



REPORT TO PLANNING COMMISSION

Hearing Date: September 23, 2013

File Number: 2013-7642

FILE #: **2013-7642**
Location: **955 Stewart Drive** (APN: 205-22-027 & 029)
Proposed Project: **SPECIAL DEVELOPMENT PERMIT (SDP)** to allow 16 multi-family apartment homes on a vacant parcel and modifications to the conditions of approval for the previous SDP (#2012-7381, Stewart Village I) for 955 Stewart.
Applicant / Owner: Irvine Company
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, (408) 730-7429, smendrin@sunnyvale.ca.gov

REPORT IN BRIEF:

Existing Site Conditions Residential

Surrounding Land Uses

North	Residential/public park
South	Research and Development
East	Research and Development
West	Research and Development

Issues Architecture and Neighborhood Compatibility

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

Staff Recommendation Approval with conditions

PROJECT DESCRIPTION

The proposed project is located at 955 Stewart Drive (see Attachment A-Map) and consists of the construction of one new residential building to accommodate 16 dwelling units, covered and uncovered parking, landscaping and other associated site improvements. The proposed building will be rental housing and designed in a similar architectural style as the recently approved first and second phases of the project. This project will also require modifications to the previously approved conditions for Phase I.

- **Special Development Permit**

A Special Development Permit (SDP) is required for projects within the Planned Development (PD) Combining Zoning District for site and architectural review. An SDP also allows for deviations from Zoning Code requirements in exchange for superior design, environmental preservation or public benefit. In this case the applicant is not requesting any deviations from the Zoning Code requirements. This SDP also modifies the site plan for Phase I (Planning Application 2012-7381) changing a proposed park area to residential use and minor modifications to the Conditions of Approval. The findings for the SDP have been included in the findings in Attachment C.

BACKGROUND

On August 13, 2012, the Planning Commission approved the development proposal at 955 Stewart which included the construction of 186 dwelling units with a dedication of land for a future park (subject to conditions). On May 13, 2013, the Planning Commission approved expansion of the proposed project to 957 Stewart for 57 units and modifications to the original site plan, the following table summarizes previous planning applications related to the project site.

File Number	Brief Description	Hearing/Decision	Date
2013-7155	Special Development Permit and Vesting Tentative Map 57 Rental Units	Planning Commission/Approved	5/13/2013
2012-7381	Special Development Permit and Vesting Tentative Map 186 Rental Units	Planning Commission/Approved	8/13/2012
2011-7104	Special Development Permit and Tentative Map for 161 Townhouse Units	Planning Commission/Approved	6/13/2011
2010-7549	Parcel Map	Zoning Administrator/Approved	9/15/2010

ANALYSIS:

Park Site

The first phase of Stewart Village (2012-7381) included the dedication of a small park (.62 acres) located immediately south of the existing park located on Santa Real Avenue. The project had four main conditions related to the park dedication which dealt with fees, soil testing, environmental assurances, and construction. The Department of Public Works has established standards for park acceptance, which included a requirement that the park be below current Environmental Screening Levels (ESL) for any state or federal levels for non-restricted residential use. The testing indicated that the soil vapor contamination exceeded ESL for non-restricted use for Napthalene and Benzene with no feasible mitigation for a park use. Typically a vapor barrier under a foundation is used as mitigation. It was determined that the City would not accept the land since it could not meet the adopted standards. Staff has included the Information Only Report to Council dated June 25, 2013 for reference (Attachment G).

Since the City will not be accepting the site, the applicant is now proposing to construct one residential building, at-grade parking and landscaping consistent with the previously approved development. Mitigation for vapors for Napthalene and Benzene can be accomplished through the use of vapor barriers under the proposed building. The remaining area will be covered with hardscape or ornamental landscaping consistent with the requirements of the Regional Water Quality Control Board. The original permit for Stewart Village I included several conditions related to the park dedication, which staff recommends be modified or deleted (including conditions BP-28, TM-1, TM-2, TM-3 TM-4, and PF-2).

Architecture and Site Design

The proposed building is a garden-style building (low-rise buildings designed around a courtyard with landscaped grounds) similar to those approved in the previous developments. The new building will contain fourteen 1-bedroom and two 2-bedroom flats varying in size of 755 square feet to 1,300 square feet. The garden-style buildings are designed in an Early California Style of architecture, similar to the previously approved 186 units and include low-pitched gables, barrel tile roofs, arched plaster entrance surrounds, wood beam window lintels, Juliet balconies with wrought-iron railings, tile decks with wood corbels, and double-hung windows with louver shutters. The site design has been slightly altered at the Indian Well Drive entrance to curve the sidewalk parallel to the road. In addition, staff recommends that the development retain the public access easement, connecting Stewart Drive to Indian Wells. Condition TM-1 has been modified to remove the vehicular access easement requirement.

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.

- **Building Height and Number of Stories**

The proposed three-story 39-foot building is taller than what is allowed by the Zoning Code. The proposed buildings are consistent with those approved in Phase I and Phase II. The code allows up to three stories and 35 feet for townhouses and two stories and 30 feet for all others. The applicant is requesting a building height deviation of 9 feet and three stories to accommodate the proposed garden-style building. Staff finds that the requested deviation allows for a different housing product type in the area (flats as opposed to townhouses), which is consistent with approvals for Phase I and Phase II.

- **Parking & Circulation**

The proposed 16 unit building is required to provide 16 covered (garage) spaces and 14 guest spaces. The project provides 16 garage spaces and 14 guest spaces. The development would also include an additional 4 spaces to maintain the total guest spaces needed for the entire project. Phase I included a condition (BP-28) requiring some guest spaces to be available to residents visiting the park during the day. This condition has been removed since it does not apply. The applicant will need to revise the previously approved Parking Management Plan, removing references to the shared public parking, and submit a final plan prior to final inspection of the project.

- **Landscaping and Tree Preservation**

Staff requested that three existing Toyon trees be retained on the park site and relocated and incorporated into the design. The trees have been retained and will be incorporated into the landscape design. All other trees have been removed as per the previous approval.

- **Green Building Requirements**

The applicant is proposing to utilize the Green Building Incentive for a 5% density bonus applied to Phase I and II. This requires that the project achieve 110 Build It Green Points, which the previous phases have achieved. When adding all phases and land together, the project is allowed up to 12 additional units through the 5% Green Building Incentive. The 12 additional units have been dispersed mainly in Phase II with one used in Phase I. Staff is considering the project site as one entire site for the purposes of calculating the Green Building Incentive. This is consistent with

what was done with Phase II and it is reasonable since the project phase will function as one site.

Table 1 Green Building Incentive						
Project	Base Units Allowed	5% Green Building	Total Units Allowed	Units Proposed	Green Building Units Used	Green Building Balance
All Phases (10.22 acres)	247	12	259	259	12	0
Total Green Building Incentive Units Remaining						0

Environmental Review

An Environmental Impact Report (EIR) was previously prepared and certified in 2007 for the East Sunnyvale ITR Project in compliance with the California Environmental Quality Act (CEQA). Mitigation measures to address potential significant impacts were incorporated into the EIR and Mitigation Monitoring and Reporting Program (MMRP). As part of the proposed Industrial to Residential designation, significant and unavoidable impacts related to regional air quality and cumulative regional air quality were identified in 2007 and a Statement of Overriding Considerations was adopted at the time of certifying the EIR. These impacts will continue to be significant and unavoidable, but are not expected to increase as a result of the proposed project. This project does not modify the previous EIR Findings and Statement of Overriding Considerations.

As part of this project, a Mitigated Negative Declaration (MND) was prepared to evaluate the proposed project against recent air quality environmental threshold changes (see Attachment E for details). The project was below the thresholds requiring additional analysis for air quality and GHG. The MND found that there were no increases in the severity of impacts previously identified in the 2007 EIR. In addition, the applicant also conducted soils studies and an acoustical study. All outcomes of the studies have been incorporated as mitigation measures and all applicable measures from the 2007 EIR have been identified in the Conditions of Approval for the project.

FISCAL IMPACT

No fiscal impacts other than normal fees (such as Park In-lieu, Sense of Place, sewer and water connections, building permits) and taxes are expected. As part of Phase I, the applicant was given a partial credit for the land dedication towards the required Park In-Lieu fees. Since the park cannot be accepted, the applicant will be required to pay the remaining balance of \$1,863,496.80 due for Phase I. This fee will be paid by the end of this year. The Park Acreage calculation for Phase III will be based on the current rate of .00765 acres per unit. This requires 0.1224 acres for Phase III and the Park In-Lieu fee will be

based on the current land value rate in place at time of complete building permit. If building permits for the Phase III building are submitted this fiscal year, the total fee due for Phase III would be approximately \$368,000.

PUBLIC CONTACT

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

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 56 notices mailed to the property owners and tenants within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

CONCLUSION

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

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit with attached modified conditions for SDP 2012-7381.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit with additional modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

RECOMMENDATION

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

Prepared by:

Shaunn Mendrin
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments

- A. Vicinity Map
- B. Data Table
- C. Findings for Approval
- D. Conditions of Approval
- E. Mitigated Negative Declaration
- F. Project Plans
- G. Information Only Report to Council dated June 25, 2013 (RTC 13-148)

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial to Residential/ Medium Density	No Change	Industrial to Residential/ Medium Density
Zoning District	M-S/ITR/R-3/PD	No Change	Same
Lot Size (s.f.)	27,007	No Change	8,000 min.
Gross Floor Area (s.f.)	N/A	19,602	No Max
Lot Coverage (%)	N/A	25.5%	40% max.
No. of Units	N/A	16	16 max. (Including remaining 5% Green Building Incentives for 975 and 955 Stewart)
Density (units/acre)	N/A	25.3	25.4 max. (Including 5% Green Building Incentive)
Meets 75% min?	N/A	Yes	12 min.
Bedrooms/Unit	N/A	14 - 1 Bedroom 2 - 2 Bedroom	---
Unit Sizes (s.f.)	N/A	755-1,300	N/A
Lockable Storage/Unit	N/A	300 cu. ft. in garages and lockers	300 cu. ft. min.
No. of Buildings On-Site	1	1 Residential	---
Distance Between Buildings (ft.)	N/A	50	26 min. for 3 story
★ Building Height (ft.)	N/A	39	30 max.
★ No. of Stories	N/A	3	2 max.
Setbacks			
Front (ft.) (Indian Wells)	N/A	54	20 min.
Left Side (ft.)	N/A	37.5	12' min
Landscaping (sq. ft.)			
Total Landscaping	N/A	27,013	16,639 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Landscaping/Unit	N/A	474 per unit	425 min.
Usable Open Space/Unit	N/A	400 per unit	400 min. per unit
Frontage Width (ft.)	N/A	N/A <i>(the parcel does not front on Indian Wells)</i>	15 min.
Landscaping Buffer (ft.)	N/A	12	10 min.
% Based on Parking Lot	N/A	20%	20%
Parking Lot Area Shading (%)	N/A	55%	50% min. in 15 years
Water Conserving Plants (%)	N/A	80%	80% min.
Parking			
Total Spaces	N/A	16 Resident 18 Guest	30 min.
Standard Spaces	N/A	100% Resident 90% Guest	90% min.
Compact Spaces/ % of Total	N/A	2 Guest Spaces	2 (10%) max. (unassigned)
Accessible Spaces	N/A	Per Building Code	Per Building Code
Covered Spaces	N/A	1 per Unit	1 per Unit
Aisle Width (ft.)	N/A	26'	24' min. ¹
Bicycle Parking	N/A	16 Secured in Garages	4 Secured
Stormwater			
Impervious Surface Area (s.f.)	24,073	20,501	None per zoning code
Impervious Surface (%)	89%	75%	None per zoning code

1.  Fire code requires 26 feet.
Starred items indicate deviations from Sunnyvale Municipal Code requirements.

RECOMMENDED FINDINGS

Special Development Permit

General Plan Goals and Policies:

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

The proposed project meets the goals and policies of the General Plan as listed above by creating 16 residential units that promote housing goals for the community. The project also meets the policy for a minimum 75% of the allowable density for the zoning district. The proposed project will provide an addition of 16 dwelling units to the City's housing stock.

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

The proposed project maximizes the allowable density and proposes an alternative dwelling unit type for the immediate area. The project requires deviations in height and the number of stories due to the three-story garden-style structures. The conversion of the use to residential is consistent with the current General Plan land use designation and Zoning. The site layout will incorporate the proposed building into the existing development currently under construction adequately buffers the proposed development from adjacent uses by using uncovered parking areas and installing masonry fencing adjacent to nonresidential uses. The design of the project is considered high quality and will greatly improve the overall appearance of the area over current conditions.

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
APPROVED BY THE PLANNING COMMISSION ON AUGUST 13, 2012
MODIFIED BY THE PLANNING COMMISSION ON SEPTEMBER 23, 2013**

**Planning Application 2012-7381 (8/13/12), and
Planning Application 2013-7642 (9/23/12)**

955 Stewart Drive

**Special Development Permit (2012-7381) for the development of 186
residential rental units, Green Building Incentive and Vesting Tentative
Map, and**

**Special Development Permit (2013-7642) for the development of 16
residential rental units and Green Building Incentive**

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. The 2007 East Sunnyvale EIR is incorporated into the COAs as Exhibit 1.

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

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

- GC-2. PERMIT EXPIRATION:
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]
- GC-3. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-4. ENVIRONMENTAL MITIGATION MEASURES:
The project shall comply with all required mitigation and avoidance measures identified in the previously certified Environmental Impact Report (EIR) for the 2007 East Sunnyvale Industrial-to-Residential (ITR) Project as incorporated into the Conditions of Approval. [COA] [PLANNING] **Mitigation Measure**
- GC-5. 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-6. BELOW MARKET RATE PROGRAM:
Any future subdivision resulting in the individual sales of the residential units will require the submittal of a Tentative Map application subject to review by the City and compliance with the City's Below Market Rate Housing Program and SMC 19.66. [SDR] [PLANNING]
- GC-7. RECREATION FACILITIES:
If development of the project is phased, the common recreation facilities shall be installed in connection with the first phase of the development and included on the building permit plans for the first phase. [COA] [PLANNING]
- GC-8. TEMPORARY TRAILERS:
Temporary sales trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development. Plans for temporary trailers shall include the following:

- a) Trailers shall be placed on the premises not sooner than 15 days following the date of final project approval by the City and shall be removed no later than 30 days after the final unit is sold;
 - b) Trailer entrances shall be oriented toward the nearest building;
 - c) Area lighting shall be provided in the vicinity of temporary trailers.
[COA] [PLANNING]
- GC-9. ENCROACHMENT PERMIT:
Obtain an encroachment permit from the Department of Public Works for all off-site improvements. [SDR] [PUBLIC WORKS]

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

- PS-2. REVIEW OF FINAL DESIGN:
Final architectural design, site design, exterior building materials, and color schemes are subject to review and approval by the Director of Community Development prior to submittal of a building permit.
[COA] [PLANNING]
- PS-3. REQUIRED REVISIONS TO THE PLANS:
The project plans shall be revised to address the following items and shall be subject to review and approval by the Community Development Director.
- a) The plans shall demonstrate that the second floor side windows for the duplex units shall be located in a manner to ensure privacy for the side yard patio areas.
 - b) The plans shall include alternative paving materials for at pedestrian crossings as indicated in the Special Development Permit Plans.
 - c) All windows shall be recessed a minimum of 2 inches from the building face.
 - d) The breezeways shall include the architectural arch element and additional landscaping as indicated on the plans submitted August 7, 2012.
 - e) Foam trim may only be used for levels above the first floor. Alternatives may be proposed and subject to review by the Director of Community Development. [COA] [PLANNING]
- PS-4. STORMWATER MANAGEMENT PLAN:
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore

must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

PS-5. ENVIRONMENTAL MITIGATION MEASURES:

Prior to submittal of building permit plans, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage (refer to the Mitigation Monitoring and Reporting Program for the 2007 East Sunnyvale ITR Project EIR and the 2011 EIR Addendum). [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. 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] [PLANNING]
- 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. **WASTE & RECYCLING REPORTING FORM (CONSTRUCTION):**
To mitigate the impacts of large projects on local waste disposal and recycling levels, construction weight/volumes, demolition waste weights/volumes, and recycling weights/volumes are to be reported to the City, per City’s “Waste & Recycling Reporting Form” (electronic

copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposal of materials generated, and forward a complete report to the Department of Public Works, Solid Waste Division both periodically and at project completion. [COA] [PUBLIC WORKS]

BP-10. ROOF EQUIPMENT:

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

BP-11. FEES AND BONDS:

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

- a) PARK IN-LIEU FEE (SDP 2013-7642 – 16 Units) – The proposed 16 units will be required to pay Park In-Lieu fees estimated at \$22,993 unit (4.25 acres per thousand), for a total of \$367,890.34 prior to issuance of building permit. ~~required land dedication is 1.0044 acres for the proposed 186 dwelling unit project. The proposed park dedication is deficient .38 acres. The applicant shall pay the Park In-Lieu Fee for the remaining .38 acres estimated at \$1,155,368.02.~~ The applicant may propose applying the Park In-Lieu fee toward additional park improvements above base park improvement subject to review and approval by the City. [SDR] [PLANNING]
- b) PARK IN-LIEU FEE (SDP 2012-7381-186 UnitsALTERNATIVE) – In the case the approximately .62 acre portion of the project site is not accepted, Pay Park In-lieu fees estimated at \$16,230.45 per unit (3.0 acres per thousand), for a total of \$3,018,864.82 prior to issuance of the building permit. The applicant has paid a portion of the fee for building permits 2012-4225 & 2012-4526. The remaining balance of \$1,863,496.80 will be due by December 31, 2013. (SMC 18.10) [SDR] [PLANNING]
- c) 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]
- d) TIF – A Transportation Impact Fee is not required since the project does not increase the existing peak hour trips. [SDR] [PLANNING]

- BP-12. **TRANSPORTATION IMPROVEMENT FEES (FAIR SHARE):**
The developer shall pay a pro rata share of the cost of the transportation mitigations and improvements as identified in the 2007 East Sunnyvale ITR Project EIR traffic study recommendation pertaining to this development. [COA] [PUBLIC WORKS] **Mitigation Measure**
- BP-13. **MECHANICAL EQUIPMENT (EXTERIOR):**
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted for review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features and/or rooftop mechanical screens. [COA] [PLANNING]
- BP-14. **LANDSCAPE PLAN:**
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit 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:**
 - i.) The Landscape Plan shall include the preservation of the existing Sycamore Trees on Stewart Drive (except those within proposed building footprint) and the Toyon tree at the north property line of the proposed park area.

- ii.) To the extent feasible, the applicant shall work with a local tree company to box and relocate existing trees for future use.
- iii.) A minimum of 6 Sycamore trees shall be relocated from the existing parking lot landscaping to the proposed park area and placed in groupings of three or more, preferably near the southern boundary of the park area. If relocation is infeasible, the applicant shall provide documentation as to why from a certified Arborist and the 6 trees shall be replaced at a 2 to 1 ratio, subject to review by the Director of Community Development.
- iv.) Any City street trees to be removed, replaced, or installed shall be included on the landscape plan.
- f) Provide a 15-foot wide landscaped buffer along the property's street frontages, except that the width may be reduced in limited locations as per the deviations granted and indicated on the approved project plans.
- g) Ground cover included in the landscape plans shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving shall be provided as required by the Director of Community Development to distinguish entry driveways, pedestrian paths, pedestrian crossings, and common areas.
- i) Decorative paving shall be added at the Indian Wells entrance and at the two interior intersections near the Community Room building.
- j) Provide details for common area furnishing including tables, benches, grills, trash receptacles, etc. Common area furnishings shall be secured to the ground to prevent them from being moved (excepting recycling and solid waste containers located within approved enclosures).
- k) Design of all proposed fencing and walls shall be included in the landscape plans and shall comply with 19.37.080.
- l) The sidewalk along Stewart Drive shall be widened to allow for the addition of street trees adjacent to the curb to provide further separation from the public right of way. Alternatives may be proposed and subject to review and approval by the Director of Community Development.
- m) Patio and landscape walls shall not be higher than ~~three~~ four feet.
- n) Minimum improvements for the proposed park dedication area to include an irrigation system and sod to be designed and installed per City standards. [COA] [PLANNING]

- BP-15. 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-16. LANDSCAPE BUFFER:
Install and maintain a solid decorative masonry wall along the east, south and west property lines compliant with 19.37.080. Wall height shall be measured from the highest adjoining grade. Wall design shall be subject to review and approval by the Director of Community Development prior to issuance of building permits. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. The wall shall not impact the health of existing trees to be retained on the subject site or adjacent property. [SDR] [PLANNING]
- BP-17. TREE PROTECTION PLAN:
Prior to issuance of a demolition permit, a grading permit or a building permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:
- a) An updated inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA). 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-18. 975 STEWART PARKING AND LANDSCAPING:

The applicant shall submit a separate building permit for reconfiguration of the parking area and installation of landscaping. The building permit plan shall include a tree protection plan and shall clearly indicate all restriped areas. All disturbed areas shall be replanted and connected to the existing irrigation system and all parking striping shall be installed. [COA] [PLANNING]

BP-19. 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 a minimum of 35 feet apart. [SDR] [PLANNING/PUBLIC WORKS]

BP-20. 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-21. 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-22. STORMWATER MEASURES IN USABLE OPEN SPACES:

The preliminary Stormwater Management Plan includes bioretention basins which are located in usable open space areas. The design of bioretention basins including size, depth, layout, design of inlets/drains, and type of vegetation shall be developed to avoid impairing the usability of the areas for recreation. [COA] [PLANNING]

BP-23. 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-24. 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-25. PHOTOMETRIC PLAN:

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

BP-26. LIGHTING SPACING:

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

BP-27. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):

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

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

BP-28. ~~PUBLIC PARK – DAYTIME PARKING:~~

~~The development shall allow 6 daytime parking spaces for the public use for park access parallel to the proposed park area. These spaces shall be available to park guest from dawn to dusk. Residents or resident guests may park in the stalls overnight. The property owner will be responsible for enforcement. Appropriate signs shall be installed and included in the parking management plan, subject to review and approval of the City. [COA] [PLANNING/PUBLIC WORKS]~~

- BP-29. COMPACT SPACES:
Specify compact parking spaces on the building permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]
- BP-30. BICYCLE SPACES:
Provide a minimum of 13 Class II bicycle parking spaces or as approved by the Director of Community Development. Bicycle parking shall be dispersed in several common areas throughout the site and shown on the plans submitted for building permits. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING]
- BP-31. RECREATION BUILDING HOT WATER:
Recreation building water heaters shall be tankless heaters. [COA] [PLANNING]
- BP-32. WATER METERS:
Separate metering shall be provided for domestic and irrigation water systems. [SDR] [PLANNING]
- BP-33. UNDERGROUND UTILITIES:
All proposed utilities shall be undergrounded. [SDR] [PLANNING/PUBLIC WORKS]
- BP-34. 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-35. 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-36. GROUNDWATER AND SOIL CONTAMINATION:
Provide a written clearance from the California Regional Water Quality Board addressing groundwater and soil contamination identified in the 2007 East Sunnyvale ITR Project EIR. [COA] [PLANNING]
Mitigation Measure
- BP-37. 2007 EAST SUNNYVALE EIR MITIGATION MEASURES:
The applicant shall comply with the following applicable Mitigation Measures from the 2007 East Sunnyvale Environmental Impact Report (see attached MMRP):
- LU-1: Construction Management Plan
 - HYDRO-1: SWMPPPP
 - HYDRO-2: NOI
 - HYDRO-3: BMP's – Construction related
 - HYDRO-5: BMP's – Post Construction (addressed in the required Stormwater Management Plan)
 - BIO-1,2 & 3: Burrowing Owls
 - BIO-4: Raptor Survey
 - HAZ-1: Oversight Agency
 - HAZ-2: Vapor Barrier
 - HAZ-3: Hazardous Material Licensed Contractor
 - HAZ-4: Cleanup to applicable Federal, State and local standards
 - HAZ-6: Storage Tanks (as applicable)
 - HAZ-7: ACBMs
 - HAZ-8: Closure of site for Hazardous Materials (as applicable)

- HAZ-9: Removal of underground structure (as applicable)
- HAZ-10: Appropriate Disposal of Fluorescent lights
- HAZ-11: Well location map
- HAZ-12: Environmental Professional
- AIR-2: BAAQMD emission reductions
- AIR-3: Construction vehicle exhaust mufflers
- AIR-4: Watering of construction area during grading
- AIR-5: Foundation and paving follow grading
- AIR-7: BAAQMD Dust Control Measures
- NOISE-3: Posting of construction information
- NOISE-4: Construction Plan
- NOISE-5: Limited Construction Hours
- NOISE-6: Utilize quiet air compressors
- NOISE-8: Designate Noise Coordinator
- CULT-2: Ground Disturbing Activities
- CULT-4: Archeological Monitoring
- CULT-5: Excavation Provisions
- CULT-6: Prehistoric of Native American finds [COA] [PLANNING]
2007 East Sunnyvale EIR Mitigation Measure

BP-38. AIR CONDITIONING SYSTEMS:

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

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

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

BP-39. NOISE:

Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB. Specifics of the sound rating of windows by location have been provided in the noise consultant's report. Sound

rated windows of high quality (with STC rating of 28-30) would be required for all units facing noise sources as indicated in the report.

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

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

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

BP-40. EMERGENCY RESPONSE PLAN:

The applicant shall prepare an Emergency Response Plan for the subject site. The draft plan shall be submitted for review and approval prior to issuance of building permit for any residential unit. [COA] [PLANNING] Mitigation Measure

BP-41. TITLE 24 – ENERGY EFFICIENCY:

The project shall achieve a 20% increase in energy efficiency over 2005 Title 24 Standards. The applicant shall clearly indicate compliance in the building permit plans and provide a statement verifying the proposed plans meet this requirement. [COA] [PLANNING/BUILDING]

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

EP-1: CURB, GUTTER, AND SIDEWALK:

Remove and replace all uplifted and damaged curb, gutter, and sidewalk along the project frontages on Stewart Drive. A continuous root barrier shall be installed as part of the provided along new sidewalk replacement if adjacent to a City trees per City standard details and specifications. [COA] [PUBLIC WORKS]

EP-2: FIRE HYDRANTS:

Installation of new and/or upgraded fire hydrants is required along the entire project frontage. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

- EP-3: CURB RAMPS:
Construct curb ramps at all entries per City standards. [COA] [PUBLIC WORKS]
- EP-4: WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) in private streets and private drives shall be privately owned and maintained. For water lines, install public master water meter(s) in the public right-of-way. For each public master water meter installation, install a double check detector assembly. For private sanitary sewer and storm, install a manhole or cleanout at the right-of-way line. Install a separate irrigation meter with a backflow prevention device. [COA] [PUBLIC WORKS]
- EP-5: 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-7: COMPLIANCE WITH STANDARD REQUIREMENTS:
This project shall comply with all required improvements, design standards and standard details and specifications. [SDR] [PUBLIC WORKS]
- EP-8: 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-9: 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]

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

- TM-1. PEDESTRIAN AND VEHICULAR ACCESS EASEMENT:

Prior to map recordation, the developer shall provide on the map a pedestrian and vehicular access easement from Stewart Drive to Indian Wells Street the parkland dedication area (lot 2). Lot 2 acceptance by the city is contingent upon this easement. [COA][PUBLIC WORKS]

~~TM 2. SOILS TESTING PUBLIC PARK (LOT 2):~~

~~Prior to map recordation, the developer shall perform soils testing on Lot 2 along a grid pattern (approved by the City) to determine the level of chemical constituents in the soil. The owner/subdivider shall provide a written statement from a professional geotechnical engineer (with stamp) that:~~

- ~~a) The dedicated area is free of contamination or hazardous material and is suitable for unrestricted public use;~~
- ~~b) The dedicated area's soils have been adequately characterized in light of the city's intended public use; and~~
- ~~c) Chemical constituents found in the soil are below levels of concern and not present or require further remediation for unrestricted public use.~~

~~The applicant may propose an alternative method for soil testing and timing of submittal subject to review by the City Engineer and Director of Public Works. The City Engineer and Director of Public Works have the discretion to accept or decline the proposed alternative. [COA][PUBLIC WORKS]~~

~~TM 3. PUBLIC PARK (LOT 2):~~

~~Prior to map recordation, the developer shall provide environmental insurance acceptable to the City and a hold harmless agreement naming the City as the insured for any environmental issues including but not limited to ground water contamination and/or toxic plume, etc.~~

~~Prior to city's acceptance of Lot 2 and assumption of maintenance responsibility, the developer shall complete the improvements for Lot 2 to City's satisfaction. The applicant may propose an alternative method of indemnification/insurance subject to review by the City Engineer, Director of Public Works and City Attorney. The City Engineer, Director of Public Works and City Attorney have the discretion to accept or decline the proposed alternative. [COA][PUBLIC WORKS/CITY ATTORNEY]~~

~~TM 4. STREET NAMING:~~

~~The private streets located on the project common lots shall be assigned street names in accordance with the official Street Name~~

~~System, as selected by the Community Development Department.~~
~~[COA] [PLANNING]~~

- TM-5. PARCEL MAP RECORDATION:
This project is subject to recordation of parcel map as referenced as Planning Permit No. 2010-7549. [COA] [PUBLIC WORKS]
- TM-6. UTILITY EASEMENTS:
Dedicate public utility easements on-site as required by utility providers. Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site and adjacent Parcel B (as shown on that Parcel Map (Planning Permit No. 2010-7549) shall be recorded with the map or with separate instruments prior to occupancy. Quitclaim Deed is required for abandonment of private easements. No permanent structures are allowed within any of the easement limits. [COA] [PUBLIC WORKS]
- TM-7. DEVELOPMENT PERMIT:
Execute a Development Permit and provide improvement securities and/or cash deposits as outlined in the Development Permit prior to map recordation. . [COA] [PUBLIC WORKS]
- TM-8. DEVELOPMENT FEES:
Development fees associated with the project, including but not limited to utility frontage and/or connection fees, off-site improvement plan check and inspection fees, shall be paid prior to recordation of the map. [COA] [PUBLIC WORKS]
- TM-9. PUBLIC IMPROVEMENTS:
All public improvements shall be completed prior to first building occupancy, unless otherwise approved by the City prior to map recordation. [COA] [PUBLIC WORKS]
- TM-10. COMPLIANCE WITH SUBDIVISION REQUIREMENTS:
Comply with all applicable Sunnyvale Municipal Code requirements as outlined in Title 18: Subdivisions. [SDR] [PUBLIC WORKS]
- TM-11. ROADWAY IMPROVEMENTS (INDIAN WELLS):
Dedicate 21-foot along Indian Wells to the City for public improvements, subject to final review and approval by the Director of Public Works. [COA] [PUBLIC WORKS]

- TM-12. ROADWAY IMPROVEMENTS (INDIAN WELLS):
Install new street widening, curb, gutter, and sidewalk along the Indian Wells frontage, subject to final review and approval by the Director of Public Works. [COA] [PUBLIC WORKS]
- TM-13. DRIVEWAY IMPROVEMENTS:
Remove existing driveway on Stewart Drive and replace it with new curb, gutter, and sidewalk in accordance with City standards. [COA] [PUBLIC WORKS]
- TM-14. STREETLIGHTS:
Install City standard LED streetlights, poles, conduits, pullboxes, conductors, and cabinets, including requirements of one or more new streetlight service points along Indian Wells, incorporating the photometric study for the development to the north based on streetlight placement at 120'-150' staggered spacing, subject to final review and approval by the Director of Public Works. Additionally, upgrade the existing streetlight lamps along Stewart Drive to LED lamps. [COA] [PUBLIC WORKS]
- TM-15. STREET AND UTILITY MAINTENANCE:
All internal private streets and drives, and all on-site wet utilities (water, sanitary sewer, storm drain) are to be privately owned and privately maintained in accordance with the provisions stipulated in the CC&R's. [SDR] [PUBLIC WORKS]
- TM-16. SANITARY SEWER:
A project-level sanitary sewer analysis is required during the plan check process to confirm that the project discharge system (such as the points of discharge and discharge rate) is consistent with the analysis stipulated in the 2007 East Sunnyvale ITR Project EIR. Any changes to or deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer. [COA] [PUBLIC WORKS]
- TM-17. DOMESTIC AND FIRE FLOW WATER:
A project-level domestic and fire flow water analysis is required during the plan check process to confirm that the project water system is consistent with the analysis stipulated in the 2007 East Sunnyvale ITR Project EIR. Any changes to or deficiencies in the existing water system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer. [COA] [PUBLIC WORKS]

TM-18. STORM DRAINS:

The project is required to follow the existing storm drain tributary pattern. Any changes or deviations would require additional analysis and be subject to approval by the Director of Public Works during the plan check process. [SDR] [PUBLIC WORKS]

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

PF-1. LANDSCAPING AND IRRIGATION:

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

~~PF-2. COMPLETION OF PARK IMPROVEMENTS:~~

~~All park improvements shall be completed prior to final occupancy of the last residential unit or as determined by the Director of Community Development. [COA] [PLANNING]~~

PF-3. 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-4. 975 STEWART PARKING AND LANDSCAPING:

The applicant shall submit a separate building permit for reconfiguration of the parking area and installation landscaping. The building permit plan shall include a tree protection plan and shall clearly indicate all restriped areas. All disturbed areas shall be replanted and connected to the existing irrigation system and all parking striping shall be installed. [COA] [PLANNING]

PF-5. ENVIRONMENTAL MITIGATION MEASURES:

Prior to release of occupancy or utilities, provide documentation of compliance with all relevant environmental mitigation and avoidance measures required at this project stage (refer to the Mitigation Monitoring and Reporting Program for the 2007 East Sunnyvale ITR Project EIR and the 2011 EIR Addendum). This shall include furnishing results of acoustical tests demonstrating the finished units achieve the required interior noise standards, as well as any other studies or analyses required to demonstrate all mitigation measures have been satisfied. [COA] [PLANNING] **Mitigation Measure**

- PF-6. EMERGENCY RESPONSE PLAN:
The applicant shall prepare an Emergency Response Plan for the subject site. The draft plan shall be submitted for review and approval prior to issuance of building permit for any residential unit. [COA] [PLANNING] **Mitigation Measure**
- PF-7. 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-8. PARKING MANAGEMENT PLAN:
The applicant shall submit a final Parking Management Plan to the Planning Division prior to final inspection. [COA] [PLANNING]
- PF-9. 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-10. 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]

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]

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

AT-1. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-2. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]

AT-3. EXTERIOR EQUIPMENT:

Exterior equipment shall be maintained within approved enclosure areas. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT -5. STORMWATER MEASURES IN USABLE OPEN SPACES:

Any bioretention basins which are located within usable open space areas shall be maintained to ensure the stormwater treatment measures do not impair usability of the area. [COA] [PLANNING]

AT-5. PARKING MANAGEMENT:

On-site parking management shall conform to the approved parking management plan. [COA] [PLANNING]

AT-6. PARKING LOT MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Garage spaces shall be maintained at all times so as to allow for parking of vehicles.
- b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the building permit plans and completed prior to occupancy.
- c) Maintain all parking lot striping and marking.
- d) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and guests. [COA] [PLANNING]

AT-7. UNENCLOSED STORAGE PROHIBITED:

Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]

AT-8. VEHICLE SALES, LEASING, AND RENTAL PROHIBITED:

The sales, leasing, or rental of vehicles or trailers are prohibited on the subject property. [COA] [PLANNING]

AT-9. 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-10. RECREATIONAL VEHICLE STORAGE PROHIBITED:

Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels, and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]

AT-11. STREET AND UTILITY MAINTENANCE:

The project applicant, owner, or landlord must properly maintain all internal private streets and drives and all wet utilities (water, sanitary sewer, storm drain) on the site. [SDR] [PUBLIC WORKS]

AT-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]

MITIGATION MONITORING AND REPORTING PROGRAM

**EAST SUNNYVALE
INDUSTRIAL-TO-RESIDENTIAL (ITR) PROJECT**

CITY OF SUNNYVALE

FEBRUARY 2007

P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On February 27, 2007, the City Council certified the Environmental Impact Report (EIR) for the East Sunnyvale Industrial-to-Residential (ITR) General Plan Amendment (GPA) and Planned Development (PD) Rezoning Project. The Final EIR concluded that the implementation of the proposed GPA scenario and the specific development projects could result in significant impacts on the environment, and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

**Mitigation Monitoring and Reporting Program
The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
LAND USE				
<p>IMPACT LU-5: Construction activities would result in significant physical disturbance, and could cause temporary disruption to adjacent land uses, including the existing residential uses to the north.</p> <p>Significant Impact Prior to Mitigation</p>	<p>MITIGATION MEASURE LU-1: The applicants shall implement a Construction Management Plan, for all development within 1,000 feet of occupied residential uses, approved by the Director of Community Development to minimize impacts on surrounding sensitive land uses, particularly the residences across Duane Avenue, as well as the future residences on the project site itself, to the fullest extent possible. The Construction Management Plan shall include the following measures to minimize the impacts of construction upon adjacent land uses:</p> <ul style="list-style-type: none"> • Measures to control dust, noise and water pollution result from construction activities. • Measures to keep all streets and public ways clean of debris, dirt, dust and other undesirable outcomes of construction. • Measures to control noise by limiting hours of operation of construction activities, avoiding more sensitive early morning and evening hours, and scheduling equipment selection. 	<p>Project proponents.</p> <p>Measures shall be implemented during all site excavation, grading and construction activities.</p>	<p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p>	<p>Director of Community Development</p>

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> • Selection of access routes for trucks delivering materials to and from the site which minimize neighborhood disturbance. <p>Less Than Significant Impact with Mitigation</p>			
HYDROLOGY AND WATER QUALITY				
<p><u>IMPACT HYDRO-3:</u> Future development under the proposed ITR land use designation could cause a significant temporary increase in the amount of contaminants in storm water runoff during construction.</p> <p>Significant Impact Prior to Mitigation</p> <p><u>IMPACT HYDRO-6:</u> Construction of the proposed residential development project on the AMD property could cause a significant temporary increase in the amount of contaminants in stormwater runoff during construction.</p>	<p><u>MITIGATION MEASURE HYDRO-1:</u> Prior to construction of any phase of any project within the GPA area, the City of Sunnyvale will require that the applicant(s) submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City’s storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:</p>	<p>Prior to issuance of a grading permit and/or issuance of a Special Development Permit</p>	<p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p>	<p>Director of Community Development</p>

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>Significant Impact Prior to Mitigation</p> <p><u>IMPACT HYDRO-9:</u> Construction of the proposed residential development project on the Taylor Woodrow site could cause a significant temporary increase in the amount of contaminants in stormwater runoff during construction.</p> <p>Significant Impact Prior to Mitigation</p>	<ul style="list-style-type: none"> – Soil stabilization practices – Sediment control practices – Sediment tracking control practices – Wind erosion control practices and – Non-storm water management and waste management and disposal control practices. <p><u>MITIGATION MEASURE HYDRO-2:</u> Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.</p> <p><u>MITIGATION MEASURE HYDRO-3:</u> Each phase of development will include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. BMPs and design features could include regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; biofilters; and stenciling on-site catch basins to discourage illegal dumping.</p>			

**Mitigation Monitoring and Reporting Program
The East Sunnyvale ITR Project**

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	<p><u>MITIGATION MEASURE HYDRO-4:</u> The project shall comply with Provision C.3 of NPDES Permit Number CAS029718, Order #01-119, which provides enhanced performance standards for the management of storm water for new development.</p> <p><u>MITIGATION MEASURE HYDRO-5:</u> Prior to issuance of any Building Permits, each phase of development shall include provision for post-construction structural controls in the project design in compliance with the NPDES C.3 permit provisions, and shall include Best Management Practices (BMP) for reducing contamination in stormwater runoff as development will be determined based on design and site-specific considerations and will be determined prior to issuance of Special Development Permits. Post-construction BMPs and design features could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • <u>Infiltration Basins</u>-shallow impoundments designed to collect and infiltrate storm water into subsurface soils. • <u>Infiltration Trenches</u>-long, narrow trenches filled with permeable materials designed to collect and infiltrate storm water into subsurface soils. 			

**Mitigation Monitoring and Reporting Program
The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> • <u>Permeable Pavements</u>-permeable hardscape that allows storm water to pass through and infiltrate subsurface soils. • <u>Vegetated Filter Strips</u>-linear strips of vegetated surface designed to treat surface sheet flow from adjacent surfaces. • <u>Vegetated Swales</u>-shallow open channels with vegetated sides and bottom designed to collect, slow, and treat storm water as it is conveyed to downstream discharge point. • <u>Flow-Through Planter Boxes</u>-structures designed to intercept rainfall and slowly drain it through filter media and out of planter. • <u>Hydrodynamic Separator</u>-flow through structures with a settling or separation unit that removes sediments and other pollutants. • <u>Media Filtration Devices</u>-two chamber system including a pretreatment settling basin and a filter bed. • <u>Green Roofs</u>-vegetated roof systems that retain and filter storm water prior to drainage off building rooftops. • <u>Wet Vaults</u>-subsurface storage system designed to fill with storm water during larger storm events and slowly release it into the conveyance system over a number of hours. 			

**Mitigation Monitoring and Reporting Program
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	<p><u>MITIGATION MEASURE HYDRO-6:</u> The applicant, their arborist and landscape architects, shall work with the City to select pest resistant plants to minimize pesticide use, as appropriate using the guidance provided by the SCVURPPP. This may include the use of integrated pest management techniques, site design measures to reduce pest infestations, and the use of pest-resistant plants or landscape management methods to reduce the need for pesticide applications.</p> <p><u>MITIGATION MEASURE HYDRO-7:</u> The project shall comply with the City Storm Water Management Ordinance (Municipal Code Chapter 12.60).</p> <p>Less Than Significant Impact with Mitigation</p>			
BIOLOGICAL RESOURCES				
<p><u>IMPACT BIO-1:</u> Construction related to the proposed AMD Riding Group specific development project could result in impacts to Burrowing Owls, which could occupy suitable habitat on this portion of the project site.</p>	<p><u>MITIGATION MEASURE BIO-1:</u> Pre-construction surveys for burrowing owls shall be conducted by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The preconstruction surveys shall be conducted per CDFG guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are</p>	<p>No more than 30 days prior to the start of site grading</p>	<p>A final report, including any protection measures, shall be submitted to the Director of Community Development prior to start of</p>	<p>Director of Community Development</p>

**Mitigation Monitoring and Reporting Program
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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Significant Impact Prior to Mitigation	<p>found, then no further mitigation would be warranted. If breeding owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities that may disturb breeding owls, including grading or other construction work or evictions of owls, shall proceed.</p> <p><u>MITIGATION MEASURE BIO-2:</u> If preconstruction surveys determine that burrowing owls occupy the site, and avoiding development of occupied areas is not feasible, then the owls may be evicted outside of the breeding season, with the authorization of the California Department of Fish and Game (CDFG). The CDFG typically only allows eviction of owls outside of the breeding season (only during the non-breeding season [September 1-January 31]) by a qualified ornithologist, and generally requires habitat compensation on off-site mitigation lands.</p> <p><u>MITIGATION MEASURE BIO-3:</u> A final report of burrowing owls, including any protection measures, shall be submitted to the Director of Community Development prior to start of grading.</p> <p>Less Than Significant Impact with Mitigation</p>		grading.	

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>IMPACT BIO-2: Construction activities during the nesting season may result in the disturbance or destruction of breeding raptors or their nests.</p> <p>Significant Impact Prior to Mitigation</p>	<p>MITIGATION MEASURE BIO-4: 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:</p> <p><i>Avoidance.</i> Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including raptors and shrikes, in the project site area extends from January through August.</p> <p><i>Preconstruction/Pre-disturbance Surveys.</i> If demolition and/or construction are to occur between January and August, then pre-construction 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 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January 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).</p> <p>During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g.,</p>	<p>Prior to any development on the site</p>	<p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to start of grading.</p>	<p>Director of Community Development</p>

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	<p>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, to ensure that no nests of species protected by the MBTA or State Code will be disturbed during project implementation.</p> <p><i>Inhibit Nesting.</i> 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 will be removed by the project shall be removed before the start of the nesting season (February), if feasible, to help preclude nesting. Removal of vegetation or structures to be removed by the project shall be completed outside of the nesting season, which extends from January through August.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to start of grading.</p> <p>Less Than Significant Impact with Mitigation</p>			

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p><u>IMPACT BIO-3:</u> The proposed conversion of the site to residential uses could result in the removal of up to 2,265 trees, 905 of which are of significant size.</p> <p>Significant Impact Prior to Mitigation</p> <p><u>IMPACT BIO-4:</u> The development of the AMD Riding Group specific development project could result in the removal of up to 126 trees, including 122 trees of significant size, on the site.</p> <p>Significant Impact Prior to Mitigation</p> <p><u>IMPACT BIO-5:</u> The development of the Taylor Woodrow specific development project could result in the removal of up to 114 trees, including 30 trees of significant size, on the site.</p> <p>Significant Impact Prior to</p>	<p><u>MITIGATION MEASURE BIO-5:</u> Prior to approval of a Site Development Permits for any subarea of the project site, a comprehensive tree survey for the parcel(s) being developed shall be required. The site design and permit approval shall incorporate preservation of existing trees to the maximum extent practicable, to the satisfaction of the Director of Community Development. In locations where preservation of existing trees is not feasible due to site constraints, relocation and replanting of significant existing trees (especially native species) shall be incorporated into the project, where feasible and appropriate, to the satisfaction of the Director of Community Development.</p> <p><u>MITIGATION MEASURE BIO-6:</u> The specific development projects shall each conform to the City’s Tree Preservation Ordinance (Municipal Code, Chapter 19.94). At the discretion of the Director of Community Development, significant trees that are to be removed shall be replaced, replanted, or relocated (Municipal Code, Sections 19.94.080, 19.94.090, and 19.94.100).</p> <p><u>MITIGATION MEASURE BIO-7:</u> A tree protection plan shall be completed. The plan shall demonstrate how tree protection shall be provided during and after construction and shall include any</p>	<p>Prior to approval of a Site Development Permits for any subarea of the project site</p>	<p>City’s Tree Preservation Ordinance (Municipal Code, Chapter 19.94)</p>	<p>Director of Community Development</p>

**Mitigation Monitoring and Reporting Program
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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Mitigation	of the protective measures set forth in Section 19.94.120 of the Municipal Code. Less Than Significant Impact with Mitigation			
HAZARDS AND HAZARDOUS MATERIALS				
IMPACT HAZ-2: Residual concentrations of chemicals of particular concern present in soils and ground water on the specific development sites could expose future sensitive receptors (including future residents or other sensitive populations) or construction workers to significant hazard impacts. Significant Impact Prior to Mitigation	MITIGATION MEASURE HAZ-1: Prior to the issuance of demolition and site development permits, each project applicant shall prepare an application for oversight agency selection as described in the “Memorandum of Agreement between the Department of Toxic Substances Control, the State Water Resources Control Board, and the California Environmental Protection Agency for Oversight and Investigation and Cleanup Activities at Brownfield Sites”, dated March 1, 2005. This application must summarize available site information, including soil, soil vapor, and ground water sampling results, planned land uses, and a conceptual management plan to be implemented as part of the planned development. The selected oversight agency shall determine whether remediation is required to address residual contamination in soil, soil vapor, and/or ground water on the site. All requirements of the oversight agency shall be followed, and any remediation activities shall be completed in accordance with all applicable Federal, State, and	Project proponents. Prior to the issuance of demolition and site development permits.	Department of Toxic Substances Control (DTSC)/Regional Water Quality Control Board (RWQCB) Application for Oversight Agency Selection Conformance with State and Federal regulations. All measures will be printed on all construction documents, contracts, and project plans and will be reviewed	Director of Community Development and DTSC/RWQCB

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>local regulations.</p> <p><u>MITIGATION MEASURE HAZ-2:</u> Locating and removing the sources of contamination beneath each development site would not be feasible because some of the VOCs in the ground water beneath the sites originate offsite. Therefore, the developers will likely be required by the oversight regulatory agency to create an impermeable membrane (for example, using an asphalt-based spray), beneath each of the residences on the site to ensure VOCs do not affect the inhabitants of the proposed residences. The specific methods used will be determined by the oversight regulatory agency.</p> <p><u>MITIGATION MEASURE HAZ-3:</u> A hazardous materials licensed contractor shall conduct construction earthwork activities with properly trained employees in areas where contaminated soil or ground water exceed residential screening levels. Employees conducting earthwork activities at the site must complete a 40-hour training course, including respirator and personal protective equipment training. Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations that includes the</p>		<p>by the Director of Community Development.</p>	

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	<p>requirements and procedures for employee protection.</p> <p><u>MITIGATION MEASURE HAZ-4:</u> Cleanup and remediation of the site will be required to meet all applicable Federal, State, and local regulations.</p> <p><u>MITIGATION MEASURE HAZ-5:</u> Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Contaminated soils shall be disposed of at a licensed facility.</p> <p><u>MITIGATION MEASURE HAZ-6:</u> Any remaining storage tanks on the site shall be properly closed and removed according to the City of Sunnyvale Department of Public Safety standards prior to development. Any remaining wells on the site shall be properly closed and removed/abandoned in accordance with the Santa Clara Valley Water District's procedures and requirements.</p> <p>Less Than Significant Impact with Mitigation</p>			

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p><u>IMPACT HAZ-4:</u> Demolition of the existing structures and facilities on the site could result in the upset or accidental release of hazardous materials which may be present.</p> <p>Significant Impact Prior to Mitigation</p>	<p><u>MITIGATION MEASURE HAZ-7:</u> ACBMs and lead-based paint may be present in the existing buildings on the site. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require that all potentially friable ACBMs be removed prior to building demolition or renovation that may disturb ACBMs. Each proposed development project on the site shall conform to the standard requirements described in the <i>Impacts</i> discussion above for avoiding impacts associated with ACBMs.</p> <p><u>MITIGATION MEASURE HAZ-8:</u> Prior to demolition and redevelopment of properties with industrial buildings, the chemical storage and use history shall be researched for each facility and the closure requirements by local regulatory agencies (<i>i.e.</i>, City of Sunnyvale Department of Public Safety) shall be met.</p> <p><u>MITIGATION MEASURE HAZ-9:</u> During site demolition, care shall be taken when removing the various sump and underground structures located across the property. Soil and sludge contaminated above acceptable regulatory guidelines shall be appropriately disposed off-site at a licensed facility.</p>	<p>Project proponents.</p> <p>Prior to demolition and redevelopment of properties with industrial buildings.</p>	<p>Conformance with State and Federal regulations. All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development.</p>	<p>Director of Community Development, Director of Public Works, and the Santa Clara Valley Water District</p>

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	<p><u>MITIGATION MEASURE HAZ-10:</u> Fluorescent lights present in the buildings on the site shall be disposed at an appropriate recycling facility. In addition, other mercury-containing products, such as heating-ventilation and air conditioning (HVAC) system thermostats, pilot light sensors, and other mercury-containing electrical components and switches, shall be properly handled and disposed at an appropriate facility.</p> <p><u>MITIGATION MEASURE HAZ-11:</u> The project applicant shall submit plans showing the existing wells on the site to the selected oversight agency for review and approval before demolition of the existing buildings. The existing wells on the site shall be abandoned in accordance with the Santa Clara Valley Water District standards and procedures.</p> <p><u>MITIGATION MEASURE HAZ-12:</u> A qualified environmental professional shall be present during demolition and stripping of the site, to identify possible soil contamination and hazards.</p> <p>Less Than Significant Impact with Mitigation</p>			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
TRANSPORTATION				
<p><u>IMPACT TRANS-1:</u> Future build-out of the site under the proposed GPA scenario would result in significant impacts to two City of Sunnyvale intersections: Fair Oaks Avenue/Arques Avenue and Stewart Drive/Duane Avenue.</p> <p>Significant Impact Prior to Mitigation</p>	<p><u>MITIGATION MEASURE TRANS-1:</u> The LOS impact at Fair Oaks Avenue and Arques Avenue could be mitigated by providing an exclusive eastbound right-turn lane. The mitigation includes reconstructing the eastbound leg of the intersection, which would entail removal of street parking, shifting and reducing the width of the travel lanes, and/or acquiring some right-of-way. Reconfiguring the eastbound leg would involve re-striping and traffic signal modifications. This mitigation measure would improve the intersection level of service to better than 2020 baseline conditions.</p> <p><u>MITIGATION MEASURE TRANS-2:</u> The LOS impact at Stewart Drive and Duane Avenue could be mitigated by converting the westbound shared through/right-turn lane into an exclusive right-turn lane, and converting the shared through/left-turn lane into a shared left/through/right lane. This improvement would require signal modifications and re-striping only; no additional right-of-way would be required. This mitigation measure would improve the intersection level of service from LOS F to an acceptable LOS D. The project proponents on the overall ITR site would be required to contribute</p>	<p>Project proponents on the overall ITR site would be required to contribute their proportionate fair-share of funds to implement the necessary improvements.</p>	<p>All signal improvements will be designed and reviewed by the Transportation and Traffic Manager.</p>	<p>Director of Community Development and the Transportation and Traffic Manager</p>

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	their proportionate fair-share of funds to implement the necessary improvements. Less Than Significant Impact with Mitigation			
AIR QUALITY				
IMPACT AIR-2: The long-term GPA scenario would generate an increase in emissions exceeding the thresholds of significance for reactive organic gases. Therefore, the proposed GPA scenario would have a significant impact on regional air quality. Significant Impact Prior to Mitigation	MITIGATION MEASURE AIR-2: The project shall include and implement measures identified by the BAAQMD to reduce emissions at the permit stage for each redevelopment project, to the satisfaction of the Director of Community Development and the Transportation and Traffic Manager, including the following: <ul style="list-style-type: none"> ○ Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stops and nearby commercial areas. ○ Provide secure and conveniently placed bicycle parking and storage facilities at parks, stores, and other facilities in conformance with the requirements of the Zoning Ordinance. ○ Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel. 	Project proponents.	All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.	Director of Community Development and the Transportation and Traffic Manager

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	<ul style="list-style-type: none"> ○ Provide transit information kiosks. ○ Provide preferential parking for electric or alternatively-fueled vehicles in the commercial development. <p>Significant Unavoidable Impact</p>			
<p>IMPACT AIR-4: The effects of demolition and construction activities would be increased dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust may impact nearby properties, particularly the existing residential areas to the north, northwest and east.</p> <p>Significant Impact Prior to Mitigation</p>	<p>MITIGATION MEASURE AIR-1: Any future development under the proposed General Plan designation would be subject to the City’s grading ordinance; all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.</p> <p>The following provisions to control dust and exhaust emissions shall be followed by the specific development projects during all site excavation, grading and construction activities:</p> <p>MITIGATION MEASURE AIR-3: All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.</p>	<p>Project proponents.</p> <p>Measures shall be implemented during all site excavation, grading and construction activities.</p>	<p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p>	<p>Director of Community Development</p>

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	<p><u>MITIGATION MEASURE AIR-4:</u> Newly disturbed soil surfaces shall be watered down regularly by a water truck(s) or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems shall not be allowed.</p> <p><u>MITIGATION MEASURE AIR-5:</u> Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operations.</p> <p><u>MITIGATION MEASURE AIR-6:</u> All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.</p> <p><u>MITIGATION MEASURE AIR-7:</u> The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level of less than significant. The following construction practices required by the City of Sunnyvale meet or exceed</p>			

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>the BAAQMD feasible construction dust control measures and will be implemented during all phases of construction on the project site:</p> <ul style="list-style-type: none"> ○ Use dust-proof chutes for loading construction debris onto trucks. ○ Water to control dust generation during demolition of structures and break-up of pavement. ○ Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind. ○ Cover all trucks hauling demolition debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. ○ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. ○ Sweep streets daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site. 			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> ○ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ○ Limit traffic speed on unpaved roads to 15 mph. ○ Install sandbags or other erosion control measures to prevent silt runoff to public roadways. ○ Replant vegetation in disturbed areas as quickly as possible. <p><u>MITIGATION MEASURE AIR-8:</u> Address dust or complaints regarding dust within 24 hours to the satisfaction of City staff (or other authority).</p> <p>Less Than Significant Impact with Mitigation</p>			
NOISE				
<p><u>IMPACT NOISE-1:</u> The proposed project would be exposed to noise levels above the City’s exterior noise goal of 60 dB Ldn and the interior noise goal of 45 dB Ldn.</p> <p>Significant Impact Prior to</p>	<p>All new multi-family residential development will be subject to existing laws, including Title 24, Part 2, of the State Building Code.</p> <p>The following mitigation measures shall be included in the project to reduce impacts from high noise levels upon future residential areas to a less-than-significant level:</p>	<p>Project proponents.</p> <p>Measures shall be included in future site plans for development projects on the site.</p>	<p>Title 24, Part 2, of the State Building Code.</p> <p>All measures will be printed on all construction documents,</p>	<p>Director of Community Development</p>

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Mitigation	<p><u>MITIGATION MEASURE NOISE-1:</u> When developing each future project’s site plan, locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible to reduce exterior noise levels. The final detailed design of the heights and limits of proposed noise barriers shall be completed at the time that the final site and grading plans are submitted.</p> <p><u>MITIGATION MEASURE NOISE-2:</u> Project-specific acoustical analyses are mandated by the State for new multi-family uses where noise levels exceed 60 dBA L_{dn}. Each future development project on the site shall complete a detailed analysis during the design-level of the project to select appropriate windows and wall assemblies to meet interior noise standards. The analyses shall meet the following noise reduction requirements.</p> <ul style="list-style-type: none"> • Interior average noise levels shall be reduced to 45 dBA L_{dn} or lower to meet State and local standards. • Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units exposed to exterior noise levels greater than 60 dBA L_{dn}. 		contracts, and project plans and will be reviewed by the Director of Community Development	

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>so that windows could be kept closed at the occupant's discretion to control noise.</p> <ul style="list-style-type: none"> • Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required for new residential uses adjacent to perimeter roadways. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. • Buildings with the greatest exposure to noise from Duane Avenue and Lawrence Expressway may require windows with sound insulation ratings ranging from approximately STC 28 to STC 33, depending on the size and shape of windows and rooms. These ratings can be achieved using well sealed dual pane windows with various glazing configurations. 			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.</p> <p>Less Than Significant Impact with Mitigation</p>			
<p><u>IMPACT NOISE-3:</u> The proposed redevelopment of the site would result in significant short-term increases in noise levels in the project area, especially during grading, below grade work, and pile driving.</p> <p>Significant Impact Prior to Mitigation</p>	<p><u>MITIGATION MEASURE NOISE-3:</u> Post signs at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site and day and evening contact number for the City in the event of problems.</p> <p><u>MITIGATION MEASURE NOISE-4:</u> The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. Notify neighbors of the schedule and type of equipment that would be used for each phase of construction.</p>	<p>Project proponents.</p> <p>To be implemented during all demolition and construction phases by the contractors.</p>	<p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p>	<p>Director of Community Development</p>

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p><u>MITIGATION MEASURE NOISE-5:</u> Limit construction hours to between 7:00 AM and 6:00 PM on weekdays, and between 8:00 AM and 5:00 PM on Saturdays.</p> <p><u>MITIGATION MEASURE NOISE-6:</u> Utilize “quiet” air compressors and other stationary noise sources where technology exists. Locate noisy stationary equipment (e.g., generators and compressors) away from the most sensitive adjacent uses.</p> <p><u>MITIGATION MEASURE NOISE-7:</u> Require that all construction equipment be in good working order and that mufflers are inspected for proper functioning.</p> <p><u>MITIGATION MEASURE NOISE-8:</u> Designate a construction noise coordinator. This coordinator shall be available to respond to complaints from neighbors and take appropriate measures to reduce noise.</p> <p><u>MITIGATION MEASURE NOISE-9:</u> If pile driving is required, implement site-specific noise and vibration attenuation measures under the supervision of a qualified acoustical consultant such as the following measures:</p>			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> • Multiple pile drivers shall be considered to expedite this phase of project construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced. • Temporary noise control blanket barriers shall shroud pile drivers. Such noise control blanket barriers can be rented and quickly erected. • The contractor shall pre-drill pile holes to minimize the number of blows required to seat the pile for all piles driven within 200 feet of sensitive land uses. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. The associated noise reduction would be based on the soil conditions of the site. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the adjacent noise sensitive facilities so that construction activities and the event schedule can be 			

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>scheduled to minimize noise disturbance.</p> <ul style="list-style-type: none"> Notify land uses located within 200 feet of pile driving activities of the construction schedule in writing. <p>Less Than Significant Impact with Mitigation</p>			
<p>IMPACT NOISE-4: The proposed residential units at the northern end of the AMD development site along Duane Avenue, and on the Taylor Woodrow development site along Lawrence Expressway, would be exposed to noise levels above the City’s exterior noise goal of 60 dB Ldn and the interior noise goal of 45 dB Ldn.</p> <p>Significant Impact Prior to Mitigation</p>	<p>MITIGATION MEASURE NOISE-10: Project-specific acoustical analyses are mandated by the State for new multi-family uses where noise levels exceed 60 dBA L_{dn}. Each future development project on the site shall complete a detailed analysis during the design-level of the project to select appropriate windows and wall assemblies to meet interior noise standards. The analyses shall meet the following noise reduction requirements.</p> <ul style="list-style-type: none"> Interior average noise levels shall be reduced to 45 dBA L_{dn} or lower to meet State and local standards. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units exposed to exterior noise levels greater than 60 dBA L_{dn}, so that windows could be kept closed at the occupant’s discretion to control noise. 	<p>Project proponents.</p> <p>To be implemented during design and construction phases.</p>		

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required for new residential uses adjacent to perimeter roadways. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. <p>Buildings with the greatest exposure to noise from Duane Avenue and Lawrence Expressway may require windows with sound insulation ratings of approximately STC 30 or greater, depending on the size and shape of windows and rooms. These ratings can be achieved using well sealed dual pane windows with various glazing configurations.</p> <p>Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.</p> <p>Less Than Significant Impact with Mitigation</p>			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>IMPACT NOISE-6: The proposed specific development projects would result in significant short-term increases in noise levels in the project area, especially during grading, below grade work, and pile driving.</p> <p>Significant Impact Prior to Mitigation</p>	<p>MITIGATION MEASURE NOISE-11: Each specific development project shall be required to implement the mitigation measures described above under General Plan Amendment Mitigation (Mitigation Measures Noise 3-9). With implementation of these measures on each specific site, short-term noise impacts would be reduced to a less than significant level.</p> <p>Less Than Significant Impact with Mitigation</p>	<p>Project proponents.</p> <p>To be implemented during all demolition and construction phases by the contractors.</p>	<p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p>	<p>Director of Community Development</p>
CULTURAL RESOURCES				
<p>IMPACT CULT-1: Development of the project site could result in a significant impact to buried cultural resources which could be present on the site.</p> <p>Significant Impact Prior to Mitigation</p>	<p>MITIGATION MEASURE CULT-1: Prior to the initiation of construction or ground-disturbing activities at the southwest corner of the East Sunnyvale ITR project, a qualified professional archaeologist shall undertake a presence/absence testing program to identify the horizontal and vertical extent of any potential buried archaeological deposits associated with CA-SCI-9 or other as yet unknown cultural resources at this location within the project parcel. The testing program shall be implemented with the results presented in <i>Presence/Absence Testing Report</i> commensurate with the findings. Any</p>	<p>Project proponents.</p> <p>To be implemented during all ground-disturbing demolition and construction phases by the contractors.</p>	<p>All measures will be printed on all construction documents, contracts, and project plans and will be reviewed by the Director of Community Development prior to the issuance of permits.</p>	<p>Director of Community Development</p>

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>recommendations for treatment of a significant resource shall be presented in the report.</p> <p><u>MITIGATION MEASURE CULT-2:</u> Prior to the initiation of any construction that has the potential for ground-disturbing activities within the GPA project area, the project proponent shall inform all construction personnel of the potential for exposing subsurface cultural resources at the project components and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.</p> <p><u>MITIGATION MEASURE CULT-3:</u> Archaeological monitoring on a full-time basis by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within and within a radius of 100 feet to CA-SCI-9. The archaeologist shall maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p>			

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p><u>MITIGATION MEASURE CULT-4:</u> Archaeological monitoring on less-than-full time basis with the frequency and duration to be determined by a Professional Archaeologist shall be undertaken during any subsurface construction that disturbs native sediments within the East Sunnyvale ITR parcel. The archaeologist shall maintain a log of his/her observations and complete a <i>Monitoring Closure Report</i> at the completion of monitoring detailing any observations.</p> <p><u>MITIGATION MEASURE CULT-5:</u> Excavation contracts for development shall contain provisions for stop-work in the vicinity of an archaeological find in the event of the exposure of significant cultural resources during subsurface construction. In addition, the contract documents shall recognize the need to implement any mitigation conditions required by permitting and regulatory agencies. The appropriate construction conditions should be included within the <i>General Conditions</i> section of any contract that has the potential for ground disturbing operations.</p> <p><u>MITIGATION MEASURE CULT-6:</u> If any unanticipated prehistoric or significant historic era cultural materials including Native American burials are exposed during construction grading</p>			

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>and/or excavation, operations should stop within a minimum of 10 feet of the find to avoid altering the cultural materials and their context and a qualified Professional Archaeologist retained for identification, evaluation and further recommendations. The Community Development Director of the City shall be notified of the discovery. Construction work shall not begin again within the find area until the archaeologist has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed</p> <p>If the discovery is determined to be a unique archaeological or historical resource under the criteria of the <i>California Register of Historical Resources</i> after review and evaluation by a Professional Archaeologist, and if avoidance of the resource is not possible, the Professional Archaeologist shall develop plans for treatment of the find(s) and mitigation of impacts acceptable to the City of Sunnyvale. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The</p>			

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Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>project proponent shall make every effort to insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed.</p> <p>If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the Santa Clara County Medical Examiner.</p> <p>Less Than Significant Impact with Mitigation</p>			
UTILITIES AND SERVICE IMPACTS				
<p>IMPACT UTIL-2: Buildout of the proposed project would increase sewage flows from the site and these flows could exceed the capacity of the existing downstream sewer system as well as the existing sewer mains in the immediate site area.</p> <p>Significant Impact Prior to</p>	<p>MITIGATION MEASURE UTIL-1: The mitigation for this impact would be to increase the capacity of the Lawrence Expressway trunk line, through construction of a parallel line for the length of the capacity constraint. As individual properties on the overall ITR site develop, the project proponents on the overall ITR site may be required to conduct further specific sewer capacity discharge analyses, depending on ultimate location, and size, nature, and intensity of</p>	<p>Project proponents.</p> <p>Additional, site-specific sewer capacity discharge analyses may be required during the project design process.</p>		<p>Director of Community Development and Director of Public Works</p>

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The East Sunnyvale ITR Project**

Impact	Mitigation or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Mitigation	<p>development. The project proponents would be required to contribute their proportionate fair-share of funds to implement any necessary sewer system improvements.</p> <p><u>MITIGATION MEASURE UTIL-2:</u> When additional development projects are proposed on the site, all future development projects shall complete site-specific engineering and design of the sanitary sewer system on-site, and shall determine the most appropriate method for connecting to the downstream trunk line in Lawrence Expressway, to the satisfaction of the Director of Public Works. Each site-specific future development project would be responsible for installing any sewer line upgrades or connections deemed necessary by the City to accommodate the anticipated peak loads.</p> <p>Less Than Significant Impact with Mitigation</p>			

Project Title	Stewart Village: Application (#2013-7642) for a Special Development Permit to allow the construction of 16 residential rental dwelling units and modifications to the Conditions of Approval for Special Development Permit #2012-7381.
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Shaunn Mendrin, Senior Planner
Phone Number	408-730-7429
Project Location	955 Stewart Drive , between Lawrence Expressway and Duane Drive
Applicant's Name	Irvine Company
Project Address	955 Stewart Drive
Zoning	MS/ITRR3
General Plan	Industrial to Residential Medium Density
Other Public Agencies whose approval is required	None

DESCRIPTION OF THE PROJECT:

The proposed project is a Special Development Permit to allow 16 townhome-style condominiums and Vesting Tentative Map.

DETAILED PROJECT DESCRIPTION:

On-site Development: Industrial Research and Development. The site is currently vacant and covered with asphalt (former parking area). The adjacent property to the east and south are being developed with 186 residential rental units, which were approved as part of Planning Application 2012-7381. The project site is located on a parcel that was to be dedicated as park land for Planning Application 2012-7381; however, the City chose not to accept the land. The proposed project would result in the demolition of the existing paving, regarding of the site for the construction of 16 residential units to be integrated into the development currently under construction.

Construction Activities and Schedule: Construction is anticipated to begin in 2013 and will take approximately two years to complete construction.

Surrounding Uses and Setting: The subject site is located within the East Sunnyvale Industrial to Residential Area, bounded by Lawrence Express Way and De Guigne Drive and Stewart Drive

and East Duane Avenue. To the north of the project site is a residential development currently under construction. Industrial uses are located to the east, west and south.

Off-site Improvements: All off-site improvements are being constructed under the previous Planning Application. The project will require a minor change in the sidewalk location on Indian Wells, which is noted on the project plans.

Previous Environmental Review: The subject site was evaluated in 2007 (East Sunnyvale ITR FEIR) to allow the conversion of the site from Industrial to Residential. The proposed project is consistent with the environmental document and all applicable Mitigation Measures shall be incorporated into the Conditions of Approval for the project. See Mitigation Monitoring and Reporting Program (Attached, Exhibit 1). In 2011, a housing proposal for 161 townhouse units was reviewed through a Mitigated Negative Declaration and approved by the Planning Commission. On May 13, 2013 the Planning Commission approved a Special Development Permit to allow 186 residential units on the site. This application (2013-7642) is to allow 16 units on a vacant site which was originally intended to be dedicated as park.

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.

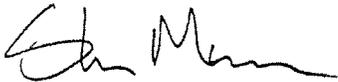
Checklist Planner Name: Shaunn Mendrin, AICP

Date: 8/29/13

Title: Senior Planner

City of Sunnyvale

Signature:



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

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
8. Land Use Planning – Conflict with the Sunnyvale General Plan, Zoning Ordinance, San Francisco Bay Conservation and Development Commission (BCDC) area or related specific plan adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan • Title 19 (Zoning) of the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
9. Transportation and Traffic - Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Parking Requirements (Section 19.46) in the Sunnyvale Municipal Code http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_46&frames=off
10. For a project located within the Moffett Field AICUZ or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Moffett Field Air Installations Compatible Use Zones (AICUZ) • Sunnyvale Zoning Map • Sunnyvale General Plan Map • www.sunnyvaleplanning.com
11. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • There are no private airstrips in or in the vicinity of Sunnyvale
12. For a project within the vicinity of Moffett Federal Airfield, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Moffett Field Air Installations Compatible Use Zones (AICUZ) Study Map
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Sunnyvale Zoning Map • www.sunnyvaleplanning.com
14. Noise - Exposure of persons to or generation of noise levels in excess of standards established in the Noise Sub-Element, Noise limits in the Sunnyvale Municipal Code, or applicable standards of the California Building Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • 19.42 Noise Ordinance • http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off • Project Noise Study
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • Project Description

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
16. Noise - A substantial permanent or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Safety and Noise Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • Project Noise Study
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
18. Biological Resources - Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
19. Biological Resources - Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • SMC 19.90 Tree Preservation Ordinance Sunnyvale Inventory of Heritage Trees
21. Biological Resources - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • General Plan Map • Project Description
22. Historic and Cultural Resources - Cause a substantial adverse change in the significance of a historical resource or a substantial adverse change in an archeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Community Character Chapter of the Sunnyvale General Plan • Sunnyvale Inventory or Heritage Resources • The United States Secretary of the Interior's "Guidelines for Rehabilitation" • Criteria of the National Register of Historic Places

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

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

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

2. Aesthetics (Less than Significant) - The proposed project will result in the transition of the site from industrial uses to residential uses. The proposed project is subject to the City-Wide Design Guidelines and the design of the new structure and site layout will be in general conformance with the adopted design guidelines. The project has been designed to fit in with the current development located on the same site. 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 degrade the visual character or quality of the site and its surroundings. As a result, the impacts will be less than significant.

14. Noise (Less than Significant with Mitigation) - The project may introduce short-term temporary sources of noise to the project area during construction. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality regulations, this impact will be lessened to a less than significant level during construction.

The new residential units will be located within close proximity to existing industrial uses which may result in higher levels of existing noise. The applicant submitted a noise study prepared by Charles M Salter Associates (dated May 16, 2012) analyzing the existing exterior noise levels at the site, both short term and long term, over a period of 48-hours, between 22nd and 26th of July 2010. The applicant submitted a supplemental letter from Charles Salter and associates (dated July 29, 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.

When determining if noise generated from adjacent streets and surrounding uses is at acceptable levels for a project, the Noise & Safety Chapter of the General Plan is typically applied to projects. The Sub-Element requires noise exposure levels between 60 and 75 dbA as "Conditionally Acceptable", subject to an analysis of the necessary noise reduction requirements. Inclusion of required noise-mitigation features in the design will be necessary. The mitigation measures must be capable of reducing the interior noise levels due to exterior sources to 45 db or less.

As discussed in the previous noise study, the average dBA of noise measured at different locations on the site ranged between 59-78 dBA, including both short-term and long-term measurements. From the compiled data of single-event noise, the max was measured at 78 dBA adjacent approximately 35 feet from existing mechanical equipment located at the remaining industrial building at 975 Stewart Drive. These noise levels were used to determine the mitigation to meet the City's maximum noise goals. Based on acoustical measurements, the future noise levels at the proposed setback of the homes would range from DNL 60 dBA to 70 dBA. All of these measured noise levels would be considered "conditionally acceptable" per the City's Noise & Safety Element. Residences facing Stewart Drive and those facing 975 Stewart are exposed to the highest noise levels, DNL 78 dBA, due to the 24 hour operation of mechanical equipment. Noise levels at the community center and outdoor pool are estimated to be less than 60 dBA, which acceptable for outdoor space. The following noise-reducing measures would be required to comply with City's interior noise standards and to reduce the impact to a less than significant level.

This could be accomplished through the following mitigation measures:

WHAT: 1) Based on the type of construction and the exterior noise levels, sound-rated windows are required to achieve the interior noise standard of DNL 45 dB. Standard dual panel thermal windows will be sufficient to meet the City and State requirements.

2) 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.

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

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

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

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

17. Biological Resources (Less than Significant) – The 2007 East Sunnyvale FEIR found that there is the potential for Burrowing Owls and Raptors to be located with the plan area. Generally, Burrowing Owls locate in undisturbed landscape; however, there have been instances where they have used stairwells and secluded architectural elements for nesting areas on vacant buildings. Raptors generally locate within taller trees for

nesting areas. The breeding and nesting period for both burrowing owls and raptors is generally between January through August. The 2007 East Sunnyvale FEIR identified mitigations for potential impacts to burrowing owls and raptors if construction is to occur during this time. A biological reconnaissance survey was completed on July 12, 2012, which found that there were no burrowing owls on the site and that the existing trees could support raptors. The survey stated that this should not be an issue as long as construction starts before the nesting season. Construction and site disturbance has started in the summer of 2013 (for earlier project phases), which will deter any burrowing owls or raptors from nesting on the site in the spring of 2014. The mitigations in 2007 East Sunnyvale FEIR will apply to this project and therefore are a less than significant impact.

23. Historic and Cultural Remains (Less than Significant with Mitigation) – The proposed project includes grading and land disturbance for improvements associated with the tentative map. Although the East Sunnyvale FEIR indicated that there were no recorded archeological sites for the subject site, there still remains the possibility of discovery of Native American remains and that disturbance would result in a significant impact unless mitigated. Therefore, the following mitigation measure has been included to reduce the impact to a less than significant level:

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

2) To make an adequate determination in these particular instances, the archaeologist shall conduct a preliminary field inspection to: (1) assess the amount and location of visible ground-surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit), or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

3) 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.

4) 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.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and *CEQA Guidelines* section 15126.4(b) shall apply.

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 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.

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

29. Air Quality (Less Than Significant) - Implementation of the proposed project would increase the number of dwelling units within the City of Sunnyvale. An increase in dwelling units typically results in an increase in traffic, which results in an increase in local and regional pollutant levels. BAAQMD does not require project specific analysis for projects proposing less than 520 apartments/condominiums (which is expected to generate fewer than 2,000 daily vehicle trips). If a project does not exceed the threshold, it is typically assumed to have a less than significant impact on air quality. Since the project proposes 16 units, far less than the 520 unit threshold, and would generate fewer than 2,000 daily vehicle trips, it is assumed to result in a less than significant long-term air quality impact.

30. Air Quality (Less than Significant with Mitigation): The project will require grading of the site, including demolition and removal of the existing hardscape. This may introduce temporary and short-term dust into the air, and therefore temporarily affect air quality. Nearby residents could be affected by the change in air quality if mitigation is not implemented. Through the City's implementation of the Municipal Code's construction regulations and the Bay Area Air Quality Management District (BAAQMD) regulations, this impact will be lessened to a less than significant level during construction.

This could be accomplished through the following mitigation measures:

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

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

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

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

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

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 8/29/13

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

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Land Use and Transportation Chapter of the Sunnyvale General Plan • www.sunnyvaleplanning.com • 2009 VTA Congestion Management Program

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

The proposed project is consistent with the density indicated within the East Sunnyvale ITR FEIR and all applicable mitigations will be applied to the project approval. None required.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 8/29/13

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

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

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

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

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
49. Utilities and Service Systems - Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
50. Utilities and Service Systems - Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
51. Utilities and Service Systems - Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
52. Utilities and Service Systems - Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
53. Utilities and Service Systems - Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
54. Utilities and Service Systems - Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Environmental Management Chapter of the Sunnyvale General Plan
55. Hydrology and Water Quality - Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Regional Water Quality Control Board (RWQCB) Region 2 Municipal Regional Permit

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

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

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

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 8/29/2013

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

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

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 8/29/13

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

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

Item 64. Hazards and Hazardous Materials (Less than Significant, with Mitigation) – According to the City’s Hazardous Materials Coordinator, there are companies that are currently permitted for hazardous materials in the immediate area (specifically 975 Stewart Drive). Based on types of materials and quantities stored on-site, the City’s Hazardous Materials Coordinator has indicated that the nearby companies could pose a significant risk if an accidental release occurred. The current tenants at 975 Stewart Drive have indicated that they will be located at the site no more than five years. The project proponent has received entitlements construct 57 residential rental units on the site; however the timing of the new development may be dependent on the extent of the current lease. To ensure the safety of future residents at 955 Stewart Drive, an Emergency Response Plan will be required. The consultant preparing the Emergency Response Plan has indicated that additional setbacks will not be required as part of the plan due to the predominant weather pattern in the area. The Emergency Response Plan will reduce the potential significant impact to less than significant with the following mitigation measure:

WHAT: The applicant shall develop an Emergency Response Plan for the future residents at the site. The plan shall include the following components:

- Introduction
- Response Plan Guidelines
- Emergency Team Definition
- Emergency Response Plan
- Specific Emergency Response Procedures
- The plan shall be reviewed and updated annually.

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 and included in the CCRs associated with the development. The conditions will become valid when the SDP is approved and prior to building permit issuance.

WHO: The applicant shall draft and submit the mitigation measure for review and approval of the Director of Community Development. The property owner will be solely responsible for implementation and maintenance of the mitigation measures.

HOW: These mitigation measures will be required to be completed prior to building permit issuance.

Item 67. Hazards and Hazardous Materials (Less than Significant, with Mitigation) – The site was identified as having the potential for soil and ground water contamination in the 2007 East Sunnyvale EIR. The adopted EIR included several mitigation measures to reduce the potential impacts to a less than significant level (see Exhibit 1). These mitigations have been included in the Conditions of Approval for the project.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 8/29/13

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

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

69. & 70. Recreation (Less than Significant) The project will generate an increase in the use of existing park facilities, but this impact is less than significant because the project will comply with the City's Park Dedication requirement, providing park land for dedication.

Responsible Division: Planning Division

Completed by: Shaunn Mendrin

Date: 8/29/13

ENVIRONMENTAL SOURCES

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City of Sunnyvale General Plan:

Sunnyvale General Plan Consolidated in (2011)
generalplan.InSunnyvale.com

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

City of Sunnyvale Municipal Code:

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

Specific Plans:

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

Environmental Impact Reports:

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

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

Maps:

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

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

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

Lists / Inventories:

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

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

Guidelines and Best Management Practices

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

Transportation:

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

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

Public Works:

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

Miscellaneous Agency Plans:

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

Building Safety:

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

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OTHER :

Project Specific Information

- Project Description
- Sunnyvale Project Environmental Information Form
- Project Development Plans dated 8/22/13
- Project Noise Study, 7/29/13
- Field Inspection
- Project construction schedule
- Project Draft Storm Water Management Plan
- Project Tree Inventory, 12/22/2010
- Project Green Building Checklist
- Geotechnical Investigation, 8/2/2010

Please see
Planning Commission
web page for
Attachment F

**Council Meeting: June 25, 2013****SUBJECT: 955 Stewart Drive Park-Land Dedication Requirements – INFORMATION ONLY****BACKGROUND**

On August 13, 2012, the Planning Commission approved the planning application submitted by the Irvine Company for 955 Stewart Drive. The approval was for a Special Development Permit for 186 residential rental units, Vesting Tentative Map and Mitigated Negative Declaration. The project had a number of conditions of approval including the possible dedication and improvement of approximately 0.62 acres of property for public park purposes. The proposed park property is adjacent to the new City owned 1.0 acre park located at 545 Santa Real Avenue (Attachment A).

The 955 Stewart Drive Project had four conditions of approval related to the park proposal. In summary the park related conditions of approval state the following:

- Establish payment options for the park in-lieu fees and land dedication;
- The land will be free of contamination or hazardous material or will be mitigated below levels of concern for unrestricted public use;
- The developer would provide environmental insurance or an alternative method of indemnification for any environmental issues including ground water contamination or toxic plume; and
- All park improvements would be completed prior to occupancy of the residential units.

The City has established park-land dedication standards (Attachment B), and prior to acceptance of any land for park purposes, staff needs to make a determination as to whether it meets these requirements. In general the requirements are that any property taken for park-land purposes shall be clean and clear of any encumbrances. The key specific requirements for the 955 Stewart Drive site are that “any hazardous materials or constituents of concern on the property are below current Environmental Screening Limits (ESL)” and “Proposal of remediation and/or clean up measures so that all contaminants or constituents of concern can be demonstrated to be below any applicable federal or state regulatory agencies respective ESL for non-restricted residential use.”

ANALYSIS

City Staff and consultants have worked with the Irvine Company over a number of months reviewing the results of the environmental testing and proposed mitigations for the proposed park site. The environmental testing and analysis process consisted of a review of soil contamination, groundwater contamination,

and soil vapor contamination. Below is a brief summary:

- Soil contamination exceeded ESL levels but included an acceptable mitigation strategy to reduce the contamination below the ESL.
- The groundwater contamination exceeded drinking water maximum contaminant level; however the City did not anticipate or propose use of groundwater for drinking purposes.
- The results for soil vapor contamination showed that the site exceeds the ESL for non-restricted residential use for both Naphthalene and Benzene. No mitigation was feasible.

Since the proposed park-land cannot meet the City standard for soil vapor contamination, staff has determined that it should not be accepted as a city park.

Per the conditions of approval the project required a total park fee of approximately \$3.0 million or 1.00 acre of land dedication. The proposed park dedication satisfied a contribution of 0.62 acres at an approximate value of \$2.0 million. An approximate \$1.0 million in-lieu payment contribution satisfied the additional 0.38 acres required. Since the proposed park land would not be accepted by the City, the Irvine Company will be required to satisfy their entire park dedication requirements by paying approximately \$3.0 million in park in-lieu fees.

The 0.62 acre parcel could accommodate up to 16 dwelling units (with the Green Building Incentive) in a building type similar to those previously approved. The additional units would require a Special Development Permit and Planning Commission review. They would also be subject to the park in-lieu fees in place when the application is deemed complete by the City, which would be approximately \$370,000.

All fees are estimated and the final amount will be determined at time of payment.

Reviewed by:

Kent Steffens, Director of Public Works

Prepared by: Manuel Pineda, Assistant Director/City Engineer of Public Works

Reviewed by:

Hanson Hom, Director of Community Development

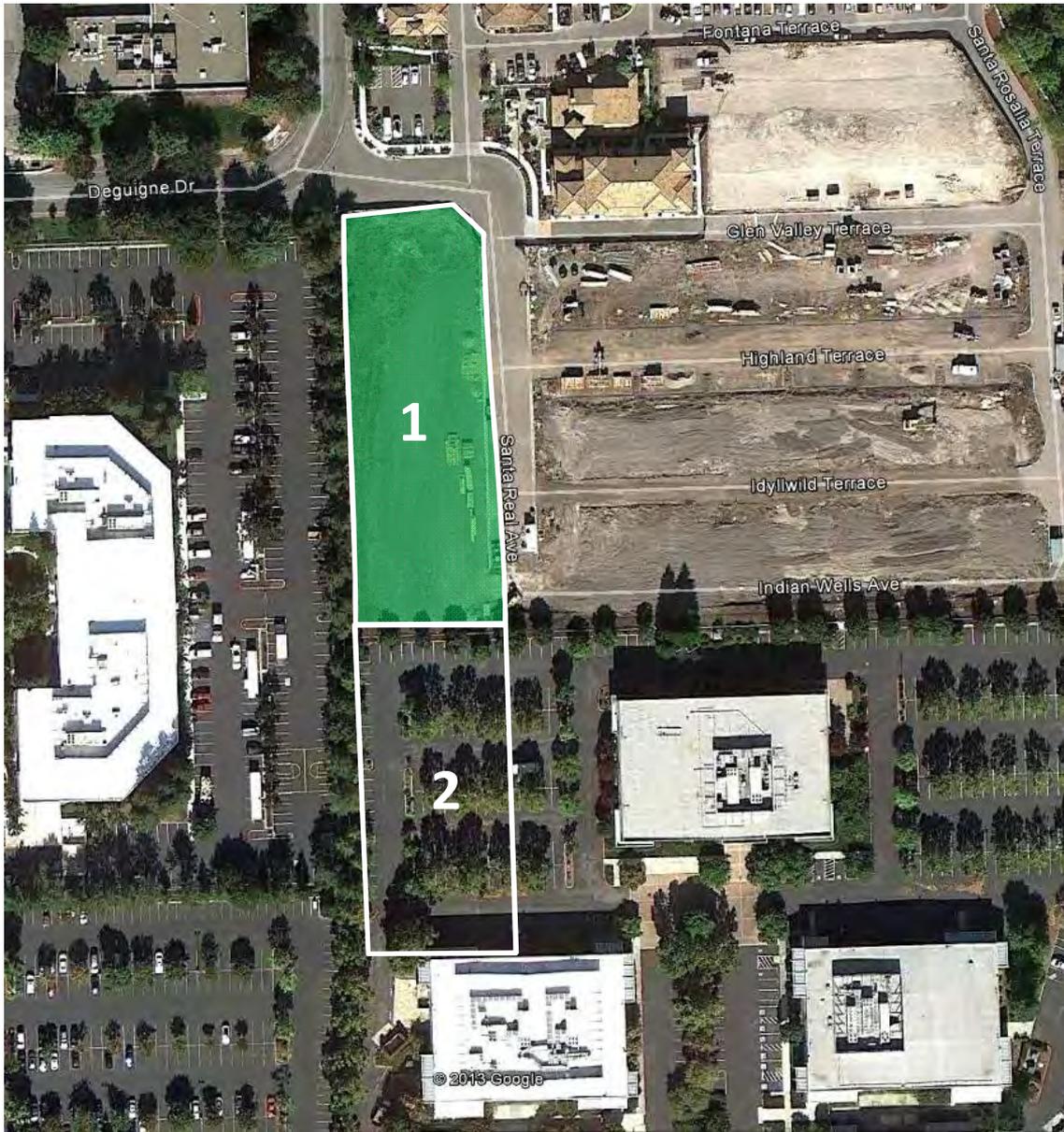
Approved by:

Gary M. Luebbbers, City Manager

ATTACHMENTS

A. Location Map

B. Park-Land Dedication Standards



1 Existing 1.0 acre park

- Constructed as part of adjacent development
- Accepted by the City this year

2 Proposed .62 acre park

- Proposed as part of the Irvine Company Development



Park-land Dedication Standards

The following outlines the City's requirements for park-land dedication sites, if required as part of any land development project.

To maintain the health, welfare and safety of the general public, City would not accept the park-land until the following conditions are met:

1. The site shall be clean and clear of encumbrances. That is, the developer shall provide the City a written document certifying the park-land is clean and clear of encumbrances based upon the following criteria.
 - a. Property must be "Clean"
 - Both Phases I and II environmental reports would need to show that there are no hazardous material or constituents of concern on the property (qualitative).
 - As an alternative to the bullet item above, any hazardous materials or constituents of concern on the property are below current Environmental Screening Limits (ESL), or below Community Health Levels of Concern (quantitative).
 - "On-site Encapsulation" as a remedy is not acceptable by the City.
 - Averaging or blending samples is also not acceptable if there are "hot spots" above the ESLs or other standards.
 - Any open file case with any regulatory agency must be closed with "no restriction" on the site. Closure with covenants, or need for ongoing monitoring, or with any indication of hazardous materials or constituents of concern above ESL's is not acceptable.
 - b. Property must be "Clear"
 - Property should be free and clear of encumbrances of all kinds, including both physical and fiscal. Physically the land should have no buildings, structure, or utilities, above, at, or below ground. The exception would be well-documented utilities in appropriate easements, or other utilities or structures that meet the City's goals. In this case those physical encumbrances must also be clear of hazardous materials or constituents of concern, including the bedding and backfill material.

2. To satisfy item 1.a., the developer is responsible for the following items:
 - a. Submit Phases I and II environmental reports showing that there are no hazardous material or constituents of concern on the property. As an alternative, prepare and pay for a specific environmental testing analysis (the "Analysis"). The minimum requirements of the Analysis shall include, but not necessarily limited to the following items:
 - The Analysis must be for the park-land dedication site as a separate parcel, not part of a larger development. Testing should be done on an established grid system with statistically appropriate grid sizes for the proposed park site area.
 - Identification of any types of contaminants and constituents of concern within the proposed park site, including qualitative and quantitative measurements. Discrete samples must be used. Blending or averaging is not acceptable. Hot spots (above ESLs) must be removed.
 - Proposal of remediation and/or clean-up measures so that all contaminants or constituents of concern can be demonstrated to be below any applicable federal and state regulatory agency's respective Environmental Screening Limits (ESL) for non-restricted residential use. Those regulatory agencies may include and are not limited to: (the Regional Water Quality Control Board, the Bay Area Air Quality District, the State Department of Toxic Substance Control and the San Francisco Bay Refuge, etc.
 - Estimated costs for those remediation and/or clean-ups measures identified in bullet item above.
 - b. Submit the Analysis to the City for City's (or a third party selected by the City) peer review, paid for by developer.
 - c. Take and pay for all necessary removal/remedial actions as recommended by the Analysis and to the City's satisfaction.
 - d. Test the site, by the developer's environmental consultant, to confirm that the removal or remedial work actually resulted in the area having no contaminants above the ESLs, after any removal or remedial actions.
 - e. Provide a report, prepared by the developer's environmental consultant, stating that the site has been tested in a standard and relevant manner and that it is now suitable for unrestricted residential use (the "Report").
3. To satisfy item 1.b., the developer is responsible for the following items:
 - a. Remove all existing buildings, structure, or utilities, above, at, or below ground prior to the date of investigation in the Report.
 - b. Prepare and record a grant deed (or other instrument) with notarization for transferring the property to the City. The instrument should clearly state how the City is acquiring interest either as a fee, right-of-way or parkland dedication. The instrument should also specify the due diligence that the City relied upon in accepting the property as clean and clear.
 - c. Pay for all outstanding taxes and clear all outstanding liens as documented in the title report.
 - d. Coordinate and pay for the title insurance and escrow fees.

4. Other conditions as listed below:
 - a. There has been no activity on site since the time of the investigation in the Report that says that it is clean.
 - b. Any changes to property, use of the property, storage of material or equipment on the property or other activities that could impact the property, occurring after the date of investigation in the Report, are grounds to require additional investigation.
 - c. The site should be fenced to prevent access or illegal dumping commencing from the date of the Analysis, to the extent possible.
 - d. The site should have signs prohibiting dumping or trespassing with a phone number for information that goes to the City commencing from the date of the Analysis.
 - e. The developer is precluded from the determination of when and how the land will be developed as a park.
 - f. Where the developer is required to or agrees to improve the park land, all park land work must be done to City standards, subject to City inspection, and must be maintained by and at the cost to the developer for six months following initial acceptance by the City.