with Mitigation)** – A Noise Assessment was completed for the project site in February 2013. The study is available for review at the City of Sunnyvale's Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. Two continuous 34-hour noise measurements and two short-term 15-minute noise measurements were made at the site to quantify the existing noise environment. The two short-term measurements were made at the building setbacks along the two roadways, 24 feet above the ground to represent elevated units in the proposed buildings.<sup>3</sup> Traffic is a major noise source affecting the site and it generates an existing Ldn of 64 to 65 at the setback of the

<sup>1</sup> Based on an estimate of 2.49 people per household (City of Sunnyvale General Plan, Housing and Community Revitalization Sub-element, Adopted August 11, 2009), for the 60 family units and 1 person per household for the 61 studio apartments.

<sup>2</sup> EHC LifeBuilders Website <http://www.ehclifebuilders.org/programs-for-the-chronically-homeless/cold-weather-shelter-program/>

<sup>3</sup> Sound levels are expressed in units of decibels. To correlate the microphone signal to a level that corresponds to the way humans perceive noise, the A-weighting filter is used. The abbreviation dBA is sometimes used when the A-weighted sound level is reported. To quantify the noise level over a 24-hour period, the Day/Night Average Sound Level (DNL or Ldn) or Community Noise Equivalent Level (CNEL) is used.

proposed buildings along E. Maude Avenue and N. Wolfe Road. Fair Oaks Park is across N. Wolfe Avenue, just north of the project site. Noise measurements of a similar facility in Benicia, along with measurements of the skate park at Fair Oaks Park, indicate that the CNEL contribution from activities at Fair Oaks Park will be up to approximately 51 dBA at the project site. Although park activities may be audible at times, the CNEL contribution from traffic is much greater. Therefore, the noise contribution from the park will not increase the existing noise above levels that exceed the City, State, and U.S. Department of Housing and Urban Development (HUD) requirements.

Future traffic will be the major noise source affecting the residents of the project site. Based on a comparison with available City traffic counts, future traffic will increase by 13 percent over the existing conditions. The future Ldn along N. Wolfe Road will be 66 dBA and the future Ldn along Maude Avenue will be 65 dBA. The studio apartments building will tend to act as a noise barrier and provide traffic noise reduction for the family housing building. Noise from Fair Oaks Avenue will affect the family housing building but to a lesser extent, because of the increased distance and acoustical shielding provided by the existing buildings.

In the future, the project will be exposed to an Ldn of up to 66 dBA. This is considered "conditionally acceptable" according to the City noise regulations, and therefore, noise control measures will be required to meet acceptable levels. Each of the two project buildings will have common recreational areas. The family housing building has common areas that would be primarily shielded from roadway noise by the proposed building and adjacent buildings. Therefore, calculated noise levels would be less than the required level of Ldn 60 dBA in most of these areas, in accordance with Policy SN-8.7 of the Sunnyvale General Plan. The future noise levels would also be less than the HUD standards of Ldn 65 dBA for acceptable noise levels.

The studio apartment building has an outdoor terrace at the second level facing N. Wolfe Road. The future Ldn at the corner of the terrace closest to the road will be 66 dBA. The noise level will decrease with distance from the road and much of the terrace along the building will be at or below an Ldn of 60 dBA due to distance from the roadway and some acoustical shielding provided by the edge of the terrace. However, the terrace area closest to N. Wolfe Road would have outdoor noise levels in excess of the 60 dBA requirement for outdoor areas per Policy SN-8.7 of the Sunnyvale General Plan. The outdoor noise levels at this location would also exceed the HUD standards of Ldn 65 dBA or less for acceptable noise levels. Therefore noise-reducing measures would be required to comply with noise standards and to reduce the impact to a less than significant level.

The City and State require that interior noise levels must be reduced to an Ldn of 45 dBA or less in habitable rooms. This standard is also consistent with the HUD requirements. Future noise levels at the project site would exceed this requirement. In addition, some dwelling units will need to have closed windows to meet the indoor standard. Therefore noise-reducing measures would be required to comply with noise standards and to reduce the impact to a less than significant level.

The following noise-reducing mitigation measures are proposed:

WHAT: 1) The use of a solid railing (masonry, metal or acrylic) 42 inches high at the second floor terrace and the balconies along N. Wolfe Road.

2) Based on the type of construction and the exterior noise levels, sound-rated windows on the facades facing E. Maude Avenue and N. Wolfe Road are required to achieve the interior noise standard of DNL 45 dB. Recommendations for the exact Sound Transmission Class (STC) ratings for windows and exterior doors should be determined as the architectural design progresses.

3) 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. Affected units shall be provided with mechanical air ventilation system with a minimum flow rate as required by the current building codes.

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

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

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

**15. Noise (Less Than Significant with Mitigation)** - Construction activity would require the use of heavy equipment during demolition and grading that would temporarily increase noise levels within the project area. Typical noise levels generated by construction equipment range from 75 dBA to 80 dBA at a distance of 100 feet from the construction site. Construction activities would be most noticeable at residential land uses located along the south and west boundaries of the project site. Through the City's implementation of the current Municipal Code construction noise regulations, the Bay Area Air Quality Management District regulations, as well as the following measures, this impact will be lessened to a less than significant level during construction. The project will not require pile driving.

The following mitigation measures are proposed to reduce construction noise:

**WHAT:** 1) Per Chapter 16.08 of the Sunnyvale Administrative Code, construction activities shall be limited to the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday, and Saturday between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.

2) Construct solid plywood fences (minimum 8 feet in height) or noise barriers around the construction site to shield adjacent residences or other noise sensitive land uses prior to major noise generating phases of demolition and construction.

3) Acoustically shield stationary equipment located near existing residential properties.

4) Utilize "quiet" air compressors and other stationary noise sources where technology exists.

5) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

6) Prohibit all unnecessary idling of internal combustion engines.

7) Locate stationary noise generating equipment as far as possible from adjacent residential properties.

8) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.

9) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible. Construction workers will not be permitted to park on neighborhood streets.

10) Notify all adjacent business, residences, and noise-sensitive land uses of the construction schedule in writing. Notification by door hangars of nearby residence re: significant upcoming construction activities.

11) Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. Noise disturbance coordinator authorized to address and accommodate special circumstances (home bound or medical condition-adjacent homeowners only).

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

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

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

**17. Biological Resources (Less Than Significant with Mitigation)** - While the entire site is disturbed and developed, raptors (such as falcons, hawks, eagles, and owls) and other migratory birds may utilize the large trees on-site for foraging or nesting. Nesting raptors are among the species protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800. The proposed project would remove all the existing trees on-site. Construction disturbance near raptor nests can also result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment in the trees on the project site. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. The following mitigation measures will be implemented to avoid abandonment of raptor and other protected migratory birds nests, and reduce impacts to a less than significant level.

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

- 1) *Avoidance.* Construction activities should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in Santa Clara County extends from April 1<sup>st</sup> through August 31<sup>st</sup>.
- 2) *Preconstruction/Pre-disturbance Surveys.* If demolition and/or construction are to occur between April and August, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project

implementation. This survey shall be conducted no more than seven days prior to the initiation of demolition/construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., shrubs, ruderal grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) to ensure that no nests of species protected by the MBTA or California Fish and Wildlife Code will be disturbed during project implementation.

- 3) *Inhibit Nesting.* If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1<sup>st</sup>), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

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

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

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

**20. Biological Resources (Less Than Significant)** – The proposed project would remove all the existing trees on-site. A tree survey was completed in February 2013 and included all trees and shrubs on the project site that were at least six feet tall. The inventory also included the diameter at 54 inches above grade, overall health/vigor and the potential hazards that the trees may pose to structures and pedestrians. A total of 12 trees were inspected on the project site. Trees located on the project site include two Coast Live Oaks, three Deodara Cedars, three Italian Cypresses, one Maple, one Oak, and two Valley Oaks. The single Oak is the largest tree on site with a diameter of 18 inches. None of the trees on-site are of significant enough size to meet the definition of a protected tree under Chapter 19.94.03 of the Sunnyvale Municipal Code. All three Deodara Cedars are planted along N. Wolfe Road near the intersection of E. Maude Avenue. The two Coast Live Oaks are also planted along N. Wolfe Road, near the southeast corner of the project site. The remainders of the trees on-site are located at the northwest corner of the project site, adjacent to E. Maude Avenue. The trees on site range from average to fair health. The Coast Live Oak closest to the southeast corner of the project site is in fair health and the arborist noted that this tree is probably suffering from stress associated with the current construction storage activities on-site. One of the Valley Oaks at the northwest corner of the project site, adjacent to E. Maude Avenue., appeared to have sustained some sort of injury on the trunk. The arborist noted that this tree appears to be healing, but is unsure if the healing will complete before the exposed wood decays to a point of destabilizing the entire tree.

Tree removal is reviewed through the Special Development Permit process and replacement trees are required to be planted as part of the approval. In accordance with Chapter 19.94 of the Sunnyvale Municipal Code, the

project will provide street trees along the frontage of E. Maude Avenue and N. Wolfe Road per the Fair Oaks Junction Sense of Place Plan. The design guidelines of the Plan specify the type and size of trees to be planted along the roadway frontage. This would offset the loss of the trees to be removed from the project site. Therefore, this is a less than significant impact.

## 22. Historic and Cultural Resources (Less Than Significant with Mitigation) –

Archaeological Resources: A records search and limited literature review by the California Historical Resources Information System, Northwestern Information Center (CHRIS/NWIC) was conducted for the project area in February 2013. In addition, a field review and a consultation with the Native American Heritage Commission (NAHC) were performed to determine if any archaeological resources are within or adjacent to the proposed project site. The search revealed that there are locations within one-quarter mile of the project site where historic and/or prehistoric materials have been found. Given the proximity of the project area to historic and prehistoric archaeological discoveries, the project site has a moderate to high potential to contain buried or obscured archaeological materials. The project includes the following measures to reduce or avoid impacts to prehistoric resources, should they be encountered during construction. With implementation of these measures, impacts to archaeological resources would be reduced to less than significant.

- WHAT: 1) Upon demolition of the existing buildings and removal of the concrete and asphalt on-site, a qualified archaeologist meeting the Secretary of the Interior's standards (CEQA Guideline 15064.5(f)), shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with as yet unknown cultural resources. The testing program shall be implemented with the results presented in Presence/Absence Testing Report commensurate with the findings.
- 2) If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:
- Planning construction to avoid the archaeological site;
  - Incorporating the site within a park, green space, or other open space element;
  - Covering the site with a layer of chemically stable soil; or
  - Deeding the site into a permanent conservation easement.
- 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 should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.
- 4) In the event prehistoric or historic cultural resources are otherwise encountered during approved ground-disturbing activities for project construction, all work within 25 feet of the discovery shall be stopped to allow for the identification and evaluation of the significance of the cultural materials by a qualified archaeologist. If the cultural materials are determined to be significant, the qualified archaeologist shall develop an appropriate treatment plan in consultation with the City's Planner to mitigate the discovery, according to the procedures described above. The plan could include avoidance and preservation measures to preserve the materials in place; scientific collection and analysis; preparation of a professional report in

accordance with current professional standards; and, professional museum curation of collected cultural materials and resource documentation.

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

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

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

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

Historic Resources: An historical and architectural evaluation of the project site was performed in February and March, 2013. The property was recorded on DPR523 forms, including a significance statement made pursuant to the City of Sunnyvale's Heritage Preservation Ordinance and the Guidelines for Implementation of the California Environmental Quality Act – Preliminary Review of Projects and Conduct of Initial Study, to determine the significance of impacts to potential historical resources according to section 15064.5 of the California Code of Regulations. For the purposes of CEQA, the City of Sunnyvale is required to consider historical significance if a property meets the criteria for listing on the California Register.

The DPR523 forms document the historical and architectural aspects of the site, which is known as the California National Guard Armory. The investigation was based on a review of ownership records, permits, occupancy information, as well as other sources of historical information. The armory building was constructed in the late 1940s. The evaluation presented within the DPR523 recording indicates that the property does not appear to qualify for listing on the California or National Registers; and that the evaluation performed according to the City of Sunnyvale Criteria for designation of historic resources resulted in a finding that the property did not meet any of the criteria for designation. The property is not presently listed on the Sunnyvale Heritage Resource Inventory. It has not been recorded on any state or national registers, nor has been identified and catalogued within the State Historic Property Data File. The property is not historically significant according to the minimum requirements for listing on the California Register of Historical Resources, and therefore, demolition of the building would not cause a substantial adverse change in the significance of a historical resource and impacts would be less than significant.

**23. Historic and Cultural Resources (Less Than Significant with Mitigation)** - The proposed project includes grading and land disturbance for construction of the proposed project. Given the proximity of the project area to historic and prehistoric archaeological discoveries, there is the possibility of discovery of human remains, and such disturbance would result in a significant impact unless mitigated. The project will be required to implement the following mitigation measure to reduce potential impacts to human remains to a less than significant level:

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

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

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

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

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

**24. Public Services (Less Than Significant)** - Construction of 60 family housing units would result in the addition of up to approximately 96 students attending the local schools.<sup>4</sup> The City of Sunnyvale projects an increase of 1,356 students by the year 2025. The increase in students represents seven percent of this increase in the total students and will not be a substantial change. In addition, the City of Sunnyvale does not have severe overcrowding in its schools and therefore can accommodate additional students within existing school facilities. The addition of 96 new students would not result in substantial adverse physical impacts to school facilities, disrupt school performance objectives, or require new facilities to be built. Therefore, this is a less than significant impact.

**25. Air Quality (Less Than Significant)** - There are three major roadways located less than 1,000 feet from the project site with over 10,000 average annual daily trips that could adversely affect new residences: N. Wolfe Road, located adjacent to the east side of the project site; E. Maude Avenue, located adjacent to the northern boundary of the project site; and N. Fair Oaks Boulevard, located approximately 100 feet to the west. Based on traffic data provided by the City of Sunnyvale, N. Wolfe Road is estimated to have an average daily traffic volume of 16,262 vehicles per day.<sup>5</sup> E. Maude Avenue is estimated to have an average daily traffic volume of 13,211 vehicles per day. Fair Oaks Boulevard in the vicinity of the project site is estimated to have an average daily traffic volume of 27,732 vehicles per day. Traffic emissions from these roadways have the potential to present a risk to future occupants of the project site. The primary concern is emissions of diesel particulate matter (DPM) (which is an air toxic air contaminant [TAC] due to its potential to cause cancer), organic TACs from all vehicles, as well as fine particulate matter with a diameter of 2.5 microns or less (PM<sub>2.5</sub>), which is a regulated air pollutant.

A TAC screening-level analysis was completed to predict cancer risks, chronic and acute hazards and annual PM<sub>2.5</sub> concentrations at the project site. These levels were compared to the Bay Area Air Quality Management

<sup>4</sup> The number of students generated by the project is based upon the average number of 1.6 students per family housing unit in high-density/apartments development (Myths and Facts About Affordable & High Density Housing; National Multi Housing Council, Research Notes, August 24, 2000).

<sup>5</sup> Witthaus, Jack. City of Sunnyvale.

District (BAAQMD) thresholds for single source and cumulative source impacts. A cancer risk assessment is typically based on a 70-year lifetime exposure. The results of the analysis showed that there is no individual source in the project vicinity that exceeds the BAAQMD single-source threshold of significance. The sum of impacts from cumulative sources (i.e., sources within 1,000 feet of the project) would be below the thresholds used by BAAQMD as well. Implementation of the project would not result in the exposure of sensitive receptors to significant levels of TACs or PM<sub>2.5</sub>. Therefore, impacts would be less than significant.

**26. Air Quality (Less Than Significant)** - The California Emissions Estimator Model, Version 2011.1.1 (CalEEMod) was used to predict daily emissions associated with operation of a fully developed site under the proposed project. The BAAQMD threshold of significance for operational-related greenhouse gas (GHG) emissions is 1,100 metric tons per year (MT/yr) of carbon dioxide equivalents (CO<sub>2</sub>e). The proposed project includes measures to reduce GHG emissions, including green features from the GreenPoint Rated checklist such as: exceed Title 24 per the most recent requirements utilized by the City; install high efficiency lighting and energy efficient appliances; use low VOC paint; install low flow bathroom appliances; and use water efficient irrigation and landscaping. Emissions from the proposed project would be further reduced by the production of renewable energy on-site. With incorporation of the measures to reduce GHG emissions, the proposed project would result in operational-related emissions of 1,024 MT/yr CO<sub>2</sub>e. The project would not result in operational-related GHG emissions of 1,100 MT/yr CO<sub>2</sub>e or more, and therefore, impacts would be less than significant.

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

**30. Air Quality (Less Than Significant with Mitigation)** – The proposed project would require demolition of the existing building foundations, and grading of the site. In addition to the dust created during excavation, substantial dust emissions could be created as debris and soil are loaded into trucks for removal. Construction activities would generate exhaust emissions from vehicles/equipment and fugitive particulate matter emissions that would affect local air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials and caulking materials evaporate into the atmosphere and contribute to the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. The construction related activities are expected to occur over a short period of time, and therefore, the impacts are considered to be less than significant if reasonable available control measures are applied. The following reasonable controls shall be implemented to ensure construction related impacts are less than significant:

WHAT: 1) The project contractor/applicant shall implement the following:

- a) Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- b) Cover all hauling trucks or maintain at least two feet of freeboard.
- c) Pave, apply water at least twice daily, or apply (nontoxic) soil stabilizers on all unpaved parking areas and staging areas.
- d) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

- e) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- f) Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles.
- g) Limit traffic speeds on the construction site to 15 mph.
- h) Replant vegetation in disturbed areas as quickly as possible.
- i) Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- j) Install windbreaks or fences along adjacent residential properties.
- k) During demolition activities, removal or disturbance of any materials containing asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
- l) A Disturbance Coordinator will be assigned to the project for the full duration of asbestos abatement, demolition activities, grading, excavation, and building construction. This coordinator will ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues in a timely manner. The contact information for this Coordinator will be posted in plain view at the project site. The Coordinator will also be responsible for notifying adjacent properties of the demolition schedules.
- m) Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The Disturbance Coordinator shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Any equipment emitting dark smoke three minutes after start up is in violation of this measure.
- n) Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite. The contractor shall post signs indicating the idling restrictions.
- o) Properly tune and maintain equipment for low emissions.

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

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

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

Community Risk Associated with Construction Activities: TACs are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer or serious illness). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state and federal level. Diesel exhaust, in the form of DPM, is the predominant TAC in urban air with the potential to cause cancer. It is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average).

The California Air Resources Board (CARB) has identified the following persons who are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. The closest sensitive receptors to the project site are residences located immediately adjacent to the southern and western site

boundaries. A health risk assessment of the project construction activities was conducted that evaluated potential health effects at these nearby sensitive receptors from construction emissions of DPM.

Results of the assessment indicate that the maximum annual  $PM_{2.5}$  concentrations would be  $0.17 \mu\text{g}/\text{m}^3$ , which would be below the BAAQMD significance threshold of  $0.3 \mu\text{g}/\text{m}^3$ . Associated non-cancer hazards would be well below BAAQMD thresholds for DPM (greater than 1.0), with a chronic hazard index computed at 0.03. The assessment also showed that the maximum construction residential child cancer risk is 14.5 in one million and a residential adult cancer risk of 0.8 in one million. While the residential adult cancer risks are below BAAQMD's threshold of 10 in one million excess cancer cases per million, the increased cancer risk for a residential child exposure is greater than the significance threshold. Therefore, the project would have a significant impact with respect to community risk caused by construction activities.

The project design features for construction include Best Management Practices along with construction equipment selection, techniques, and scheduling that reduce impacts. These measures include those listed above as well as the following listed below. With incorporation of these measures on-site exhaust emissions would be reduced, such that the maximum child cancer risk would be reduced below 9.6 per million, which is below the BAAQMD threshold of 10 per million, and therefore impacts would be less than significant.

WHAT: 1) All off-road equipment (more than 50 horsepower and on site for more than two consecutive workdays) to be used in project construction shall achieve a 35 percent reduction in exhaust particulate matter emissions, compared to similar equipment that meets U.S. EPA Tier 2 standards. Based on the construction plans presented for this project, a feasible method to achieve this objective would be the following:

Use only diesel-powered forklifts, generators and air compressors during all construction phases that meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions, or substitute that equipment with alternatively-fueled equipment. Additionally, the concrete pumper truck shall be operated for a total of no more than 810 hours while on-site. This reflects a utilization rate of 90 percent over the period the pumper truck would be on-site.

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

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

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

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

**34. Seismic Safety (Less Than Significant)** - The proposed project site is located within a geographic area susceptible to liquefaction. The probability of liquefaction of silt at the project site is moderate. The proposed project will be designed and constructed in conformance with the most recent California Building Code to avoid

or minimize potential damage from liquefaction. With implementation of standard design measures, the proposed project would have less than significant impacts.

Responsible Division: Planning Division

Completed by: DJP&A

Date: 03/21/2013

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
35. Exceeds the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all modes of transportation including nonmotorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian walkways, bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Myths and Facts About Affordable &amp; High Density Housing</li> <li>• American Housing Survey data</li> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• Project Trip Distribution and Assignment</li> </ul>
36. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measurements, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>• 2009 VTA Congestion Management Program</li> </ul>
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Land Use and Transportation Chapter of the Sunnyvale General Plan</li> <li>• <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(Place sources here)

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

The City’s threshold for requiring a Traffic Impact Analysis is for projects which generate a net of 100 PM peak hour trips. The proposed project is below this threshold. According to recent American Housing Survey data, multi-family developments have lower car ownership rates than single-family home tracts. In California’s six largest metropolitan areas, two-thirds of renters and over three-fourths of the households living below the poverty line own no vehicles or only one car, compared to 54 percent of all households and 44 percent of homeowner households. With lower car ownership rates come fewer daily trips and fewer single-occupant auto commute trips. According to the National Personal Transportation Survey in 1995, low-income households make 40 percent fewer trips per household than other households. Therefore, the proposed 121 dwelling units would not generate more than 100 peak hour trips to the site, and additional traffic analysis is not required.

City Staff analyzed the Project Trip Distribution and Assignment to fully study if the project would result in potential conflicts with left hand turns and queuing out of the project site. Based on the analysis, the number of vehicles making a left turn onto N. Fair Oaks Avenue from E. Maude Avenue during the AM and PM peak hour is very small. Such a small increase in the AM and PM peak hour traffic at the intersection would not have a significant impact on the traffic signal timing or the queue length at the intersection. Therefore, the intersection is not of concern with respect to the proposed development.

Responsible Division: Planning Division

Completed by: DJP&A

Date: 03/21/2013

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"/>	<ul style="list-style-type: none"> <li>FEMA Flood Insurance Rate Map No. 06085C0045H Effective 5/18/09</li> <li>California Building Code</li> <li>Title 16 (Building) of the Sunnyvale Municipal Code</li> </ul>
44. Hydrology and Water Quality - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>FEMA Flood Insurance Rate Map No. 06085C0045H Effective 5/18/09</li> <li>California Building Code</li> <li>Title 16 (Building) of the Sunnyvale Municipal Code</li> </ul>
45. Hydrology and Water Quality - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>1995 ABAG Dam Inundation Map <a href="http://www.abag.ca.gov">www.abag.ca.gov</a></li> <li>California Building Code</li> <li>Title 16 (Building) of the Sunnyvale Municipal Code</li> </ul>
46. Geology and Soils - Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Sunnyvale Municipal Code 12.60</li> <li>Sunnyvale Storm Water Quality Best Management Practices Guideline Manual</li> </ul>
47. Geology and Soils - Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan</li> <li><a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> <li>California Building Code</li> <li>California Plumbing, Mechanical, and Electrical Codes</li> <li>Title 16 (Building) of the Sunnyvale Municipal Code</li> </ul>
48. Geology and Soils - Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>California Building Code</li> <li>California Plumbing, Mechanical, and Electrical Codes</li> <li>Title 16 (Building) of the Sunnyvale Municipal Code</li> </ul>

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

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

**47. Geology and Soils (Less Than Significant)** - The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake, which could

potentially result in damage and collapse to the proposed buildings. The proposed project will be designed and constructed in conformance with the City guidelines for Seismic Zone 4 and the most recent California Building Code to avoid or minimize potential damage. With implementation of standard design measures, the proposed project would have less than significant impacts.

Responsible Division: Planning Division

Completed by: DJP&A

Date: 03/31/2013

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"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
50. Utilities and Service Systems - Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
51. Utilities and Service Systems - Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
52. Utilities and Service Systems - Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
53. Utilities and Service Systems - Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
54. Utilities and Service Systems - Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit</li> </ul>

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
56. Hydrology and Water Quality - Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Santa Clara Valley Water District Groundwater Protection Ordinance <a href="http://www.valleywater.org">www.valleywater.org</a></li> </ul>
57. Hydrology and Water Quality - Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> <li>City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects</li> </ul>
58. Hydrology and Water Quality - Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems in a manner which could create flooding or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>RWQCB, Region 2 Municipal Regional Permit</li> <li>City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects</li> </ul>
59. Hydrology and Water Quality - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Santa Clara Valley Water District (SCVWD) Guidelines and Standards for Land Use Near Streams <a href="http://www.valleywater.org">www.valleywater.org</a></li> <li>City of Sunnyvale Stormwater Quality Best Management Practices (BMP) Guidance Manual for New and Redevelopment Projects</li> </ul>
60. Utilities and Service Systems - Comply with federal, state, and local statues and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Environmental Management Chapter of the Sunnyvale General Plan</li> </ul>
61. Public Services Infrastructure - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan</li> <li>Community Character Chapter of the Sunnyvale General Plan</li> <li>Sunnyvale Department of Public Safety</li> </ul>

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

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

**57. Hydrology and Water Quality (Less Than Significant with Mitigation)** – Implementation of the proposed project will temporarily increase pollutant loads due to grading and construction (i.e., demolition of the existing structures, removal of pavement, and construction of new structures). Demolition and construction activities would temporarily increase the amount of debris on-site, and grading activities could increase erosion and sedimentation that could increase pollutant loads in stormwater runoff. The following measures, based on RWQCB Best Management Practices, are included in the project to reduce construction-related water quality impacts:

**WHAT:** Prior to construction and grading for the proposed land uses, the applicant will file a Notice of Intent (NOI) to comply with the NPDES General Permit for Construction Activities (No. 2009-0009-DWQ) administered by the Regional Water Quality Control Board (RWQCB) and will prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction runoff.

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

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

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

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

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

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

Responsible Division: Planning Division

Completed by: DJP&A

Date: 03/21/2013

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"/>	<ul style="list-style-type: none"> <li>Phase I environmental Site Assessment</li> <li>Phase II Subsurface Investigation Report</li> </ul>
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Phase I environmental Site Assessment</li> <li>Phase II Subsurface Investigation Report</li> </ul>
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Sunnyvale Zoning Map</li> <li>General Plan Map</li> <li>Community Vision Chapter of the Sunnyvale General Plan</li> </ul>
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Envirostar Hazardous Waste and Substances Site List (State of California)</li> <li>SWRCB GeoTracker Map</li> <li>Phase I environmental Site Assessment</li> </ul>
68. Hazards and Hazardous Materials - Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Safety and Noise Chapter of the Sunnyvale General Plan <a href="http://www.sunnyvaleplanning.com">www.sunnyvaleplanning.com</a></li> </ul>

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

**65. Hazards and Hazardous Materials (Less than Significant with Mitigation)** – A Phase I Environmental Site Assessment (ESA) was completed for the project site in July 2011. The study is available for review at the City of Sunnyvale’s Community Development Department, Monday through Friday between 8:00 a.m. and 5:00 p.m. The Phase I ESA identified five Recognized Environmental Conditions (RECs)<sup>6</sup> for the project site. The RECs include: 1) The potential for shallow groundwater to contain hazardous chemicals that have migrated from the property located hydrologically up-gradient and immediately south of the project site (637 Taylor Avenue); 2) The potential for residual concentrations of agricultural chemicals at the project site since the site was historically used for agricultural purposes; 3) The potential for petroleum hydrocarbons and/or other potential contaminants of concern in the shallow soils of the subject property from the previous uses on-site as an armory; 4) The potential for the presence of chemicals in shallow groundwater due to material spills or vehicle washing residues from the site; and 5) The potential presence of lead based paint (LBP) and asbestos containing materials (ACM) in the existing building and soil adjacent to the building. Based on these findings a

<sup>6</sup> The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property.

Phase II Subsurface Investigation Report was completed for the project site in February 2012. The Phase II Report included the collection and analysis of soil and groundwater samples from 15 soil borings taken throughout the project site. Pesticides and volatile organic compounds (VOCs) were not detected above laboratory reporting limits in any of the samples analyzed. LUFT 5 metals (cadmium, total chromium, lead, nickel, and zinc) were detected in shallow soil throughout the site and in the area of the three existing storm drains at concentrations generally consistent with naturally-occurring background conditions and were not found to be indicative of the project site prior uses.

Motor oil was detected in a groundwater sample taken along the northern border of the project site, adjacent to the existing driveway, which was found to only slightly exceed the RWQCB Environmental Screening Levels (ESLs) for drinking water (DW) and non-drinking water (NDW). However, based on the soil sample data from the entire project site, no significant release area was identified. The Phase II Report concluded that unless a significant release area is identified during demolition and grading work (i.e., soil staining), the minor detections of petroleum hydrocarbons in this sample are not expected to pose a hazard.

Diesel and motor oil detected in one groundwater sample taken at the southwest corner of the project site near the existing storage shed were found to exceed both the ESLs for DW and NDW. Low concentrations of hydrocarbons were detected in the sample at 2.5 feet, but decreased with depth at five feet. The report concluded that the sample results were indicative of a relatively minor surface spill(s) near the storage shed. No other detected contaminants in the soil or groundwater samples were found to exceed applicable ESLs or California Human Health Screening Levels (CHHSLs).

Given the results of the Phase I ESA, ACMs are likely present on the project site. Construction activities may create a health risk to workers from ACMs. BAAQMD regulates asbestos at greater than one percent content to control emissions of asbestos to the atmosphere during demolition. In addition, the subsurface investigations found that there may be concentrations of diesel and motor oil in the shallow soil and groundwater at the northwest corner of the project site. The project, therefore, may result in the exposure of people to hazardous materials. The following measures are proposed by the project to reduce impacts associated with exposure to potential health risks to a less than significant level:

*Mitigation Language*

WHAT: 1) Suspected ACMs will be sampled for asbestos content by a licensed asbestos inspector prior to any planned demolition activities.

2) If ACMs are found, all demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos.

3) If ACMs are found, all demolition and disposal of asbestos will be required to be conducted in accordance with the procedures specified in BAAQMD's Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation and Manufacturing.

4) Upon demolition of the shed area, a visual inspection of the soil will be completed by a qualified hazardous materials consultant once the pavement on-site is removed. If any stains are detected, the soil will be tested and, if necessary, removed and hauled off-site to be disposed of at a licensed hazardous materials disposal site prior to issuance of grading permits.

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

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

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

Responsible Division: Planning Division

Completed by: DJP&A

Date: 03/21/2013

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

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

**69. Public Services Parks (Less Than Significant)** - The proposed project would include outdoor areas on-site for residents use. The family housing building would include three common area courtyards on the second floor. Each unit in the family housing building would also include a private patio. The studio apartments building would include an open-air front plaza on the first floor, and a common area terrace on the second floor. As a result, the proposed project will not require the construction of new recreational facilities, and impacts would be less than significant.

**70. Recreation (Less Than Significant)** - The project proposes to develop 121 residential units. Implementation of the proposed project could increase the overall population of the City by up to 210 people (based on an estimate of 2.49 people per household for the 60 family units and 1 person per household for the 61 studio apartments). This population increase is based on the City's average number of people per unit in a multi-family housing development. The proposed project would include outdoor and landscaped areas on-site for residents use. Even with the on-site recreational facilities, the increase in residents in this area will likely increase the use of public recreational facilities within the City of Sunnyvale, including Fair Oaks Park located south of the project site across N. Wolfe Road. The City has a wide variety of recreational facilities that can accommodate the proposed increase in the resident population. The incremental increase in use of these facilities will not cause substantial physical deterioration of these facilities. Therefore, impacts would be less than significant.

**ENVIRONMENTAL SOURCES****City of Sunnyvale General Plan:**

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

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

**City of Sunnyvale Municipal Code:**

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

**Specific Plans:**

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

**Environmental Impact Reports:**

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

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

**Maps:**

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

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

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

**Lists / Inventories:**

- Sunnyvale Cultural Resources Inventory List
- Heritage Landmark Designation List
- Santa Clara County Heritage Resource Inventory
- Hazardous Waste & Substances Sites List (State of California)
- List of Known Contaminants in Sunnyvale
- USFWS / CA Dept. F&G Endangered and Threatened Animals of California  
<http://www.dfg.ca.gov/biogeodata/cnnddb/pdfs/TEAnimals.pdf>

**ENVIRONMENTAL SOURCES**

**Initial Study Checklist**  
**Armory Site Affordable Housing**  
**File # 2013-7112**  
**Page 38 of 39**

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

**Guidelines and Best Management Practices**

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

**Transportation:**

- California Department of Transportation Highway Design Manual
- California Department of Transportation Traffic Manual
- California Department of Transportation Standard Plans & Standard Specifications
- Highway Capacity Manual
- Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook
- Institute of Transportation Engineers - Traffic Engineering Handbook
- Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- Institute of Transportation Engineers - Transportation Planning Handbook
- Institute of Transportation Engineers - Manual of Traffic Signal Design
- Institute of Transportation Engineers - Transportation and Land Development
- U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements
- California Vehicle Code
- Santa Clara County Congestion Management Program and Technical Guidelines
- Santa Clara County Transportation Agency Short Range Transit Plan
- Santa Clara County Transportation Plan

- Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- Statewide Integrated Traffic Records System
- Sunnyvale Zoning Ordinance – including Titles 10 & 13
- City of Sunnyvale General Plan – land Use and Transportation Element
- City of Sunnyvale Bicycle Plan
- City of Sunnyvale Neighborhood Traffic Calming Program
- Valley Transportation Authority Bicycle Technical Guidelines
- Valley Transportation Authority Community Design & Transportation – Manual of Best Practices for Integrating Transportation and Land Use
- Santa Clara County Sub-Regional Deficiency Plan
- City of Sunnyvale Deficiency Plan
- AASHTO: A Policy on Geometric Design of Highways and Streets

**Public Works:**

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

**Miscellaneous Agency Plans:**

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

**Building Safety:**

- California Building Code,
- California Energy Code
- California Plumbing Code,
- California Mechanical Code,
- California Electrical Code
- California Fire Code
- Title 16.52 Sunnyvale Municipal Code
- Title 16.53 Sunnyvale Municipal Code
- Title 16.54 Sunnyvale Municipal Code
- Title 19 California Code of Regulations
- National Fire Protection Association (NFPA) standards

**ENVIRONMENTAL SOURCES**

File#: 650 3/28/2013

**Initial Study Checklist**  
**Armory Site Affordable Housing**  
File # 2013-7112  
Page 39 of 39

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**OTHER :****Project Specific Information**

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 02/07/13
- Project Noise Study dated 02/08/13
- Project Greenhouse Gas Analysis/CalEEMod Results dated 03/05/13
- Project Advanced Screening for Mobile Hazardous Sources within 1,000 feet of Project Site dated 02/28/13
- Project Air Quality Analysis dated 03/20/13
- Field Inspection
- Project Site Plan dated 02/07/13
- Project Construction Schedule
- Project Draft Storm Water Management Plan
- Project Tree Inventory dated 03/08/13
- Project Green Building Checklist dated 03/01/13
- Project Phase I Environmental Site Assessment (ESA) dated 07/05/11
- Project Phase II Subsurface Investigation Report dated 02/21/12

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE GENERAL PLAN TO MODIFY THE LAND USE DESIGNATION FOR 620 E MAUDE AVENUE FROM INDUSTRIAL TO RESIDENTIAL/MEDIUM DENSITY TO RESIDENTIAL HIGH DENSITY (RHI) (27-45 DU/ACRE)**

WHEREAS, 620 E Maude Avenue is a property located within an industrial to residential area with adjacent properties with medium to high density designations; and

WHEREAS, the applicant has proposed a change the land use designation for 620 E Maude Avenue from Industrial Service/Industrial to Residential/Medium Density to Residential High Density (RHI) (27-45 du/acre); and

WHEREAS, the proposed designation is consistent with the subject property land use and adjacent property development and designation;

WHEREAS, a Mitigated Negative Declaration was prepared for the modification of the general plan designation for 620 E Maude Avenue pursuant to Public Resources Code section 15070 and CEQA Guideline 15164 which evaluated the impacts of this project on the environment; and

WHEREAS, the Planning Commission considered the proposed amendment at a duly noticed hearing held on \_\_\_\_\_, 2013, and has recommended approval of the amendment affecting 620 E Maude Avenue; and

WHEREAS, the City Council held a public hearing on \_\_\_\_\_, 2013, and considered the reports and documents on the proposed amendments presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sunnyvale that it hereby adopts the following findings and actions:

I. THE MODIFICATION OF LAND USE DESIGNATION FOR 620 E MAUDE AVENUE The City Council finds and determines that the General Plan amendment constitutes a suitable and logical change in the plan for the physical development of the City of Sunnyvale, and it is in the public interest to approve the modification from Industrial Service/Industrial to Residential/Medium Density to Residential High Density (RHI) (27-45 du/acre) for 620 E Maude Avenue.

II. ENVIRONMENTAL REVIEW. The proposed change to the General Plan designation for 620 E Maude Avenue is consistent with the project analyzed in the Mitigated Negative Declaration prepared for this project. The City Council reviewed the Mitigated Negative Declaration and found that it reflects the independent judgment of the City Council, and is an adequate and extensive assessment of the environmental impacts of the Project because

no additional significant impacts were identified, nor is the severity of known significant impacts increased.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a certified copy of the modifications to the General Plan designation for 620 E Maude Avenue with the Board of Supervisors and the Planning Commission of the County of Santa Clara and the planning agency of each city within the County of Santa Clara. The City Clerk is directed further to file a certified copy of the plan with the legislative body of each city, the land of which may be included in the plan.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2013, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

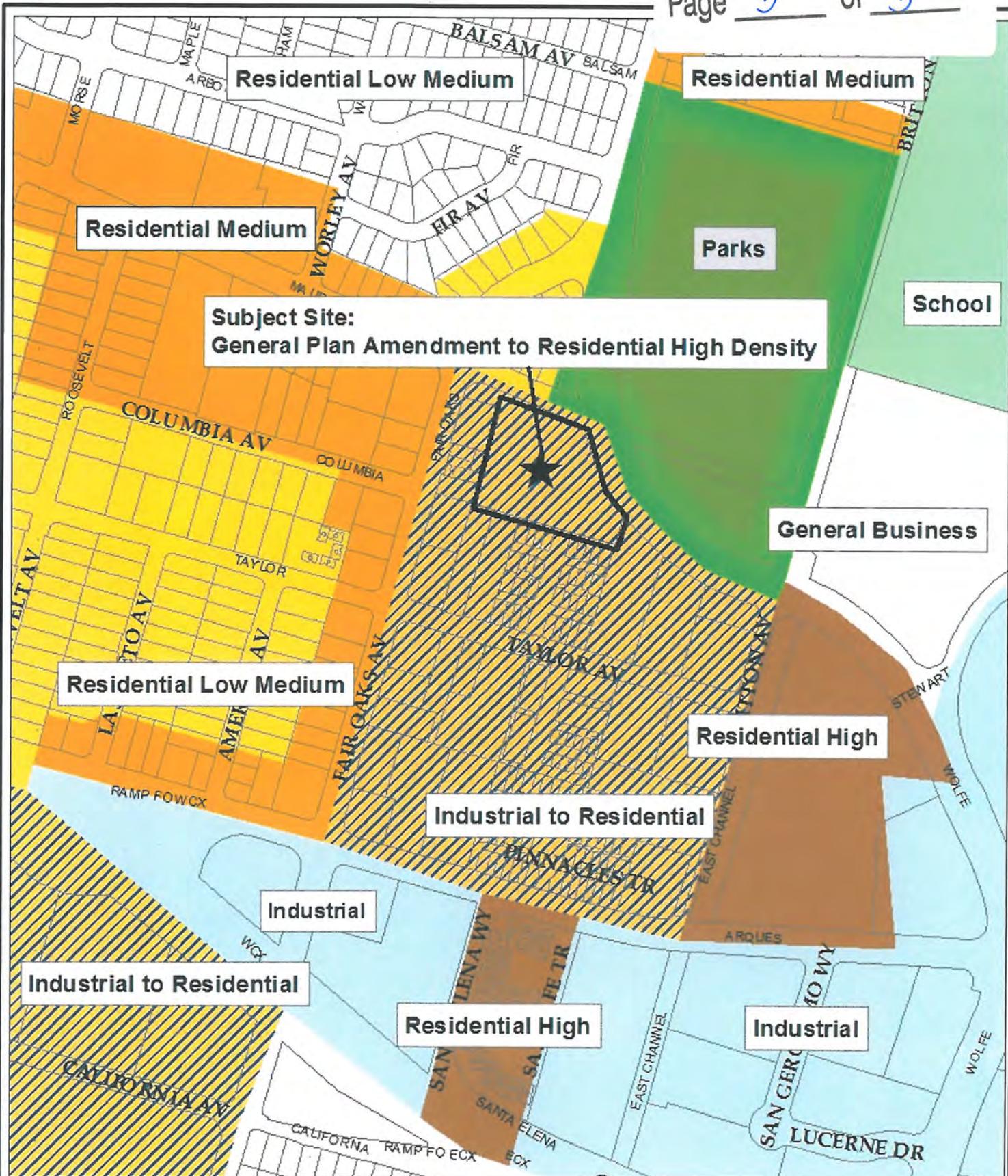
APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

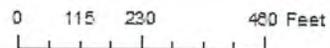
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan Borger, City Attorney



620 E. Maude Ave. (APN: 205-29-014)  
General Plan Amendment to Residential High Density



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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY LOCATED AT 620 EAST MAUDE AVENUE FROM M-S/ITR/R-3/PD (INDUSTRIAL SERVICE/INDUSTRIAL TO RESIDENTIAL/MEDIUM DENSITY/PLANNED DEVELOPMENT) TO R-4/PD (HIGH DENSITY RESIDENTIAL/ PLANNED DEVELOPMENT) ZONING DISTRICT**

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

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Specific Plan Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) is hereby amended to include certain property located at 620 East Maude Avenue within the R-4/PD (High Density Residential/Planned Development) Zoning District, which property is presently zoned M-S/ITR/R-3/PD (Industrial Service/Industrial to Residential/ Medium Density/Planned Development) Zoning District. The location of the property is set forth on the scale drawing attached as Exhibit "A".

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

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

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

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2013 and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

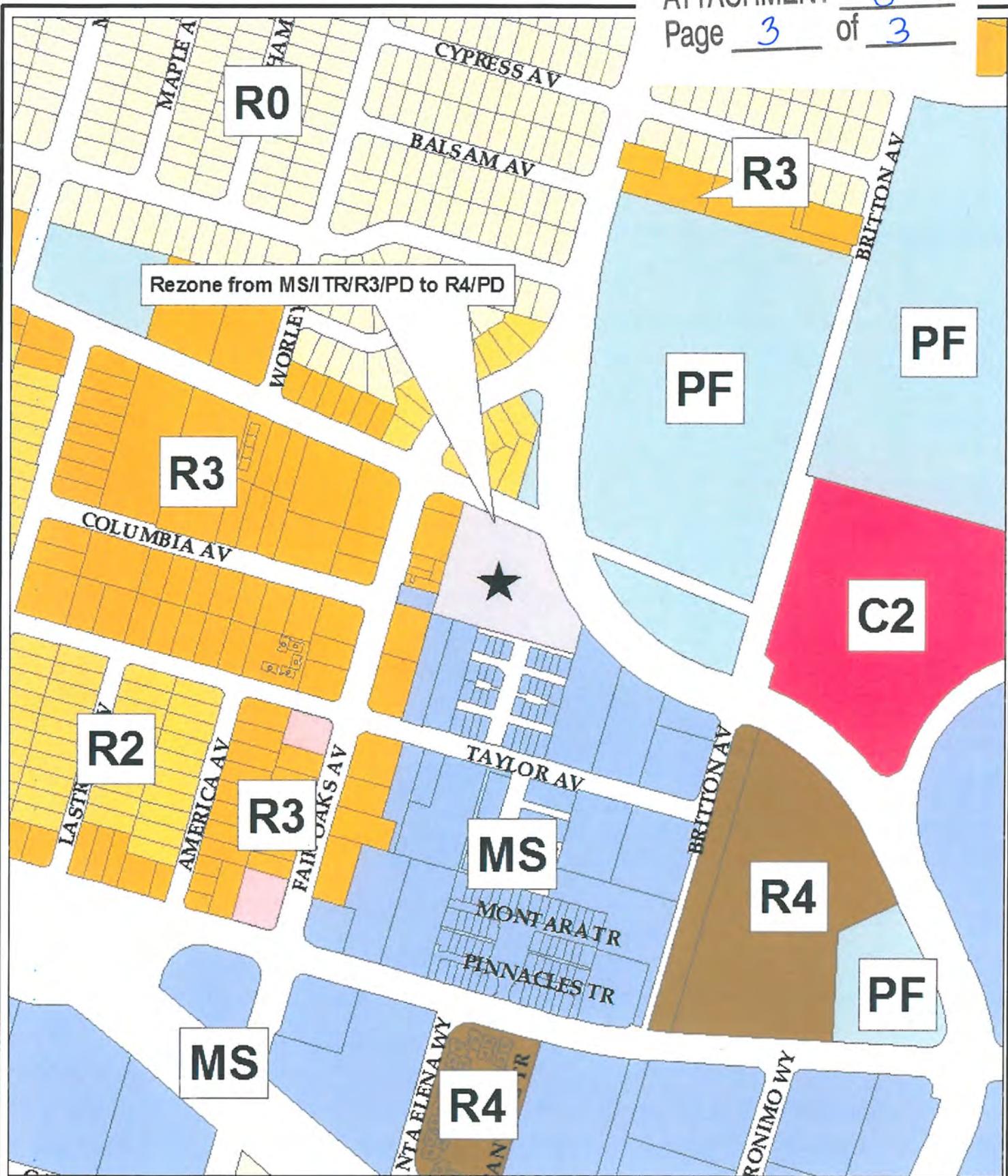
\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney



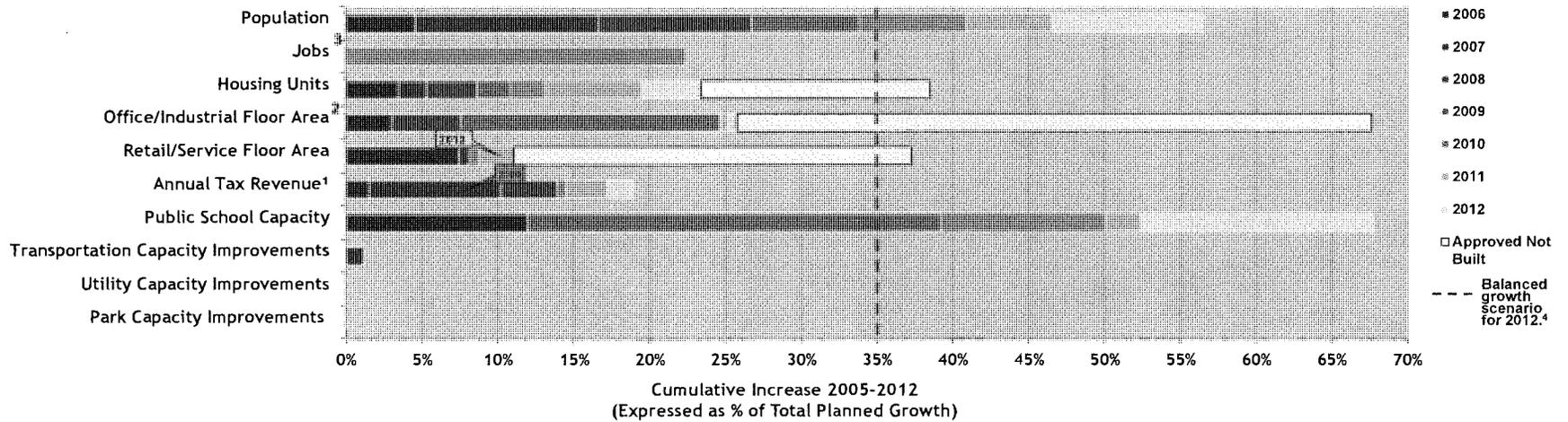
620 E. Maude Ave. (APN: 205-29-014) (Armory Site)  
Rezone from M-S/ITR/R-3/PD to R-4/PD

0 115 220 480 Feet



## 2012 BALANCED GROWTH PROFILE INCLUDING NONRESIDENTIAL FLOOR AREA AND HOUSING UNITS APPROVED BUT NOT YET BUILT IN 2012

Balanced Growth Indices	Base Year 2005	GOAL FOR 2025	Total Planned Growth Net Increase 2005 to 2025	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Actual	2012	2012	2012 Approved NOT BUILT
										Increment Increase (actual since 2011)	Increment (% of Total Planned Growth)	
Park Capacity Improvements		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Utility Capacity Improvements		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Transportation Capacity Improvements		46,884,000	46,884,000	547,970	547,970	0	0	0	0	0	0%	n/a
Public School Capacity	5,373	6,729	1,356	5,535	5,535	5,905	6,051	6,083	6,291	208	15%	n/a
Annual Tax Revenue <sup>1</sup>	72,271,030	174,748,212	102,477,182	82,731,078	86,536,989	80,080,423	80,640,616	83,447,216	85,189,946	1,742,730	2%	n/a
Retail/Service Floor Area	5,784,000	7,500,000	2,200,000	5,962,662	5,962,662	5,962,662	5,976,840	6,027,052	6,005,338	50,212	-1%	577,306
Office/Industrial Floor Area <sup>2</sup>	30,100,000	37,700,000	7,600,000	30,327,927	30,673,881	31,973,881	31,979,928	32,009,556	32,058,721	29,628	1%	3,181,294
Housing Units	54,800	61,900	7,100	55,174	55,414	55,570	55,730	56,183	56,462	279	4%	1,071
Jobs <sup>3</sup>	73,630	92,650	19,020	n/a	n/a	n/a	77,890	n/a	n/a	n/a	n/a	n/a
Population	132,725	150,725	18,000	135,721	137,538	138,826	140,081	141,099	142,896	1,797	10%	n/a



**Notes**

1. FY 2004/2005 is the base year for the Balanced Growth Index. All revenues are converted to FY 2004/2005 dollars for comparison purposes.
2. This index only represents net new floor area, and does not reflect tenant improvements to existing floor area.
3. Data has been modified resulting in a decrease in base year, projections, and current year estimates. There is a significant challenge in finding reliable estimates of Sunnyvale jobs. This version of the Balanced Growth Profile provides Association of Bay Area Governments (ABAG) data from most recent publications while staff explores a more reliable annual estimate of jobs. Data for 2011 or 2012 is not yet available.
4. In a "balanced growth scenario" each profiled item would increase 5% each year. Cumulative "balanced growth" to the end of 2012 would be 35%.