



Council Meeting: February 7, 2012

SUBJECT: **2011-7657 – Peery-Arrillaga / A & P Children Invsllc:**
Application on a 5.2-acre site located at **580 North Mary Avenue** in an M-S Zoning District (APN: 165-41-002) for a **Use Permit** to allow a new 124,095 square foot, 5-story office building resulting in approximately 55% Floor Area Ratio with a new 1.5-story parking structure.

REPORT IN BRIEF:

Existing Site Conditions Single-story industrial building used as a Post Office

Surrounding Land Uses

- North Industrial, R&D, and office uses
- South Industrial, R&D, and office uses (across Maude Ave.)
- East Industrial, R&D, and office uses
- West Industrial, R&D, and office uses (across N. Mary Ave.)

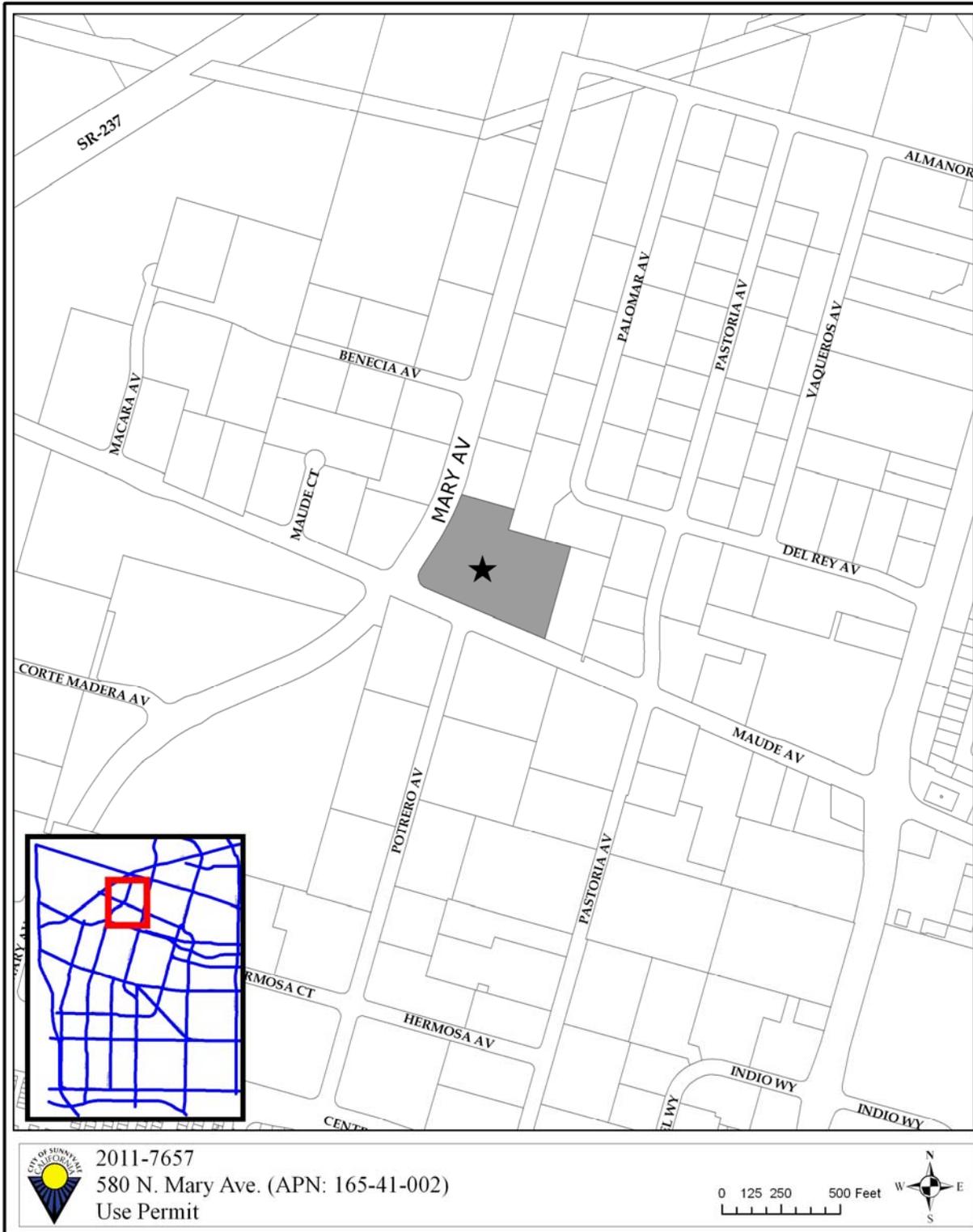
Issues Floor Area Ratio

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

Planning Commission Recommendation Approve the Use Permit with modified conditions requiring installation of a sidewalk along the Maude Avenue frontage

Staff Recommendation Approve the Use Permit in accordance with the Planning Commission recommendation

VICINITY MAP



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industry	Same	Industry
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	225,640	Same	22,500 min.
Gross Floor Area (s.f.)	50,406	124,095 (office) 23,650 (garage)	78,974 max. without CC review
Lot Coverage (%)	22.3%	24.7%	45% max.
Floor Area Ratio (FAR)	22.3%	55.0%	35% max. without CC review
No. of Buildings	1	2 (office building + garage)	N/A
Distance Between Buildings (ft.)	N/A	97'	5' min.
Building Height (ft.)	18'	74'6"	75' max.
No. of Stories	1	5 (office building) 1.5 (parking garage)	8 max.
Setbacks (Facing Property)			
Front (Mary/Maude)	30' / 35'	40' / 109'	35' min.
Left Side	128'	5'	No min.
Right Side	N/A	N/A	
Rear	317'	144'	No min.
Landscaping			
Total Landscaping (s.f.)	54,000	54,396	45,128 min.
% Based on Lot Area	24%	24.1%	20% min.
% Based on Floor Area	107%	43.8%	10% min.
% Based on Parking Lot	45%	56.3%	20% min.
Frontage Width	12' - 20'	20' - 60'	15' min.
Parking Lot Area Shading (%)	Unknown	52%	50% min. in 15 years
Parking			
Total Spaces	310	411	249 min. 496 max.
Standard Spaces	310	411	124 min.
Compact Spaces	0	0	50% max.
Covered Spaces	0	70	No min.
Aisle Width (ft.)	Unknown	26'	26 min.
Bicycle Parking	0	22 (16 Class I, 6 Class II)	21 min. (75% Class I, 25% Class II)

Stormwater			
Impervious Surface Area (s.f.)	199,488	171,244	No max.
Impervious Surface (%)	88.4%	75.9%	No max.

BACKGROUND

Description of Proposed Project

The proposed project will redevelop the site with a new 124,095 square foot five-story office building and a new 2-level parking structure. The project will result in approximately 55% Floor Area Ratio (FAR) and requires approval of a Use Permit by the City Council due to the requested FAR exceeding 35%.

Previous Actions on the Site

Previous planning applications for the site are summarized below:

File No.	Brief Description	Hearing/Decision	Date
1996-0535	Miscellaneous Plan Permit to modify parking lot layout	Staff / Approved	11/15/1996
1975-0052	Use Permit for a Post Office with unenclosed vehicle storage	Planning Commission / Approved	08/11/1975

EXISTING POLICY

General Plan Goals and Policies: The following are key goals and policies from the Land Use and Transportation Element of the General Plan which pertain to the proposed project:

Goal LT-6: Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.

Policy LT-6.2: Balance land use and transportation system carrying capacity necessary to support a vital and robust local economy.

Policy LT-6.4: Encourage sustainable industries that emphasize resource efficiency, environmental responsibility, and the prevention of pollution and waste.

Floor Area Ratio: The standard Floor Area Ratio (FAR) permitted in the M-S Zoning District is 35%. A 10% FAR bonus (to 45%) is granted for new non-residential construction which achieves LEED certification at a Gold level.

Buildings proposing additional FAR above these standards require review and approval of a Use Permit by the City Council. To assist the decision makers in considering approval of higher FAR developments, *Review Criteria for Projects Greater than 35% FAR* were developed by the City Council in 2000. These criteria are required as part of the findings to approve a Use Permit. A list of the review criteria is provided in Attachment A.

Policies Related to Peery Park: The project site is located in the “Peery Park” industrial area, which is characterized by a large number of Class B and C buildings (see Attachment H for a detailed description of office class levels). While the Sunnyvale Municipal Code (SMC) does not require new office buildings to be of a particular class, several past and present City policies encourage renovation and redevelopment in Peery Park.

In 2003, staff developed a five-year *Community Development (CD) Strategy* to apply City resources strategically for community benefit. The goals of the CD Strategy were adopted by City Council and the document was updated in 2005. The CD Strategy identifies Peery Park as one of four industrial zone action areas, and encourages staff to explore incentives for redevelopment of Class C buildings in Peery Park to Class A structures. The CD Strategy notes that attraction of strong growth companies such as bio-technology to the area is an economic development goal.

In 2008, at the sunset of the five-year CD Strategy, the City Council directed staff to study preparation of a Specific Plan for Peery Park to incentivize reinvestment in the area by considering higher FARs, establishing a Development Reserve, and planning for public improvements. This study has been placed on hold due to budget constraints, but its selection by Council provides a further policy context for the project.

Industrial Design Guidelines: The City’s Industrial Design Guidelines (1993) provide recommendations for site planning, architecture, and design. These guidelines are referenced in the discussion and analysis below.

DISCUSSION AND ANALYSIS

Present Site Conditions

The project site is a single 5.2-acre parcel at the northeast corner of North Mary Avenue and Maude Avenue. The site is developed with a single-story concrete tilt-up building and two surface parking lots. The existing building is occupied by the U.S. Postal Service as a Post Office. Existing site access consists of three driveways along Maude Avenue and two driveways along Mary Avenue. Site landscaping includes 56 mature trees in generally good condition.

Project Context: The project site is located in Peery Park near the City's western boundary. The area includes industrial and office projects developed at a variety of FARs in the 1970s and 1980s. Several nearby properties have recently redeveloped with higher FARs. One key example is the HP site (formerly Palm) located at the opposite corner of Mary and Maude. Redeveloped in 1999, the three-building campus has an average FAR of 55% on two lots. Attachment G illustrates current development intensities in the project area.

Use Permit

Use: The proposed project is for a new five-story Class A office building intended for Corporate Office uses. Multiple smaller professional office tenants could also be accommodated within the building; however, the proposed building would not be appropriate for medical office or clinic use based on the parking provided (see Attachment B, Condition of Approval GC-6).

Floor Area Ratio: The *Review Criteria for Projects Greater than 35% FAR* (or greater than 45% FAR with green building bonus) are located in the Recommended Findings in Attachment A along with staff's discussion of the criteria. The applicant has also provided project justifications and discussion of the evaluation criteria which are included in Attachment E. Key project features meeting these criteria include high-quality architecture and site design, green building certification, and a Transportation Demand Management (TDM) Program to reduce trips generated by the project.

Site Layout: The proposed site plan locates a five-story office building near the center of the parcel. A two-level parking structure is located along the north property line with a half level below grade. Site access will be provided by one driveway along Mary Avenue and two driveways along Maude Avenue. A paved patio feature will be located at the corner of Mary and Maude Avenues and is a possible location for the project's required artwork. (See Attachment D for site plans.) The following Guidelines were considered in analysis of the site design:

Industrial Design Guidelines (Site Design)	Comments
<i>A1. New development shall enhance the character of its surrounding area through quality architecture, and landscaping and appropriate site arrangement.</i>	The proposed plan enhances the site and surroundings through high-quality architecture and site design, and by retaining mature trees and integrating them into an upgraded landscape. The siting and design of the building will ensure visibility of its features from streets and surrounding properties.

Industrial Design Guidelines (Site Design)	Comments
<i>A2. New development in an area with an established character shall be compatible with its surrounding development in intensity, design, setback, building form, scale, material, color and landscaping unless there are specific planning goals to change the character of an area.</i>	The proposed project is consistent with the character of other sites in the area which have redeveloped with higher FAR buildings, including the HP/Palm site across Mary and Maude. Redevelopment with Class A buildings in Peery Park is consistent with City policy.
<i>B1. Site components such as structures, parking, driveways, and out-door functions shall be arranged and located to emphasize the aesthetically pleasant components of the site such as existing mature trees and views, or superior architectural features, and disguise its less attractive scenes such as service facilities, outside storage and equipment areas, and trash enclosures through placement and design of structure and landscaping.</i>	The building's high-quality architecture will be visible from streets and surrounding properties. The low-lying parking structure is located along a side property line and screened by landscaping. The trash enclosure is integrated into the rear of the parking garage to minimize visibility. A patio feature is located at the corner of Mary and Maude. The central project driveway is aligned with the building's main entry to create a sense of arrival.

Architecture: The existing building on the site is a one-story concrete tilt-up, which is a typical Class C industrial design found in Peery Park. The proposed Class A building uses high-quality architecture constructed of glass and steel. The building form consists of a central elongated oval flanked by curved areas with terraced roof decks on each level. The architecture generally has a strong horizontal orientation through the lines of glass, but the unique building forms are used to add interest. (See Attachment D for architectural plans.) The following Guidelines were considered in the analysis of the project architecture:

Industrial Design Guidelines (Building Design)	Comments
<i>B1. New buildings shall maintain diversity and individuality in style while improving aesthetic character of their surrounding area</i>	The proposed architectural style is distinctive and of high quality. The design will enhance the aesthetic character of the area which includes several newer Class A buildings. The proposal is consistent with nearby sites while using new forms and colors for variety.
<i>B2. Roof equipment shall be fully screened by parapets, roof screens or equipment wells.</i>	The proposed design includes an integrated roof screen composed of 12-foot tall spandrel glass mimicking a building floor. This element will enhance architectural quality by camouflaging mechanical equipment without use of a separate roof screen.

Industrial Design Guidelines (Building Design)	Comments
<i>B5. Main entrances of the buildings shall be well defined</i>	The building's architecture does not prominently emphasize entrances; instead, site design and landscaping are used to define entrance areas. The main building entrance along Maude Avenue is defined through alignment with the central entry driveway. All building entrances are defined by decorative paving and landscaping.
<i>B6. New buildings shall have at least one major focal point and minor focal point. Focal points should be achieved through horizontal and vertical lines, change in material, change in color, changing the form and shape of a portion of the building, etc. Combining the main entrance and the focal points is encouraged.</i>	The building's unique forms provide several architectural focal points. The pointed ends of the elongated central oval element draw focus on the east and west facades. On the north and south facades, terraced roof decks form focal points. The site design is also developed to create landscaping focal points at the north and south building entrances and at the corner patio feature.
<i>E1. A comprehensive material and color scheme shall be developed for each site.</i>	The proposed office building will be constructed of glass and steel with aluminum mullions between glass panels. The building exterior will be composed primarily of glass in a green-blue color, with metal support columns at the base. The proposed parking garage will be constructed of precast concrete in an off-white color with metal railings.
<i>E3. Large expanses of high reflective surface and mirror glass exterior walls shall be avoided to prevent heat and glare impacts on the adjacent public streets and properties.</i>	The proposed office building will utilize clear glass and spandrel glass along exterior facades to minimize reflection on public streets and adjacent properties. Mirror glass is not proposed. The project site is not adjacent to residential uses.

Landscaping: The project provides approximately 24% of the lot area as landscaping in compliance with current SMC requirements. Landscaping will be located throughout the site and will include a variety of plant materials. There are 56 existing trees on-site, 43 of which are defined as protected by the SMC based on size. Existing trees are generally in good condition, but other site landscaping is minimal. A total of 23 protected trees will be removed for site plan reconfiguration. A significant number of existing protected trees along the project perimeter will be retained. The applicant is also proposing to plant approximately 130 new trees within a significantly upgraded landscape. Staff recommends Condition of Approval BP-11.g (Attachment B) requiring that any

protected tree removed be replaced by a 36-inch box size tree. The project data provided by the applicant indicates the proposal meets the requirement for trees to provide 50% shading of parking and drive aisles within 15 years of planting; however, the shading data have not been calculated correctly. Staff recommends Conditions of Approval PS-1.c and BP-11.a requiring increased shading which will be verified by staff. The following Guidelines were considered in analysis of the project landscaping:

Industrial Design Guidelines (Landscaping)	Comments
<i>A2. All areas not in use by structures, driveways, and parking spaces shall be properly landscaped.</i>	The project will upgrade the current site landscaping while preserving the majority of the existing mature trees. All areas not utilized by structures, parking, and driveways will be landscaped with live plant materials, walkways, and patios.

Parking/Circulation: Industrial and Corporation Office uses require a minimum of one parking space per 500 square feet of floor area and a maximum of one space per 250 square feet. The proposed project is consistent with this standard by providing approximately 1 parking space per 300 square feet of floor area. A total of 267 surface parking spaces are provided in addition to 144 spaces within a two-level parking structure (411 spaces total). All spaces are standard size. Site access will be provided by one driveway along Mary Avenue and two driveways along Maude Avenue. The new driveways will be located similarly to the existing site driveways with some reconfiguration.

A Traffic Impact Analysis (TIA) was not required for this project. The existing Post Office use is a very high generator of vehicle trips. Despite the high FAR of the proposed project, the peak hour vehicle trips expected to be generated by the new development are significantly less than those generated by the existing use. A more detailed discussion of trip generation and traffic analysis is provided in the Initial Study document (Attachment C, page 18). In addition, the applicant is proposing a Transportation Demand Management (TDM) Program to further reduce vehicle trips. There is no anticipated negative traffic impact of the proposed project.

TDM Program: The applicant has submitted a draft TDM Program prepared by Fehr and Peers Transportation Consultants (Attachment F). The program proposes to achieve at least 16% reduction in peak hour trips, which is equivalent to the difference in trips between 35% and 45% FAR. The program proposes TDM measures including site design, a carpool/vanpool program, transit subsidies, and telecommuting program, and notes that additional measures such as guaranteed rides home, parking cash-out, and shuttles could be used to further decrease trips. The TDM Program will be managed by

the building tenant(s) who are not known at this time. Based on the reductions required for other higher-intensity projects, staff recommends requiring the TDM Program be revised to achieve a minimum of a 20% reduction in total daily vehicle trips and a 20% reduction in daily peak hour vehicle trips. An annual report to the City would be required to monitor compliance. Staff also recommends a penalty clause for non-compliance be included in the program similar to other approved TDM Programs. Penalties would vary with the level of compliance, and would be calculated based on the estimated cost per employee of implementing a successful TDM Program. Finally, staff recommends the requirement to implement and manage a TDM Program be included in tenants' lease agreements. A final TDM Program must be submitted for review and approval by staff prior to issuance of building permits. (See Attachment B, Conditions of Approval BP-18, AT-9, and AT-10).

Green Building: The minimum green building standard required by the SMC for new non-residential construction over 5,000 square feet is to design for LEED Silver level. LEED certification is not required provided the design level is verified by a LEED professional. Per SMC 19.39, designing for a LEED Gold level with certification allows a 10% FAR bonus with no City Council approval required (staff would verify LEED compliance, verify the TDM Program meets requirements, and complete a Design Review). Using the green building bonus would result in an FAR of 45% for this site; however, since the proposed project exceeds that FAR, a City Council hearing is required with consideration of the *Review Criteria for Projects Greater than 35% FAR* regardless of the level of LEED certification achieved.

The existing project design has been verified to meet LEED Silver standards (56 points achieved where 50 is the minimum for Silver). The applicant has indicated an intent to design to LEED Gold level (at least 60 points). The applicant is working with a LEED consultant on modifications to achieve additional points for Gold certification. LEED consultants generally recommend designing for 5 points above the minimum certification standard as it is common for several intended points to be lost in the construction process. With this standard, an additional 9 points would be needed for reasonable assurance of Gold certification.

Exemplary design is one of the review criteria to be considered by the City Council in granting FAR over 35%, and "green" or sustainable features are typically considered as an element of design quality. While the proposed project complies with the minimum Code requirement of LEED Silver design, it does not provide an exemplary level of sustainability. Staff recommends Conditions of Approval PS-1.d, BP-19, PF-6, and AT-10 (Attachment B) requiring the project to meet a LEED Gold design level and achieve LEED Gold certification. This will ensure the project design is exemplary in terms of sustainability. After the Planning Commission hearing, staff added language to the Conditions of

Approval on green building (BP-19, PF-6, and AT-10 in Attachment B) to clarify the requirements for building tenants.

Stormwater Management: The project will replace greater than 10,000 square feet of impervious surface; therefore, a Stormwater Management Plan (SWMP) is required. The current Municipal Regional Permit for stormwater discharge requires all treatment be achieved through Low Impact Development measures such as infiltration, harvesting/use, and biofiltration and limits the use of mechanical treatment. The applicant has prepared a draft SWMP which uses landscaped “raingardens” to retain and treat the site’s stormwater prior to discharging it to storm drains. Condition of Approval BP-16 requires third-party certification of a final SWMP prior to issuance of building permits.

Easements/Undergrounding: All utilities shall be placed underground per Conditions of Approval PS-4 and BP-29.

Art in Private Development: Sites over two acres in size are required to provide publicly displayed artwork (SMC 19.52). A separate permit for approval of the specific installation is required and is subject Arts Commission review. A variety of media are permitted, but required artwork must be visible from the street. The applicant has indicated the proposed patio at the corner of Maude Avenue and Mary Avenue is the preferred location for the project’s art installation. Staff has included a condition of approval addressing the placement and integration of the art to ensure the artwork will be designed specifically for this site (Attachment B, Condition of Approval BP-10).

Compliance with Development Standards

As conditioned, the proposed development meets SMC standards for the M-S zoning district including setbacks, lot coverage, height, landscaping, parking, and solid waste. Conditions of Approval are recommended to ensure compliance with parking lot shading requirements (Attachment B). The project complies with the Industrial Design Guidelines as discussed above.

Expected Impact on the Surroundings

The proposed project will include demolition of an existing one-story industrial building. Short-term construction-related impacts will include increased noise and dust (see construction plan in Attachment C, pages 3-4). These impacts are not expected to be significant as their proposed duration is short and there are no nearby sensitive uses such as residential. Long-term project impacts include increased building mass and height. These impacts are minimized through exceptional architecture and site design. Peak hour traffic is expected to be reduced by the proposed project. The site plan and high-quality building design will enhance the site and streetscape while minimizing negative impacts. The project is expected to improve the character of the surrounding area.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City guidelines (see Attachment C). An Initial Study determined that construction of the proposed project has the potential to result in significant effects on biological resources (possible disturbance of nesting birds) and cultural resources (possible discovery during excavation). Implementing mitigation measures during the construction phase will reduce these impacts to a less-than-significant level. The Mitigation Measures have been incorporated as Conditions of Approval (Attachment B).

FISCAL IMPACT

The proposed project is anticipated to have a positive fiscal impact on the City. Redevelopment of the site as proposed will increase the assessed value of the property and is estimated to result in the City receiving an additional \$17,565 in property taxes annually (see Attachment A, page 10 for additional information). In addition, the proposed office building is designed to attract high-quality tenants such as corporate headquarters of technology companies. These tenants will have a positive economic impact by providing jobs and enhancing the image of the City.

Transportation Impact Fee: A Transportation Impact Fee is not required for this development, as the expected number of trips does not exceed the number generated by the existing Post Office use.

Housing Mitigation Fee: Higher-intensity industrial projects are required to mitigate the demand for affordable housing created by the development through payment of a Housing Mitigation Fee (SMC 19.22.035). The current Housing Mitigation Fee requirement is \$9.08 per square foot of floor area exceeding 35% FAR. The required fee for this development is estimated at \$409,698.68 (see Condition of Approval BP-9.a, Attachment B).

PUBLIC CONTACT

Planning Commission Study Session: The Planning Commission held a Study Session on the proposed project on November 28, 2011. Planning Commissioners generally supported the proposed development intensity, as well as the unique architectural design. Several Commissioners commented on the corner patio feature, stating that artwork placed at the corner may not be visible behind existing mature trees and that pedestrian or vehicle access at the corner may be desirable. Visibility of artwork from the street is a Code requirement and will be considered by the Arts Commission in their final decision on the location and type of artwork. A driveway near the corner is not

recommended as it could pose a traffic hazard. Staff and the applicant have explored a corner pedestrian entry; however, tree removals and grading would likely be required to locate a path from the street corner to the patio due to the steep grade, existing tree locations, and ADA accessibility requirements. Staff recommends Condition of Approval PS-1.e requiring pedestrian access from the public sidewalk into the site be provided as close to the corner as feasible, taking into account preservation of existing trees and accessibility requirements (see Attachment B).

Several Commissioners also had comments about the main driveway along Maude Avenue. The proposed driveway is close to the unsignalized intersection at Potrero Avenue (across Maude Avenue), and concerns were expressed about potential traffic conflicts. Staff reviewed the proposed driveway and found that its location is very similar to an existing site driveway. There is no history of vehicle collisions in this location. With the reduced traffic expected from the project, increased collision potential is unlikely. Relocating the driveway further from Potrero Avenue would have a significant impact on the project's site plan, including eliminating the alignment of the driveway with the building entrance. As a result, staff does not recommend relocating this driveway. Should a safety issue with conflicting left turns arise in the future, the City has the ability to restrict eastbound left turns into the proposed site using signage or a median.

Planning Commission Public Hearing: The Planning Commission considered the proposed project at a public hearing on January 23, 2012. Several Commissioners noted the project plans do not include a public sidewalk along the Maude Avenue frontage. Staff indicated a sidewalk would typically be required for new construction, but in this case staff did not recommend a sidewalk along Maude Avenue because a number of large mature trees would need to be removed. The applicant and staff found tree preservation a more compelling objective. Designing the sidewalk to meander around trees could create an unusable configuration and would place portions of the sidewalk outside the public right-of-way. The Commission noted that while preservation of high-quality mature trees is generally very desirable, sidewalks are of great importance on this key corner site. The Commission discussed the project site plan and architecture. The Planning Commission voted 5-1 to recommend approval of the Use Permit with modified conditions requiring provision of a sidewalk along the site's Maude Avenue frontage while minimizing the removal of trees to the extent feasible (the dissenting vote was due to siting concerns of the office building and parking structure). Staff has added Condition of Approval PS-1.f and modified Condition of Approval BP-42 to address this recommendation by the Planning Commission. At the time of preparing this report, staff and the applicant are working together to determine the best location for the sidewalk. Draft minutes of the Planning Commission hearing are provided in Attachment I.

Notice of Mitigated 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• 36 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 Web site• 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 Web site

CONCLUSION

Findings and General Plan Goals: Staff was able to make the required Findings for the Use Permit with the recommended conditions. Recommended Findings and General Plan Goals are located in Attachment A.

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

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration and approve the Use Permit with the attached conditions (per Planning Commission action).
2. Adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Use 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 Use Permit with the attached conditions (per Planning Commission action).

Reviewed by:

Hanson Hom, Director, Community Development Department

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Mariya Hodge, Associate Planner

Approved by:

Gary M. Luebbers

City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Project Justifications and Letters from the Applicant
- F. Draft Transportation Demand Management Program
- G. Map of Surrounding Floor Area Ratios
- H. Description of Office Class Levels
- I. Draft Minutes of Planning Commission Hearing on January 23, 2012

RECOMMENDED FINDINGS

Recommended Findings - Use Permit

In order to approve the Use Permit, the City Council must make one of the following two findings:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

This finding can be made for the project as conditioned. The project will enhance the character of the site, surrounding neighborhood, and community through redevelopment of a Class C industrial building with a high-quality Class A building. Compliance with adopted General Plan goals and policies is discussed below.

Land Use and Transportation Element

Goal LT-6: *Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.*

Policy LT-6.2: *Balance land use and transportation system carrying capacity necessary to support a vital and robust local economy.*

The proposed project allows for industrial redevelopment and economic growth which can be accommodated without significant impacts on the existing infrastructure and roadway systems.

Policy LT-6.4: *Encourage sustainable industries that emphasize resource efficiency, environmental responsibility, and the prevention of pollution and waste.*

The proposed project will redevelop an older industrial site with a new Class A facility intended for use by technology companies which are more likely to be engaged in sustainable industry. The project as conditioned will have a highly sustainable design achieving LEED Gold certification. The project as conditioned meets the General Plan policy for environmentally responsible developments.

Community Design Sub-Element

Policy CC-3.1: *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably*

balanced with the need for economic development to assure Sunnyvale's economic prosperity.

The proposed project design uses exceptionally high-quality architecture that enhances the streetscape and the neighborhood, as well as a high-quality site design. The project will also provide additional jobs, enhancing both the image of Sunnyvale and the City's economic prosperity.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The above finding can be made for the project as proposed. The project will enhance the character of the site, surrounding neighborhood, and community by redeveloping a Class C industrial building with a new Class A structure. The proposed project uses exceptional architecture and high-quality site design as well as adequate setbacks and parking. The proposed project is expected to reduce peak hour vehicle trips and is not anticipated to have a negative traffic or circulation impact in the project area. Potential impacts on biological and cultural resources on the site will be mitigated as noted in the Mitigated Negative Declaration and Conditions of Approval. No other negative environmental impacts are anticipated. The project does not have a potential for detrimental impacts on surrounding properties or uses.

In addition to the two findings above, the City Council policy is to consider the following Review Criteria for Projects Greater Than 35% FAR:

3. Certain development in excess 35% floor area ratio (FAR) in Industrial Zoning Districts (M-3 or M-S) requires approval of a Use Permit. To assist the decision makers in considering higher FAR developments, the following review criteria will be used:

Review Criteria	Discussion/Explanation
CATEGORY I: COMMUNITY CHARACTER addresses the issues of land use and transportation capacity and neighborhood compatibility within the context of an overall City image.	
A.	Is there sufficient current and future land use and transportation capacity to incorporate this project? There is approximately 2.6 million square feet remaining in the City-wide development pool; this project would utilize 45,121 square feet. The project is expected to decrease peak hour vehicle trips compared to the existing use. In addition, the project will implement a TDM Program to further reduce vehicle trips.

Review Criteria		Discussion/Explanation
B.	Does project use and design contribute positively to a City image and community character that reflects current and future “high-tech” Silicon Valley?	The proposal will upgrade the site from an existing Class C tilt-up building to a new Class A building ideal for use by technology companies. The unique and high-quality architecture will contribute positively to community character. As conditioned, the building will be required to achieve LEED Gold certification. The contemporary architecture and sustainable features enhance the City’s high-tech image.
C.	Does the project include minor upgrading of the building for safety or special function purposes?	The proposed project includes redevelopment of the entire site and does not include minor upgrading of the building for safety or specific function purposes.
D.	Have potential adverse impacts on nearby land uses been avoided, minimized or mitigated?	The project site is surrounded by other industrial and office uses in the Industrial and Service zoning district. There are no anticipated negative impacts on surrounding sites. An initial study identified several potential impacts on biological and cultural resources on the subject site. Mitigation measures have been identified to reduce these impacts to a less-than-significant level.
CATEGORY II: ENVIRONMENTAL: TRAFFIC AND AIR QUALITY focuses on the ability of a proposed project to avoid, minimize or mitigate City-wide and local traffic and air quality impacts.		

Review Criteria		Discussion/Explanation
E.	<p>Does the project avoid or mitigate significant effects on the regional or City-wide roadway system?</p> <p>Is the project sited to avoid impacts on constrained intersections or roadway segments?</p>	<p>The proposed project is estimated to result in a reduction in vehicle trips due to the high trip generation rates of the existing use. As a result, no Traffic Impact Analysis or Transportation Impact Fee is required. Significant effects on regional and City roadways are not anticipated. The applicant has submitted a TDM Program to further reduce vehicle trips to and from the site.</p> <p>The adjacent roadways (Mary and Maude Avenues) are sufficiently wide in the vicinity of the project to provide adequate traffic flow. The intersection of Mary and Maude Avenues is not listed in the City's Deficiency Plan.</p>
F.	<p>Are potential air quality impacts mitigated?</p>	<p>A project analysis prepared by ENVIRON has demonstrated the project is not expected to result in significant air quality or greenhouse gas impacts.</p>
G.	<p>Does the project provide opportunities for appropriate on-site retail/support services and amenities to minimize mid-day vehicle trips?</p>	<p>An existing neighborhood shopping center is located on Mary Avenue approximately ¼ mile from the project site. This center provides support services including restaurants and a shipping/postal center within a convenient walking distance.</p> <p>The proposed office building is speculative at this time and therefore has not developed detailed plans for on-site services. Future tenants may choose to provide on-site services such as employee laundry pick-up and delivery, shipping/postal services, and cafeteria or restaurant.</p>
H.	<p>Does the project provide mixed uses on the site to complement the primary use and adjacent land uses?</p>	<p>The proposed project is not a mixed-use project.</p>

Review Criteria		Discussion/Explanation
I.	Is the project located in close proximity to a light rail or Cal-Train station, and/or other convenient transit stops?	The site is located 1.5 miles from the Sunnyvale Caltrain station. The Mountain View Caltrain station is 3 miles away from the project site but offers convenient shuttle service via the Mary Moffett Shuttle which stops adjacent to the project site. The site is located one mile from the Middlefield Light Rail Station in Mountain View. A bus stop is located across the street from the project site (on Maude just south of the intersection with Mary Avenue) which provides transportation to and from Caltrain and Light Rail. While transit ridership may be low compared to vehicle travel, there are sufficient nearby transit options to facilitate a reduction in single-occupant vehicle trips.
J.	Can identifiable and measurable negative impacts on City infrastructure and services be mitigated?	The proposed project is expected to reduce vehicle trips due to the high trip generation rates of the existing use on the site. While the proposed project requests higher FAR, a development pool is included in the General Plan land use scenario to allow intensification of individual sites above 35% FAR. The proposed project will draw from the development pool for its additional area. The project will pay Housing Mitigation Fees to offset housing demand inducing impacts, and will be required to pay connection and impact fees to offset any impacts on sewer capacity and other public utilities.

Review Criteria		Discussion/Explanation
K.	Is a Transportation Demand Management program planned for the site? Does it reduce traffic in general and promote transit use?	The applicant has submitted a draft TDM Program prepared by Fehr and Peers Transportation Consultants (Attachment F). The draft program is intended to achieve a minimum of 16% peak hour trip reduction using measures including site design, a carpool/vanpool program, transit subsidies, and telecommuting programs. Staff recommends conditions of approval to modify the program goals to achieve at least 20% reduction in both total daily trips and peak hour trips. Staff also recommends conditions to ensure the program is implemented effectively by future tenants (Attachment B).
<p>CATEGORY III: SITE DESIGN AND ARCHITECTURE addresses several components of site design and architecture; focusing on the visual features and aesthetics, techniques to reduce the bulk and mass of the buildings, ways to reduce the amount of surface parking on the site.</p>		
L.	<p>Does the project demonstrate exemplary architecture and design through:</p> <ul style="list-style-type: none"> • use of unique and/or high quality building materials, singly and in combination • state of the art design and materials • introduction of significant, innovative, and noteworthy architectural forms and elements • special or unique features of the site plan design and implementation 	<p>The proposed project architecture demonstrates excellent design through the following elements:</p> <ul style="list-style-type: none"> • Unique building forms creating an state-of-the-art architectural design on a key corner site • High-quality materials including glass and steel for exterior facades • Green building design at a LEED Gold level (as conditioned) • High-quality site design including decorative paving, patio feature, and upgraded landscaping

Review Criteria		Discussion/Explanation
M.	Does the project complement the City image and community character currently primarily low profile with a less intensive development density?	The proposed five-story Class A office building and site design meet SMC requirements and comply with the Industrial Design Guidelines. Although much of the surrounding community has a lower-profile character, the subject site is located on a corner site along a busy corridor near several other sites which have been redeveloped with higher-FAR Class A buildings. The proposed project complements the character of the surrounding area.
N.	Does the site plan reduce the bulk and mass of the buildings on the site? Are the following techniques and others used in a creative and resourceful way? <ul style="list-style-type: none"> • Façade and roofline variations • Reduction in the building footprint and significant increase of landscaping required by Zoning Code • Substantially greater setbacks than required by the Zoning Code 	The proposed architecture reduces the effect of mass and bulk through the following: <ul style="list-style-type: none"> • The high-quality glass exterior materials create a sense of lightness and translucency that reduces the apparent mass and bulk of the structure • Unique building forms including diagonal elements at the east and west sides and terraced roof decks on each building level at the north and south sides create significant façade interest which reduces the bulk and mass of the building • The building footprint is minimized (24% lot coverage where 45% is the maximum) while significant trees and landscaping are used to soften the building’s appearance • The building is located near the center of the parcel with significant setbacks
O.	Does the site plan include techniques to reduce non-point source pollution?	The project has prepared a draft Stormwater Management Plan incorporating Best Management Practices to reduce storm water runoff on the site. In compliance with the current Municipal Regional Permit, landscaped raingardens will be used to treat stormwater runoff through biofiltration.

Review Criteria		Discussion/Explanation
P.	<p>Is a reduction in the amount of surface parking achieved?</p> <ul style="list-style-type: none"> • Significant reduction in the number of surface parking spaces • Provision of structured parking and/ or underground parking • Introduction of a landscape reserve that can be converted to parking on an as-needed basis, or as a permanent park. 	<p>The proposed project reduces parking supply by providing 86 fewer parking spaces than the maximum permitted. This reduces the amount of impervious surface by approximately 14,000 square feet. A two-level parking structure is also provided to accommodate a portion of the site's parking, which further reduces impervious surface.</p>
Q.	<p>Is the site comprehensively planned through the creation of a Master Plan or Site Specific Plan? Has a long term development plan been prepared that allows phasing of the project based on implementation of improvements and mitigations?</p>	<p>The proposal does not include a Master Plan or a Site Specific Plan and does not have a long-term development plan. The project is a single office building located on a single parcel.</p>
R.	<p>How is the calculation of the "effective" FAR being conducted? Does the size of the project warrant a different method of calculating the FAR?</p>	<p>The FAR has been determined based on SMC standards for FAR; which includes all square footage within the exterior walls of the buildings. No street dedication is required, so gross FAR is not a factor in this project. There is currently no tenant identified for the building. Therefore, no amenities are planned at this time such as cafeterias, large meeting venues, non-employment areas or other services that may reduce effective FAR.</p>

Review Criteria	Discussion/Explanation
<p>CATEGORY IV: ECONOMIC, FISCAL AND COMMUNITY BENEFIT identifies the need to relate the project to the economic prosperity program of the City, potential impact on the City, the relationship to the local economy and employment in terms of the types and numbers of jobs likely to be generated by the project and other features of the development that will result in an overall positive community benefit. The following questions provide examples of how benefit can be described. Please respond to as many as apply.</p>	
<p>1.</p>	<p>Does the project implement the goals of the Economic Prosperity Program?</p> <p>The proposed project will assist in achieving the goals of the Economic Prosperity Program which includes business retention, expansion, and economic vitality in a significant industry sector.</p> <p><i>Goal - Retention of Jobs: Actively promote the City to companies that will create jobs for Sunnyvale residents.</i></p> <p><i>Goal - Local Service Businesses: To preserve opportunity for profitable operation of those small local businesses which provide critical support services to other business and to residents.</i></p> <p>A new Class A facility will attract companies that will create jobs for Sunnyvale residents. While a Class A building is unlikely to be occupied by small local businesses, site employees are likely to patronize small businesses such as those located at the nearby commercial center on Mary Avenue.</p>

Review Criteria		Discussion/Explanation
2.	Does this project have a significant net positive fiscal impact over the next 5-20 years?	<p>Finance staff has calculated the potential fiscal impact to the City, including potential net revenue generation, property tax and Building Permit fees. The project does not include a “point of sale” use since the building is speculative; therefore no sales tax revenues are anticipated at this time.</p> <ul style="list-style-type: none"> • The City share of the property tax increase after redevelopment (based on valuation) has been estimated to be \$17,565 annually. (Note: future assessed value was not available at the time of this estimate, therefore the construction value of the project was used in-lieu of assessed value.)
3.	Does the project include the provision of on-site corporate headquarters and/or a “point of sale” office?	The proposed building is speculative at this time. The site and building design is appropriate for use by corporate headquarters or major divisions of a large company.
4.	To what extent does this project provide resident and/or youth employment opportunities both now and in the future?	The proposed building is speculative and the future tenants of the building are not known at this time. A high-quality Class A building is expected to provide additional employment opportunities in the City.
5.	Do the anticipated types and numbers of jobs complement the current and desired future job profile in Sunnyvale?	The proposed building is speculative and the future tenants of the building are not known at this time. However, the project is designed to accommodate corporate headquarters such as technology companies. These types of jobs are consistent with the City’s economic development goals and are critical to job expansion.
6.	To what degree do the proposed jobs generate related jobs and services in Sunnyvale?	The proposed jobs are expected to generate minor additional demand for related services. Using the industry multiplier forecast, for every one job created in this industry segment, three additional jobs are created in the community as support services.

Review Criteria		Discussion/Explanation
7.	The project is intended primarily for a single user or has common/shared management (Action Statement C4.2.2.)	The future tenant(s) of the building are not known at this time. The building has been designed with the intent of serving a single tenant as a corporate headquarters, but could accommodate multiple tenants.
8.	Can the applicant identify other community benefits that could be attributed to the proposed project?	The proposal redevelops an older industrial site with a new high-quality design. The proposed project is more compatible with the surrounding higher-intensity industrial sites and furthers the City's goal of redevelopment with Class A buildings in Peery Park.

ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS FEBRUARY 7, 2012

Planning Application 2011-7657 580 North Mary Avenue

Use Permit for a new 124,095 square foot, 5-story office building resulting in approximately 55% Floor Area Ratio with a new 1.5-story parking structure.

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

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

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.
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GC-1. CONFORMANCE TO APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform to 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. STORMWATER MANAGEMENT PLAN:
The project is subject to Provision C.3 of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]
- GC-5. ENCROACHMENT PERMIT:
Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest CA MUTCD standards to be reviewed by the City's Transportation and Traffic Division [SDR] [PUBLIC WORKS].
- GC-6. USES:
The building is approved for use by industrial, corporate office, and research and development office uses. Medical offices and medical clinics are not permitted by this Use Permit due to insufficient parking. Medical office and clinic uses require separate review and approval by the Director of Community Development. [COA] [PLANNING]

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

- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:
The plans shall be revised to address comments from staff, the Planning Commission, and/or the City Council including the following:
- a) The parking lot design shall be modified to remove the parking space located closest to the eastern Maude Avenue driveway and replace it with landscaping area. This will extend the driveway throat and reduce potential vehicle conflicts.
 - b) The parking lot design shall be modified to use standard curbs instead of rolled curbs, unless otherwise approved by the Director of Community Development upon a finding that the proposed rolled curbs provide an effective backstop without the use of separate wheel stop bars.

- c) Parking lot shading data shall be corrected to count only the portion of a tree's canopy which casts shade over an adjacent paved area, not the full size of the canopy. Parking lot landscaping shall comply with the requirement for 50% shading of parking areas and drive aisles within 15 years of planting.
 - d) Demonstrate the project is designed to meet the standards for LEED Gold certification. A LEED checklist shall be submitted including verification by a qualified LEED professional.
 - e) Revise site access to locate a pedestrian path from the public sidewalk into the site as close to the corner of Mary Avenue and Maude Avenue as possible, taking into account tree preservation goals and ADA accessibility requirements.
 - f) *[Modification recommended by the Planning Commission]* Install sidewalks along the site's Maude Avenue frontage while minimizing the removal of existing trees to the extent feasible. [COA] [PLANNING]
- PS-2. EXTERIOR MATERIALS REVIEW:
Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]
- PS-3. PARKING AND CIRCULATION PLAN:
Submit a revised parking and circulation plan subject to review and approval by the Director of Community Development prior to submittal of a building permit. The parking and circulation plan shall include all striping and signage required to direct on-site vehicles. [COA] [PLANNING]
- PS-4. UNDERGROUND UTILITIES:
The applicant shall demonstrate that all project utilities including transformers can be placed underground in compliance with SMC requirements. Any modifications shall be submitted to the Director of Community Development for review prior to submittal of building permit plans. [COA] [PLANNING]

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

- BP-1. **CONDITIONS OF APPROVAL:**
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. **RESPONSE TO CONDITIONS OF APPROVAL:**
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. **NOTICE OF CONDITIONS OF APPROVAL:**
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]
- BP-4. **BLUEPRINT FOR A CLEAN BAY:**
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-5. **RECYCLING AND SOLID WASTE ENCLOSURE:**
The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:
 - a) Match the design, materials and color of the parking garage building into which the enclosure will be integrated.
 - b) Be of masonry construction.
 - c) Provide screening of the enclosure interior through solid/opaque enclosure doors. [COA] [PLANNING]

- BP-6. RECYCLING AND SOLID WASTE CONTAINER:
All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]
- BP-7. 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. [COA] [PLANNING]
- BP-8. ROOF EQUIPMENT:
Roof vents, pipes, flues, and equipment shall be combined and/or collected together behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]
- BP-9. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit:
- a) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$409,698.68, prior to issuance of a building Permit. (SMC 19.22). [SDR] [PLANNING]
 - b) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the entire development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. [SDR] [PLANNING]
- BP-10. ART IN PRIVATE DEVELOPMENT:
- a) Publicly visible artworks shall be provided along Mary Avenue and/or Maude Avenue. The artwork shall be integrated into the building architecture or landscape and be designed specifically for this site to ensure a strong association with the site and context.
 - b) An Art in Private Development application shall be submitted to the Director of Community Development, subject to review and approval by the Arts Commission, prior to issuance of a building permit. [COA] [PLANNING]
- BP-11. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community

Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) Parking lot shading data shall be included in the landscaping plans and shall be corrected to count only the portion of a tree's canopy which casts shade over an adjacent paved area, not the full size of the canopy. Parking lot landscaping shall comply with the requirement for 50% shading of parking areas and drive aisles within 15 years of planting.
- b) Landscaping plans shall include locations and details of equipment such as backflow prevention devices. Any such equipment shall be appropriately screened with screening details provided on plans.
- c) All areas not required for parking, driveways or structures shall be landscaped.
- d) Provide trees at minimum 30-foot intervals along the side and rear property lines, except where mature trees are located immediately adjoining on neighboring properties.
- e) Deciduous trees shall be provided along southern and western exposures where possible for passive solar heating and cooling purposes.
- f) At least ten percent (10%) of trees planted shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- g) 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.
- h) Provide a minimum ten-foot wide landscape buffer along the Mary Avenue and Maude Avenue frontages.
- i) Ground covers shall be planted so as to ensure full coverage eighteen months after installation.
- j) Landscaping plans shall demonstrate compliance with the water efficient landscaping requirements in SMC 19.37.
- k) Landscaping plans and stormwater management plans shall be developed in conjunction to prevent conflicts.
- l) Decorative paving as shown on the approved site plans shall be retained as an integral landscaping feature of the final building permit plans.
- m) Backflow devices and other appurtenances shall include screening and covers as approved by the Director of Community Development. This includes all devices (irrigation, DCDA, etc.) located above ground. Screening shall consist of black metal mesh with rounded top covers (e.g. - "mailbox style") and may also incorporate landscaping as additional screening. [COA] [PLANNING]

BP-12. LANDSCAPE MAINTENANCE PLAN:

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

BP-13. TREE PROTECTION PLAN:

Prior to issuance of a demolition permit, a grading permit or a building permit, whichever occurs first, obtain approval of a Tree Protection Plan from the Director of Community Development. The Tree Protection Plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) Overlay civil plans including utility lines to ensure existing tree root systems are not damaged during utility work.
- e) The tree protection plan shall be installed prior to issuance of any building, grading, or demolition permits, subject to on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-14. FENCES AND WALLS:

Design, height, and location of any proposed fencing or walls shall be subject to review and approval by the Director of Community Development. [COA] [PLANNING]

BP-15. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

BP-16. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water

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

BP-17. BEST MANAGEMENT PRACTICES - STORMWATER:

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

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Water feature and fountain discharges, if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-18. TRANSPORTATION DEMAND MANAGEMENT:

A final Transportation Demand Management (TDM) Program shall be submitted for review and approval by the Director of Community Development Prior to issuance of a building permit. The final TDM program shall incorporate the following:

- a) The program goals shall be revised to require a minimum of a 20% reduction in total daily vehicle trips and a minimum of a 20% reduction in daily peak hour vehicle trips.
- b) A penalty clause shall be included for non-compliance with the TDM measures. Penalties shall vary with the level of compliance and shall be calculated based on the estimated cost per employee of implementing a successful TDM Program.
- c) All lease agreements with future tenants of the site shall note that the tenant is responsible for implementation and management of the TDM Program. [COA] [PLANNING]

BP-19. GREEN BUILDING:

[Modification recommended by staff] The project shall meet the following green building requirements:

- a) Final plans shall incorporate a completed LEED green building checklist demonstrating the project design achieves a LEED Gold level for Core and Shell as verified by a qualified LEED consultant.
- b) Subsequent building permit plans for interior tenant improvements shall incorporate a completed LEED green building checklist demonstrating the project design achieves a LEED Gold level for Commercial Interiors as verified by a qualified LEED consultant.
- c) All lease agreements with future tenants of the site shall note that the tenant is responsible for constructing any improvements to LEED Gold standards and maintaining existing facilities consistent with LEED Gold standards. [COA] [PLANNING]

BP-20. CITY STREET TREES:

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

BP-21. PHOTOMETRIC PLAN:

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

BP-22. LIGHTING PLAN:

Prior to issuance of a building permit submit a detailed lighting plan for review and approval by the Director of Community Development. The plan shall include light fixture design, materials, and colors as well as information on photocell control, shielding, vandal-resistant covers, lighting type, and energy efficiency. [COA] [PLANNING]

- BP-23. **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-24. **BICYCLE SPACES:**
Provide a minimum of 16 Class I bicycle parking spaces and a minimum of 5 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) or as approved by the Director of Community Development. [COA] [PLANNING]
- BP-25. **BICYCLE SUPPORT FACILITIES:**
Indoor shower and locker facilities shall be provided for men and women at the ratio of one shower for every 30 employees and individual lockers and shall be subject to review and approval by the Director of Community Development prior to issuance of a building permit. [COA] [PLANNING]
- BP-26. **CARPOOL PARKING:**
The plans submitted for building permits shall incorporate preferential parking spaces reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle. [COA] [PLANNING]
- BP-27. **MITIGATION MEASURE – BIOLOGICAL RESOURCES:**
Final construction drawings shall incorporate all mitigation measures related to biological resources as set forth under “Mitigation Measures” in the approved environmental document and as noted below. **Mitigation Measure**

WHAT:

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

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

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

3. *Inhibit Nesting.* If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate

(e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1st), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

WHEN:

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

WHO:

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

HOW:

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

[COA] [PLANNING]

BP-28. MITIGATION MEASURE – CULTURAL RESOURCES:

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

Mitigation Measure

WHAT:

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

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

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

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

WHEN:

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

WHO:

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

HOW:

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

[COA] [PLANNING]

BP-29. UNDERGROUND UTILITIES:

All utilities shall be placed underground, including boundary lines and transformers, in compliance with SMC requirements. The applicant shall provide a copy of an agreement with affected utility companies for undergrounding of any existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a building permit. [SDR] [PLANNING]

BP-30. UTILITY CONDUITS:

Install conduits along the project frontage for cable television, electrical and telephone lines in accordance with standards required by utility companies. Submit a conduit plan prior to issuance of a building permit. [COA] [PLANNING]

BP-31. FIRE PROTECTION WATER SUPPLY:

The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety prior to issuance of building permits. A fire hydrant will be required within 50 feet of the FDC on the same side of the street. [SDR] [DPS/FIRE PREVENTION]

BP-32. FIRE SPRINKLERS:

A fully automatic fire sprinkler system, fire alarm system, standpipes, and smoke control system are required. Trash enclosures located within 5 feet of building exterior walls or overhangs require fire sprinkler protection. [SDR] [DPS/FIRE PREVENTION]

BP-33. FIRE EXTINGUISHERS:

Provide the required number of approved fire extinguishers. [SDR] [DPS/FIRE PREVENTION]

- BP-34. FIRE HYDRANTS:
Replace all fire hydrants on the project site and along the project frontages which are 30 years or older. [COA] [DPS/FIRE PREVENTION/PUBLIC WORKS ENGINEERING]
- BP-35. FIRE ACCESS ROADS:
Provide fire access roads as required by Fire Prevention Services. On-site fire hydrants may be required along fire access roads and/or in parking lots. [SDR] [DPS/FIRE PREVENTION]
- BP-36. KNOX BOX:
A Knox (key) box will be required for site and building access in accordance with Fire Prevention guidelines. [COA] [DPS/FIRE PREVENTION]
- BP-37. RADIO RETRANSMISSION:
Radio retransmission equipment may be required for emergency responder radio coverage. [COA] [DPS/FIRE PREVENTION]
- BP-38. CONSTRUCTION FIRE ACCESS:
Prior to any combustible materials on-site, provide fire access drives and operational on-site fire protection systems. [SDR] [DPS/FIRE PREVENTION]
- BP-39. FIRE PROTECTION PLAN:
Provide a written Fire Protection Construction Plan for review and approval by Fire Prevention Services prior to issuance of building permits. [SDR] [DPS/FIRE PREVENTION]
- BP-40. ELECTRONIC PLANS:
Provide an electronic version of building permit plans to Fire Protection Services to assist with Fire Department "Pre-Fire Survey" maps. [SDR] [DPS/FIRE PREVENTION]
- BP-41. CONNECTION FEES:
The developer shall pay all applicable Public Works fees including utility frontage fees, connection fees, and off-site improvement plan and inspection fees prior to issuance of any building permit or encroachment permit. This includes an incremental sewer connection fee estimated at \$75,215.15 and an incremental water connection fee estimated at \$14,869.98 prior to issuance of a building permit or encroachment permit, whichever occurs first. [COA] [PUBLIC WORKS ENGINEERING]

- BP-42. SIDEWALKS:
[Modification recommended by the Planning Commission] Replace all uplifted sidewalk along the project's Mary Avenue frontage and install root barriers according to the latest City standards. Install sidewalks along the project's Maude Avenue frontage while minimizing the removal of existing trees to the extent feasible. [COA] [PUBLIC WORKS ENGINEERING/PLANNING]
- BP-43. DRIVEWAYS AND RAMPS:
All driveways and access ramps shall be ADA compliant and meet current City standards. Curb-return style driveways are not permitted. [COA] [PUBLIC WORKS ENGINEERING]
- BP-44. CURB STRIPING:
Restripe the existing red curb along the entire project frontage and maintain as new facilities warrant. [COA] [PUBLIC WORKS ENGINEERING]
- BP-45. DOUBLE CHECK DETECTOR ASSEMBLY:
Replace the double check detector assembly (DCDA) to current City standards. [COA] [PUBLIC WORKS ENGINEERING]
- BP-46. SEWER CLEANOUT:
Install sanitary sewer cleanouts at the property lines. [COA] [PUBLIC WORKS ENGINEERING]
- BP-47. WATER METERS:
Upgrade all water meters to radio-read disk-type. [COA] [PUBLIC WORKS ENGINEERING]
- BP-48. SIGNAL EQUIPMENT:
Due to the potential increase in pedestrian traffic, upgrade pedestrian signal equipment. Proposed upgrades shall be reviewed and approved by the City's Transportation and Traffic Division. [COA] [PUBLIC WORKS ENGINEERING]
- BP-49. ABANDONED DRIVEWAY APPROACHES:
All unused driveway approaches shall be replaced with curbs, gutters, and sidewalks meeting current City standards. [SDR] [PUBLIC WORKS ENGINEERING]

- BP-50. EQUIPMENT AT DRIVEWAY APPROACH:
No meters or vaults shall be located within the driveway approach areas. [COA] [PUBLIC WORKS ENGINEERING]

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

- EP-1. CONNECTION FEES:
The developer shall pay all applicable Public Works fees including utility frontage fees, connection fees, and off-site improvement plan and inspection fees prior to issuance of any building permit or encroachment permit. This includes an incremental sewer connection fee estimated at \$75,215.15 and an incremental water connection fee estimated at \$14,869.98 prior to issuance of a building permit or encroachment permit, whichever occurs first. [COA] [PUBLIC WORKS ENGINEERING]

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

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. COMPACT SPACES:
All such areas shall be clearly marked prior to occupancy, as indicated on the approved building permit plans. [COA] [PLANNING]
- PF-3. PARKING LOT STRIPING:
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
- PF-4. IRRIGATION METERS:
For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters may be installed prior to occupancy of the building. [COA] [PLANNING]

PF-5. MITIGATION MEASURES:

Documentation indicating that all environmental mitigation measures have been satisfied shall be provided to the Director of Community Development prior to release of occupancy or utilities. Refer to the Mitigated Negative Declaration and Conditions of Approval BP-24 and BP-25 for detailed measures. [COA] [PLANNING] **Mitigation Measure**

PF-6. GREEN BUILDING:

[Modification recommended by staff] As soon as possible after construction of the project, the developer shall submit the project for LEED Core and Shell certification at a Gold level. As soon as possible after subsequent construction of interior tenant improvements, the developer shall submit the improvements for LEED Commercial Interiors certification at a Gold level. The City shall be provided with documentation of submittal(s) for certification and of the final determination(s) ~~on certification.~~ [COA] [PLANNING]

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

DC-1. BLUEPRINT FOR A CLEAN BAY:

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

DC-2. TREE PROTECTION:

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

DC-3. TRAFFIC SIGNAL CABINET:

The applicant is advised that the northeast intersection houses the main traffic signal cabinet and electrical service point for the entire traffic signal system. The applicant shall exercise extreme caution when working around these facilities to avoid damage. If project construction affects the existing equipment, the applicant shall be responsible for immediate repair and/or replacement of the equipment to restore the traffic signal system at their own cost. [COA] [PUBLIC WORKS ENGINEERING]

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. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-3. EXTERIOR EQUIPMENT:
All exterior materials, equipment and/or supplies of any kind shall be maintained within an approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. [COA] [PLANNING]
- AT-4. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-5. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-6. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee, compact, carpool, and other designated spaces. This shall be specified on the building permit plans and completed prior to occupancy.
 - b) Maintain all parking lot striping and marking in good condition.
 - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 - d) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]
- AT-7. BMP MAINTENANCE:
The project applicant, owner, landlord, or HOA must properly maintain any structural or treatment control best management

practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-8. **BMP RIGHT OF ENTRY:**

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

AT-9. **TRANSPORTATION DEMAND MANAGEMENT REPORTING:**

An annual monitoring report shall be submitted to the Director of Community Development in January of each year. The report shall demonstrate compliance with the approved TDM Program including measures implemented and data on trip reductions achieved. If the TDM goals are not met in a given year, the property owners and/or tenant shall submit to the Director of Community Development proposed program modifications intended to achieve the required goals in future years. [COA] [PLANNING]

AT-10. **TENANT LEASE AGREEMENTS:**

[Additional condition recommended by staff] All lease agreements with future tenants of the project shall include the following provisions:

- a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approve Transportation Demand Management Program.
- b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to LEED Gold standards, submit for LEED Gold certification for improvements as soon as possible, and maintain all project facilities consistent with LEED Gold standards. [COA] [PLANNING]

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

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



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665



Document No.: 492
Number of Pages: 30
Filed and Posted On: 12/19/2011
Through: 1/09/2012
CRO Order Number:
Fee Total: 0.00

REGINA ALCOMENDRAS, County Clerk—Recorder
by Esther Duarte, Deputy Clerk—Recorder, *ED*

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Sunnyvale
2. PROJECT TITLE: Application for a Use Permit
3. APPLICANT NAME: Peery-Arrillaga PHONE: 408-730-7444
4. APPLICANT ADDRESS: 580 N. Mary Avenue, CA 94086 Sunnyvale
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 21 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|--|-------------|----------------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) | \$ 2,839.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,044.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 965.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS | \$ 949.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

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

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

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

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

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

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

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

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

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



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

File#: 492 12/19/2011

File Number: 2011-7657
 No. 11-21

ATTACHMENT C
 Page 2 of 30

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

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

PROJECT TITLE:

Application for a Use Permit filed by Peery-Arrillaga.

PROJECT DESCRIPTION AND LOCATION (APN):

2011-7657: Peery-Arrillaga [Applicant] A&P Children Invsllc [Owner] Use Permit for a new 124,095 square foot, five-story office building resulting in approximately 55% Floor Area Ratio with a new 1.5-story parking structure located at 580 N. Mary Avenue. (APN: 165-41-002)

WHERE TO VIEW THIS DOCUMENT:

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

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, February 7, 2011**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, January 9, 2011 at 8:00 p.m. and Tuesday, February 7, 2011 at 7:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

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

Circulated On December 19, 2011

Signed: *Gerri Caruso*
 Gerri Caruso, Principal Planner

Project Title	Use Permit #2011-7657
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Mariya Hodge, Associate Planner
Phone Number	408-730-7659
Project Location	580 North Mary Avenue Sunnyvale, CA 94085 (APN: 165-41-002)
Applicant's Name	Peery-Arrillaga / A&P Children Invsllc
Project Address	580 North Mary Avenue Sunnyvale, CA 94085
Zoning	M-S (Industrial and Service)
General Plan	Industry
Other Public Agencies whose approval is required	None

Brief description of the Project: The proposed project includes demolition of an existing 50,406 square foot single-story industrial building and construction of a new 124,095 square foot five-story office building with a new two-level parking structure. The project will result in approximately 55% Floor Area Ratio (FAR) and requires approval of a Use Permit due to a requested FAR exceeding 35%.

DETAILED PROJECT DESCRIPTION:

On-site Development: The proposed project involves demolition of an existing single-story concrete tilt-up building, grading and site preparation, and construction of a new five-story steel framed office building. A new two-level parking structure will be located partially below grade resulting in 1.5 stories visible above grade. Existing mature trees located on the interior of the site will be removed during demolition. Mature perimeter trees will be retained and protected during construction to the extent feasible.

Off-site Improvements: An existing driveway and curb cut along Mary Avenue will be removed, and existing curb, gutter, and sidewalk will be repaired or replaced as needed along Mary Avenue. An existing driveway along Maude Avenue will be widened. No other off-site improvements are proposed.

Construction Activities and Schedule: The existing use is expected to vacate the site in May of 2012. Demolition is proposed to begin as soon as possible after vacancy. The proposed construction schedule spans a total of 16 months for demolition, site preparation, and construction. Time estimates for specific construction phases are as follows:

- Demolition – 1 week
- Site Preparation – 3 weeks (includes staking, grading, and layout for foundation)
- Foundation/Reinforcing Steel – 1 month
- Structural Steel/Metal Decking – 2 months
- Underground Utilities – 1 month
- Roof and Decks Construction – 1 month
- Exterior Skin and Mechanical – 4 months
- Interior Construction including Electrical and Plumbing – 4 months
- Fine Grading and Landscaping – 2 months

Construction of the project will not involve pile driving or other extremely high noise-generating activities, with the exception of jack hammering which will occur only during the demolition phase.

Surrounding Uses and Setting: The project site is located on the corner of Mary Avenue and Maude Avenue within an existing industrial area. It is currently occupied by the U.S. Postal Service and used as a Post Office. Surrounding sites are developed primarily with single-story industrial buildings similar to the existing building on the subject site. There are several sites in the immediate vicinity which have been redeveloped with multi-story office campuses with Floor Area Ratios (FARs) similar to the FAR requested on the subject site. Surrounding uses are industrial, R&D, and offices. There is an existing commercial shopping center located on Mary Avenue approximately 1/4 mile from the subject site which is occupied by restaurants and other supportive commercial uses. There are no surrounding residential uses within 1/3 mile of the project site.

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

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

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

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

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

Checklist preparer: Mariya Hodge

Date: 12/19/2011

Title: Associate 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
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Planning					
1. Aesthetics -Substantially damage scenic resources, including, but not limited to trees, historic buildings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com
2. Aesthetics -Substantially degrade the existing visual character or quality of the site and its surroundings including significant adverse visual changes to neighborhood character?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com
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"/>	Sunnyvale General Plan Map, Open Space Sub-element www.sunnyvaleplanning.com
4. Population and Housing - Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) in a way that is inconsistent with the Sunnyvale General Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sunnyvale Land Use and Transportation Element of the General Plan, General Plan Map www.sunnyvaleplanning.com
5. Population and Housing - Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Housing Sub-Element, Land Use and Transportation Element and 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"/>	Housing 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"/>	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"/>	Sunnyvale Land Use and Transportation Element, 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"/>	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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Moffett Field Air Installations Compatible Use Zones (AICUZ) Study Map, 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"/>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	Air Installations Compatible Use Zones (AICUZ) Study Map
13. Agricultural Resources - Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map www.sunnyvaleplanning.com

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Noise Sub-element, SMC www.sunnyvaleplanning.com 19.42 Noise Ordinance http://qcode.us/codes/sunnyvale/view.php?topic=19&frames=off
15. Noise - Exposure of persons to or generation of excessive groundborne vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Noise Sub-Element www.sunnyvaleplanning.com
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"/>	Sunnyvale Noise Sub-element www.sunnyvaleplanning.com
17. Biological Resources - Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), www.scv-habitatplan.org
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), www.scv-habitatplan.org
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), www.scv-habitatplan.org

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
20. Biological Resources - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMC 19.90 Tree Preservation Ordinance, Sunnyvale Inventory of Heritage Trees, Arborist's Report and Tree Survey (Barrie D. Coate and Associates, Oct. 2011)
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"/>	Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012), www.scv-habitatplan.org
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"/>	Sunnyvale Heritage Preservation Sub-Element, Sunnyvale Inventory of Heritage Resources The United States Secretary of the Interior's "Guidelines for Rehabilitation" Criteria of the National Register of Historic Places
23. Historic and Cultural Resources - Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project description. Project grading and excavation will disturb the site and have the potential to affect sub-surface resources if they exist.
24. Public Services - Would the project result in substantial adverse physical impacts associated with the provision of new or expanded public schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. See discussion for information about school impacts.
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"/>	BAAQMD CEQA Guidelines, Sunnyvale General Plan Map, Sunnyvale Air Quality Sub-Element www.sunnyvaleplanning.com , Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
26. Air Quality - Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, AB 32, Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)
27. Air Quality - Would the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, AB 32, Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)
28. Air Quality - Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, Sunnyvale Air Quality Sub-Element, Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)
29. Air Quality - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, Sunnyvale Air Quality Sub-Element, www.sunnyvaleplanning.com , Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)
30. Air Quality - Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAAQMD CEQA Guidelines, Sunnyvale Air Quality Sub-Element, www.sunnyvaleplanning.com , Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)
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"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com , Santa Clara County Office of Planning Geologic Hazard Zones Maps

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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32. Seismic Safety - Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com , Santa Clara County Office of Planning Geologic Hazard Zones Maps
33. Seismic Safety - Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com , Santa Clara County Office of Planning Geologic Hazard Zones Maps
34. Seismic Safety - Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com , Santa Clara County Office of Planning Geologic Hazard Zones Maps

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

#4. Population and Housing (Less than Significant): The proposed project at 124,095 square feet represents approximately 55% Floor Area Ratio (FAR) where 35% FAR is permitted by right. Additional FAR over 35% requires approval of a Use Permit by the City Council. The proposed development intensity is consistent with the existing zoning (Industrial and Service – M-S) and General Plan designation (Industry) of the site as the proposed development intensity may be permitted by Use Permit. The new office square footage would create opportunities for new jobs and could cause a small increase in the City's jobs/housing balance. Sunnyvale Municipal Code section 19.22.035 requires payment of a Housing Mitigation Fee for any new floor area exceeding 35% FAR in industrial zoning districts. Housing Mitigation Fees are paid at building permit issuance and may be subject to change annually based on the adopted fee schedule. Housing Mitigation Fees are intended to mitigate the potential housing impacts of new jobs by providing funds for the creation of new housing units. This is a standard Code requirement for all projects exceeding 35% FAR in industrial zoning districts and is therefore not a project-specific mitigation. With payment of the required Housing Mitigation Fee, the project will mitigate any potential population growth and job growth impacts. As a result, the project will not be inconsistent the Sunnyvale General Plan.

#10 and #12. Moffett Federal Airfield AICUZ (Less than Significant): The project site is located in the vicinity of the Moffett Federal Airfield. According to the Air Installation Compatible Use Zones (AICUZ) Map, the project site is located in a "C3" zone with respect to accident potential. This zone is identified as having minimal accident potential. The zone is identified as being unacceptable for residential uses but normally acceptable for office buildings. While some accident potential exists associated with the airfield, it is minimal. The impact is determined to be less than significant and requires no mitigation.

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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#17. Biological Resources (Less than Significant with Mitigation): The proposed project includes the removal of several large trees and site grading. The site is currently developed and in active use, therefore the site is unlikely to have been occupied by burrowing owls (*Athene cucularia*) which are present in some areas of Sunnyvale. Nesting raptors have not been specifically observed on the site, but there is a potential for raptors to establish nests in tall mature trees such as those on the project site. Although the discovery of nesting raptors on the site is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level.

WHAT:

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

- 1. Avoidance.** Construction activities should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds in Santa Clara County extends from April 1st through August 31st.
- 2. Preconstruction/Pre-disturbance Surveys.** If demolition and/or construction are to occur between April and August, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than seven days prior to the initiation of demolition/construction activities. During this survey, the ornithologist shall inspect all trees and other potential habitats (e.g., shrubs, ruderal grasslands, buildings) within and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) to ensure that no nests of species protected by the MBTA or California Fish and Game Code will be disturbed during project implementation.
- 3. Inhibit Nesting.** If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that are scheduled to be removed by the project shall be removed before the start of the nesting season (prior to April 1st), if feasible, to help preclude nesting. This will preclude the initiation of nests in this vegetation and prevent the potential delay of the project due to the presence of active nests in these substrates. A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading.

WHEN:

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

WHO:

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

HOW:

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

20. Biological Resources (Less than Significant): An Arborist's Report and Tree Survey was completed by Barrie D. Coate and Associates, dated October 7, 2011. The report reviewed the existing trees on-site and concluded that as part of the project, a number of trees will need to be removed to allow the reconfiguration of parking and circulation areas and the construction of the new buildings. Protected trees are defined by the Sunnyvale Municipal Code as any tree greater than 38" in circumference measured at 4.5' from the adjacent grade. The survey evaluated 56 trees and shrubs existing on the site and identified 43 as protected trees. The project site plan and landscaping plans have been developed to

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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retain the existing mature protected trees to the greatest extent feasible. A total of 23 protected trees are proposed for removal. These trees will be replaced as required by the Sunnyvale Municipal Code and as per the final landscape plan.

#23. Historic and Cultural Remains (Less than Significant with Mitigation): The proposed project includes grading, land disturbance, and excavation for the new building and parking structure. Although there are no recorded archeological sites in the immediate area of the proposed building locations, there still remains the possibility of discovery of Native American remains during grading since there are archeological sites in the greater vicinity. In the event of a discovery, project grading could result in potential disturbance of subsurface cultural resources which would result in a significant impact unless mitigated. There are no surface historic resources currently known to be on the project sites. Although the discovery of cultural resources on these sites is not anticipated, the following mitigation measure has been included in the project to reduce the potential impact to a less than significant level:

WHAT:

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

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

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

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

WHEN:

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

WHO:

Planning	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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The property owner will be solely responsible for implementation and maintenance of these mitigation measures.

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

#34. Seismic Safety (Less than Significant): Per the Santa Clara County Geologic Hazard Zones maps, the project site is located in a liquefaction hazard zone. The Uniform Building Code contains a series of requirements to address safety issues regarding soil types. These standards must be met for a building permit to be issued. Through the City's implementation of the Uniform Building Code requirements for areas with potential for seismic activity, potential impacts related to liquefaction hazards will be less than significant and require no additional mitigation.

Responsible Division: Planning Division Completed by: Mariya Hodge, Associate Planner

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Transportation					
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"/>	City's Land Use and Transportation Element, Santa Clara County Transportation Plan Congestion Management Program, Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition, Memorandum by Fehr & Peers on Project Trip Generation Estimates (Oct. 2011)
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"/>	Santa Clara County Congestion Management Program and Technical Guidelines (for conducting TIA and LOS thresholds), Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition, Memorandum by Fehr & Peers on Project Trip Generation Estimates (Oct. 2011)
37. Results in a change in air traffic patterns, including either an increase in air traffic levels or a change in flight patterns or location that results in substantial safety risks to vehicles, bicycles, or pedestrians?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale General Plan including the Land Use and Transportation Element, Sunnyvale Zoning Map
38. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City and CA Standard Plans & Standard Specifications
39. Conflict with adopted policies, plans, or programs regarding public transit or nonmotorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, VTA Bicycle Technical Guidelines, VTA Short Range Transit Plan

Transportation	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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40. Affect the multi-modal performance of the highway and/or street and/or rail and/or off road nonmotorized trail transportation facilities, in terms of structural, operational, or perception-based measures of effectiveness (e.g. quality of service for nonmotorized and transit modes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Community Design and Transportation Manual
41. Reduce, sever, or eliminate pedestrian or bicycle circulation or access, or preclude future planned and approved bicycle or pedestrian circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Bicycle Plan, Pedestrian and Bicycle Opportunities Studies and associated capital projects
42. Cause a degradation of the performance or availability of all transit including buses, light or heavy rail for people or goods movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VTA Transit Operations Performance Report, VTA Short Range Transit Plan, and Valley Transportation Plan for 2035.

Further Discussion:

#35 and #36. Capacity and Congestion Management (No Impact): Although the proposed project would increase floor area ratio on the site from approximately 22.3% FAR to approximately 55% FAR, the project is anticipated to result in a reduction in vehicle trips. The existing Post Office use is a very high generator of vehicle trips. According to the ITE Trip Generation Manual 8th edition, a 50,406 square foot Post Office is expected to generate approximately 560 PM peak hour trips. A 124,000 square foot office building is expected to generate only 218 PM peak hour trips, which represents less than 40% of the estimated existing peak hour trips. Due to potential variations in activity among Post Office locations, the applicant commissioned a trip generation survey to count actual trips generated by the existing Post Office use on this site. According to the Memorandum on Project Trip Generation Estimates (Fehr & Peers, October 14, 2011) 401 PM peak hour trips were generated by the existing site during the survey period. While these trips are fewer than the 560 estimated by ITE, they still represent nearly twice the peak hour trips expected to be generated by the proposed 55% FAR office development. As a result, the project is expected to result in a decrease in vehicle trips and roadway congestion. There is no anticipated negative transportation impact.

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

Building	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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48. Geology and Soils -Be located on expansive soil, as defined by the current building code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Plumbing, Mechanical, and Electrical Codes and Title 16 (Building) of the Sunnyvale Municipal Code
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Further Discussion if "Less Than Significant" with or without mitigation:

#47. Geology and Soils (Less than Significant): Per the Santa Clara County Geologic Hazard Zones maps, the project site is located in a liquefaction hazard zone. The Uniform Building Code contains a series of requirements to address safety issues regarding soil types. These standards must be met for a building permit to be issued. Through the City's implementation of the Uniform Building Code requirements for areas with potential for seismic activity, potential impacts related to liquefaction hazards will be less than significant and require no additional mitigation.

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

Responsible Division: Building Division

Completed by: Mariya Hodge, Associate Planner

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

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

Engineering	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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"/>	Solid Waste Management Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
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"/>	

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

Responsible Division: Public Works Engineering Division

Completed by: Mariya Hodge, Associate Planner

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Public Safety					
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"/>	Sunnyvale Law Enforcement Sub-Element Sunnyvale Fire Services Sub-Element Safety and Seismic Safety Sub-Element www.sunnyvaleplanning.com
63. Public Services Police and Fire protection - Would the project result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Building Code SMC Section 16.52 Fire Code

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

Responsible Division: Department of Public Safety Completed by: Mariya Hodge, Associate Planner

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Public Safety – Hazardous Materials					
64. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
65. Hazards and Hazardous Materials - Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project description
66. Hazards and Hazardous Materials - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sunnyvale Zoning Map, Project description
67. Hazards and Hazardous Materials - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Phase I Environmental Site Assessment (United Soil Engineering, Inc., Nov. 2011)

Public Safety – Hazardous Materials	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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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"/>	Seismic Safety and Safety Sub-Element of the Sunnyvale General Plan www.sunnyvaleplanning.com
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Further Discussion if "Less Than Significant" with or without mitigation: None required.

Responsible Division: Department of Community Services Completed by: Mariya Hodge, Associate Planner

Community Services	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source Other Than Project Description and Plans
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Community Services					
69. Public Services Parks - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Open Space & Recreation Sub-Element 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"/>	Open Space & Recreation Sub-Element www.sunnyvaleplanning.com

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

Note: All references are the most recent version as of the date the Initial Study was prepared:

City of Sunnyvale General Plan:

- A. General Plan Map
- B. Air Quality Sub-Element (1993)
- C. Arts Sub-Element (1995)
- D. Community Design Sub-Element (1990)
- E. Community Engagement Sub-Element (2007)
- F. Fire Services Sub-Element (1995)
- G. Community Vision (2007)
- H. Fiscal Sub-Element (2006)
- I. Heritage Preservation Sub-Element (1995)
- J. Housing & Community Revitalization Sub-Element (2009)
- K. Land Use & Transportation Sub-Element (1997) *Revised 4/28/09 with Allocation of Street Space Policies*
- L. Law Enforcement Sub-Element (1995)
- M. Legislative Management Sub-Element (1999)
- N. Library Sub-Element (2003)
- O. Noise Sub-Element (1997)
- P. Open Space and Recreation Sub-Element (2006) *Updated with Parks of the Future Study 4/28/2009. Revised 4/24/09.*
- Q. Safety & Seismic Safety Sub-Element (2008)
- R. Socio-Economic Sub-Element (1989)
- S. Solid Waste Management Sub-Element (1996)
- T. Support Services Sub-Element (1988)
- U. Surface Run-off Sub-Element (1993)
- V. Wastewater Management Sub-Element (1996)
- W. Water Resources Sub-Element (2008)

- P. Chapter 19.54 Wireless Telecommunication Facilities
- Q. Chapter 19.81 Streamside Development Review
- R. Chapter 19.96 Heritage Preservation
- S. Title 20 Hazardous Materials

Specific Plans:

- A. Downtown Specific Plan
- B. El Camino Real Precise Plan
- C. Lockheed Site Master Use Permit
- D. Moffett Park Specific Plan
- E. 101 & Lawrence Site Specific Plan
- F. Southern Pacific Corridor Plan
- G. Lakeside Specific Plan
- H. Arques Campus Specific Plan

Environmental Impact Reports:

- A. Futures Study Environmental Impact Report
- B. Lockheed Site Master Use Permit Environmental Impact Report
- C. Tasman Corridor LRT Environmental Impact Study (supplemental)
- D. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
- E. Downtown Development Program Environmental Impact Report
- F. Caribbean-Moffett Park Environmental Impact Report
- G. Southern Pacific Corridor Plan Environmental Impact Report
- H. East Sunnyvale ITR General Plan Amendment EIR
- I. Palo Alto Medical Foundation Medical Clinic Project EIR
- J. Luminaire (Lawrence Station Road/Hwy 237 residential) EIR
- K. NASA Ames Development Plan Programmatic EIS
- L. Mary Avenue Overpass EIR
- M. Mathilda Avenue Bridge EIR

City of Sunnyvale Municipal Code

- A. Title 8 Health and Sanitation
- B. Title 9 Public Peace, Safety or Welfare
- C. Title 10 Vehicles and Traffic
- D. Title 12 Water and Sewers
- E. Chapter 12.60 Storm Water Management
- F. Title 13 Streets and Sidewalks
- G. Title 16 Buildings and Construction
- H. Chapter 16.52 Fire Code
- I. Chapter 16.54 Building Standards for Buildings Exceeding Seventy-Five Feet in Height
- J. Title 18 Subdivisions
- K. Title 19 Zoning
- L. Chapter 19.28 Downtown Specific Plan District
- M. Chapter 19.29 Moffett Park Specific plan District
- N. Chapter 19.39 Green Building Regulations
- O. Chapter 19.42 Operating Standards

Maps:

- A. General Plan Map
- B. Zoning Map
- C. City of Sunnyvale Aerial Maps
- D. Flood Insurance Rate Maps (FEMA)
- E. Santa Clara County Assessors Parcel
- F. Utility Maps

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Note: All references are the most recent version as of the date the Initial Study was prepared:

- G. Air Installations Compatible Use Zones (AICUZ) Study Map
- H. Noise Sub-Element Appendix A 2010 Noise Conditions Map
- I. Santa Clara County Office of Planning Geologic Hazard Zones Maps

- C. California Department of Transportation Standard Plans & Standard Specifications
- D. Highway Capacity Manual
- E. Institute of Transportation Engineers - Trip Generation Manual & Trip Generation Handbook

Lists / Inventories:

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

- F. Institute of Transportation Engineers - Traffic Engineering Handbook
- G. Institute of Transportation Engineers - Manual of Traffic Engineering Studies
- H. Institute of Transportation Engineers - Transportation Planning Handbook
- I. Institute of Transportation Engineers - Manual of Traffic Signal Design
- J. Institute of Transportation Engineers - Transportation and Land Development
- K. U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices for Street and Highways & CA Supplements

- G. USFWS / CA Dept. F&G Endangered, Threatened and Rare Plants of California
<http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEPlants.pdf>

- L. California Vehicle Code
- M. Santa Clara County Congestion Management Program and Technical Guidelines
- N. Santa Clara County Transportation Agency Short Range Transit Plan
- O. Santa Clara County Transportation Plan
- P. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division

Legislation / Acts / Bills / Resource Agency Codes and Permits

- A. Subdivision Map Act
- B. San Francisco Bay Regional Municipal Regional Stormwater NPDES Permit
- C. Santa Clara County Valley Water District Groundwater Protection Ordinance
- D. The Hazardous Waste and Substance Site List
www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm
- E. The Leaking Underground Petroleum Storage Tank List
www.geotracker.waterboards.ca.gov
- F. The Federal EPA Superfund List
www.epa.gov/region9/cleanup/california.html

- Q. Statewide Integrated Traffic Records System
- R. Sunnyvale Zoning Ordinance - including Titles 10 & 13
- S. City of Sunnyvale General Plan - land Use and Transportation Element
- T. City of Sunnyvale Bicycle Plan
- U. City of Sunnyvale Neighborhood Traffic Calming Program
- V. Valley Transportation Authority Bicycle Technical Guidelines
- W. Valley Transportation Authority Community Design & Transportation - Manual of Best Practices for Integrating Transportation and Land Use
- X. Santa Clara County Sub-Regional Deficiency Plan
- Y. City of Sunnyvale Deficiency Plan
- Z. AASHTO: A Policy on Geometric Design of Highways and Streets

- D. Section 404 of Clean Water Act

Transportation:

- A. California Department of Transportation Highway Design Manual
- B. California Department of Transportation Traffic Manual

ENVIRONMENTAL CHECKLIST REFERENCE LIST

Note: All references are the most recent version as of the date the Initial Study was prepared:

Public Works:

- A. Standard Specifications and Details of the Department of Public Works
- B. Storm Drain Master Plan
- C. Sanitary Sewer Master Plan
- D. Water Master Plan
- E. Solid Waste Management Plan of Santa Clara County
- F. Geotechnical Investigation Reports
- G. Engineering Division Project Files
- H. Subdivision and Parcel Map Files

Miscellaneous Agency Plans:

- A. ABAG Projections 2010
- B. Bay Area Clean Air Plan
- C. BAAQMD CEQA Guidelines

Building Safety:

- A. California Building Code
- B. California Energy Code
- C. California Plumbing Code,
- D. California Mechanical Code,
- E. California Electrical Code
- F. California Fire Code
- G. Title 16.52 Sunnyvale Municipal Code
- H. Title 16.53 Sunnyvale Municipal Code
- I. Title 16.54 Sunnyvale Municipal Code
- J. Title 19 California Code of Regulations
- K. National Fire Protection Association (NFPA) standards

Places

- I. Santa Clara Valley Habitat Conservation Plan (under development, expected adoption date mid-2012)

Additional Project References:

- B. Project Description
- C. Sunnyvale Project Environmental Information Form
- D. Project Development Plans dated **/**/**
- E. Memorandum on Project Trip Generation Estimates (Fehr & Peers, October 14, 2011)
- F. Project Noise Study
- G. Project Air Quality and Greenhouse Gas Technical Report (ENVIRON, Nov. 2011)
- H. Field Inspection
- I. Project Site Plan dated 09/30/2011
- J. Project construction schedule
- K. Project Draft Storm Water Management Plan
- L. Project Arborist's Report and Tree Survey (Barrie D. Coate and Associates, Oct. 2011)
- M. Project Tree Preservation Plan
- N. Project Green Building Checklist
- O. Project LEED Checklist
- P. Phase I Environmental Site Assessment (United Soil Engineering, Inc., Nov. 2011)

Other

Guidelines and Best Management Practices

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

**Attachment D is provided as two separate
files on the website.**

PROJECT DESCRIPTION
Office Development
580 N. Mary Ave, Sunnyvale, California

9/12/2011

ATTACHMENT E
Page 1 of 5

To build a new 124,000 sf 5-story office building on an existing site occupied by a post office. And seek LEED Gold certification for FAR bonus increase to 55% .

This class a office building is designed with contemporary architectural vocabulary, high quality and high performance materials. the central boat-shape screen walls and the corner terraces provide an interesting variation of building heights and visual effects.

The configuration of the site and the design of the building make this project highly desirable to prime businesses and surrounding neighborhoods.

The new project will also comply with CalGreen Mandatory measure (chapter 5)/ checklist.

Category I Community Character

- A. The building site is ideally located proximate to the Hwy 237 and Hwy 101 off-ramp to minimize cross-city traffic impacts at intersections and roadway segments.
- B. The proposed building has a high quality of design and excellent architecture. They are the type of building/development the City is hoping to attract to the area.
- C. The proposed building includes greater security and fire safety through an upgraded non-combustible construction type, fire sprinklers/ fire alarm systems and exterior lighting.
- D. The adjacent buildings in the area have the same zoning and land use. Potential adverse impacts to such adjacent sites have been minimized.

Category II Environmental Traffic and Air Quality

- A. The building site is ideally located proximate to the Hwy 237 and Hwy 101 off-ramp to minimize cross-city traffic impacts at intersections and roadway segments. The proposed building replaces the existing post office. Despite the double in FAR, the number of parking spaces for new building is only increases 40%, while the overall parking ratio decrease from 6.0/1,000 to 3.3/1,000.
- B. A Transportation Demand Management (TDM) Program will be adopted to reduce vehicle trips to the greatest extent feasible. A draft TDM Program has been prepared with a goal of at least 16% reduction in peak hour trips.
- C. A prospective tenant has been identified for the building and will provide appropriate on-site amenities that minimize midday vehicle trips (e.g. break-room/lunchroom, cafeteria, fitness area, etc.).
- D. The project is not a mixed-use project.
- E. Bus stops are located along West Maude Avenue in both directions. Stops are located at Mary Avenue, only one block from the proposed project.
- F. Capital facilities and city services are already being provided to existing buildings on the site. The additional requirement of such expenditures and services to justify the increased FAR is very small.

Category III Site Design and Architecture

- A. This Class A office building is designed with contemporary architectural vocabulary, high quality and high performance materials. The central boat-shape screen walls and the corner terraces provide an interesting variation of building heights and visual effects.
- B. The configuration of the site and the design of the building make this project highly desirable to prime businesses and surrounding neighborhoods.
- C. The appearance of the proposed building/development complements the City image and community character.
- D. Bulk and mass of the proposed building have been reduced by:
 - a. Providing greater front setback than the existing (from 25 feet to 90 feet).
 - b. Increasing landscaping by 18,000 sf.
 - c. Providing floor terraces at the building corners.
- E. Non-point source pollution for the project is controlled through implementation of a Stormwater Management Plan (SWMP). The SWMP will treat all of the site's stormwater on-site using Low-Impact Development measures such as raingardens.
- F. The number of parking spaces provided for the proposed building is based on the number of spaces required to attract prime businesses to the building. The proposed building provides lower parking ratio (3.3/1,000) than the existing building (6.0/1,000).
- G. The proposed building is completely designed for its site with no phasing or future consolidation anticipated.
- H. The new project will also comply with CalGreen Mandatory measure (chapter 5)/ checklist and LEED Gold certification.

Category IV Economic, Fiscal and Community Benefit

- A. The proposed building is designed to become desired locations for prime businesses. There is a prospective tenant identified for the building and will enrich the community benefit.

9/12/2011

SUSTAINABILITY FEATURES
Office Development
580 N. Mary Ave, Sunnyvale, California

The new project will comply with CalGreen Mandatory measure (chapter 5)/ checklist.

Alternative Transportation

Showers/ Lockers will be provided for bicyclists. Bus stops at West Maude Avenue and North Mary Avenue are located within a block of the project.

Reduced Site Disturbance

The building coverage has been reduced by 4,500 sf.
The landscaped area has been increased by 18,000 sf.

Storm water Management

~~CDS storm water treatment units~~ will be provided to treat parking lot and roof drainage.
Rain gardens

Heat Island Effect (non-roof)

Tree shading (50% min) will be provided for parking lot/ Light colors are provided for building materials.

Heat Island Effect (roof)

'Energy Star' high reflectance cap-sheet roof system is provided for roof.

Light Pollution Reduction

Lighting will not exceed Illuminating Engineering Society of North America requirements (1 foot candle/sf). Directional reflectors will be provided at perimeter light standards away from public roads.

Water Efficiency

Water closets will have 1.6 gallon flush valves and urinals will have 1 gallon flush valves. Sloan valves will be used on all fixtures. Showerheads will be water efficient and provide less than 2.5 gallons per minute.

Energy and Atmosphere

Building will meet or exceed the CalGreen Mandatory measure/ Title 24 Energy requirement. High performance glass (Viricon VS6-14) is being used. Terrace/ arcade provide shading to glass and reduce heat-gain. Landscaping is strategically planted adjacent to sun exposed glass areas. HVAC system will have an economizer cycle capability using outside cool air. The building will utilize digital main HVAC controls for its energy management system.

Non-ozone depleting R-22 (versus R-12) refrigerant for HVAC will be used. Fluorescent interior lighting vs incandescent lighting will be used.

Materials and Resources

Low VOC adhesives and sealants will be used. Entry frate/mats will be used at entries to capture particulates.

Storage and Collection of Recyclables

Trash enclosures include recyclables.

Construction Waste Management

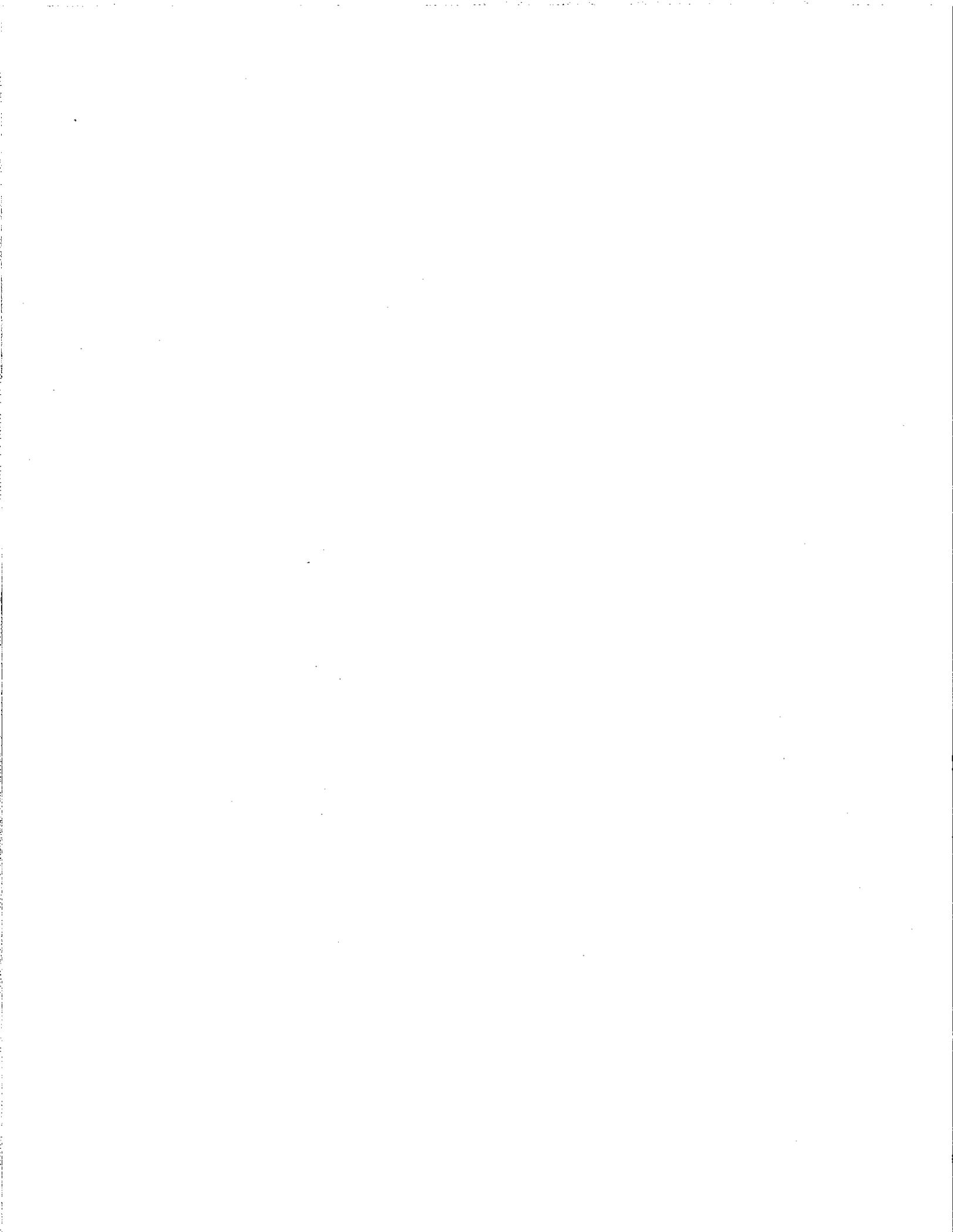
Greater than 75% of demolished materials will be diverted from landfill.

Local/ Regional Materials

Local/ regional materials such as glass and pavers are specified to use local suppliers to reduce transportation pollution. Fly ash will be used in concrete foundations and slabs.

Indoor Environmental Quality

Deferred to Tenant Improvement.



**Attachment F is provided as a separate
file on the website.**

580 North Mary Avenue Existing Floor Area Ratios (FARs) in Surrounding Area



Office Class Levels

The following is a brief summary of the typical characteristics of Class A, B, and C office buildings, as well as examples of each building type in Sunnyvale. The attributes of the various class levels are somewhat subjective in their application and any specific building may exhibit characteristics of multiple classes, but overall these attributes work collectively to classify buildings with a reasonable degree of accuracy. This information was generated by the City's Economic Development Division using professional commercial real estate broker samples.

Class A

- Built after 1985 to qualify as Class A
- Setbacks from street are greater than other similar projects (typically include generous front landscaping and site features)
- At least two stories (one-story buildings do not qualify as Class A)
- Steel frame or higher-end concrete tilt-up with four sides of windows
- Aesthetically pleasing, "high image"
- Extensive window lines (made mostly of glass exterior)
- Buildings constructed with glass curtain-wall, granite, and/or glass fiber reinforced concrete (GFRC) are typically Class A

Examples of Class A:

- Most of the new buildings in Moffett Park including Moffett Towers, Yahoo!, Juniper Networks, Ariba, and Network Appliance
- HP/Palm campus
- AMD campus (on De Guigne Drive)
- Downtown – three Mozart buildings (Broadcom); Nokia

Class B

- Typically built between 1980 and present
- Limited setbacks
- One- and two-story buildings
- Limited window line: 2.5 to 3 sides made of glass exterior
- Limited landscaping with no special character

Examples of Class B:

- Sun buildings off Mary (formally Boeing); likely B+
- 333 West El Camino Real (corner of W. El Camino Real and Mathilda); likely B+
- "Horizontal Skyscraper" Building (Oakmead Pkwy. and Lakeside)
- OKI Semiconductor (corner of Mary and Almanor)

Class C

- Typically built prior to 1980
- Limited setbacks
- Typically one-story but may be two-story
- Limited or no glass exterior
- Buildings generally of concrete tilt-up construction
- Dated architecture (e.g. rock wall panels)
- Any architectural styling which obviously dates a building

Examples of Class C:

- Most of Peery Park industrial area
- Most of the buildings located on Elko Avenue (the "Woods" industrial area)

DRAFT PLANNING COMMISSION MINUTES (EXCERPT) OF JANUARY 23, 2012

3. **File #:** 2011-7657
Location: 580 N. Mary Ave. (APN: 165-41-002)
Proposed Project: Use Permit for a new 124,095 sq. ft., 5-story office building resulting in approximately 55% Floor Area Ratio with a new 1.5-story parking structure.
Applicant/ Owner: Peery-Arrillaga / A & P Children Invslc
Environmental Review: Mitigated Negative Declaration
Staff Contact: Mariya Hodge, 408-730-7659
mhodge@ci.sunnyvale.ca.us

Mariya Hodge, Associate Planner, presented the staff report.

Comm. Chang discussed with staff the required LEED (Leadership in Energy and Environmental Design) certification at the Gold level for this application.

Comm. Dohadwala confirmed with staff that the setbacks on the garage building are met. Staff also discussed the garage design, and use of landscaping to make the garage less prominent and the location of the garage with staff. Staff said there is no rear setback requirement for industrial and no maximum setback from the front of the property.

Vice Chair Larsson asked staff whether sidewalks were to be required along Maude. Staff explained that staff's recommendation is to retain the mature trees rather than remove the trees to install sidewalks. Vice Chair Larsson discussed with staff the trees slated for removal, replacement trees, and the location of a new driveway.

Chair Hendricks asked staff about the public art requirements and whether the art could be placed anywhere in the City instead of on the project site. **Trudi Ryan**, Planning Officer, said there is a potential study issue regarding this subject, and currently there is the option of paying an in-lieu fee if there is something difficult about placing the art on the site. Chair Hendricks discussed with staff the driveways and traffic concerns. Staff explained that the traffic analysis indicated that there would be no significant traffic issues or impacts. Chair Hendricks confirmed with staff that the Planning Commission could discuss options about tree removal to allow sidewalks along Maude Avenue.

Chair Hendricks opened the public hearing.

Huiwen Hsiao, the architect, discussed the project on behalf of the applicant. He discussed the nearby buildings and how the proposed building would relate to the surrounding area. He addressed the setbacks, design and materials proposed for the parking structure. He said that the applicant has tried to create an urban oasis focal point and to preserve most of the mature trees on Mary and Maude Avenues. He said

this is a state-of-the-art building design, discussed the materials and colors proposed, and explained the energy highlights. He said the project preserves many of the trees, and discussed the existing corner.

Comm. Chang asked Mr. Hsiao about adding a sidewalk on Maude and the existing trees. Mr. Hsiao said the applicant would be willing work with the City for the best solution for the site.

Comm. Dohadwala expressed her concerns about the large front setback, the location of the building on the site, and how the project relates to the corner and the street. Comm. Dohadwala said she does not like to see the parking garage from the street and the parking garage is closer to the street than the proposed building. Mr. Hsiao said a visual study could be done to show the visual impact if needed.

Chair Hendricks asked Mr. Hsiao about the placement of the two driveways and possibly making the driveway on Maude Avenue larger. Mr. Hsiao discussed what the applicant wanted regarding the placement of the driveways.

Mr. Hsiao said the applicant is trying to bring a high-quality designed building to this site and requested that the Planning Commission support the project.

Chair Hendricks commented that a study session was previously held for this project and design issues were addressed then. **Chair Hendricks closed the public hearing.**

Comm. Kolchak commented that the project has some extra parking spaces and suggested some of the parking spaces on Maude Avenue could be eliminated to allow a sidewalk, and keep the mature trees.

Vice Chair Larsson asked staff if there were options that would allow a sidewalk to be added on Maude Avenue. Ms. Hodge explained adding a sidewalk would require removing trees and that eliminating parking spaces might not be effective, however further options could be considered.

Chair Hendricks asked staff about the impacts of continuing this item to allow staff and the applicant time to determine if a sidewalk option could be found. Ms. Ryan discussed that applicants prefer to move forward and that this item is scheduled for City Council consideration on February 7, 2012. Ms. Ryan suggested that if the Commission wants a sidewalk that the Commission could tell staff what they want, and provide guidelines. Chair Hendricks commented that an opportunity to provide a sidewalk does not come along very often, and that it is not typical to remove trees. Ms. Ryan commented about options for addressing the concern.

Comm. Dohadwala commented about the challenge of preserving the trees, and encouraging pedestrian circulation as a piece of public transit. She said she would be willing to consider the removal trees on Maude Avenue for addition of a sidewalk.

Comm. Sulser asked if the Commission directed that the trees be removed to allow a sidewalk, would it impact the LEED points? Staff said they do not know, however the impact could be determined. Comm. Sulser asked if any of the trees that are preventing a sidewalk addition could be moved with staff saying they do not know.

Vice Chair Larsson discussed with staff, which trees might have to be removed to add a sidewalk and other trees on the site planned for removal referring to Attachment D, page 35. Chair Hendricks added that there are also berms that would have to be adjusted for a sidewalk addition. Ms. Hodge said staff could work with the applicant and to determine which trees would need to be removed to accommodate a sidewalk. Vice Chair Larsson said he agrees that the Commission does not have many opportunities to add sidewalks. Ms. Ryan said the Commission could suggest requiring a sidewalk on Maude with the minimal the loss of trees with staff obtaining an estimate on the tree loss before it goes forward to the next public hearing.

Chair Hendricks said when he was making his earlier comments he was under the impression that all the corner trees might have to be removed to add a sidewalk, however it would be good to keep as many trees as possible.

Comm. Chang moved for Alternative 2, to recommend the City Council to adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions that the staff and the applicant work together to provide a sidewalk along the site's Maude Avenue frontage while minimizing the removal of trees as much as possible. Chair Hendricks asked Comm. Chang if he was open to modifying the driveways and then dropped his suggestion after staff commented. **Comm. Sulser seconded the motion.**

Comm. Chang applauded the applicant for a great project. He said the City has few opportunities to add sidewalks, which would be a good addition to this project. Comm. Chang said he was concerned about the driveways and traffic flow at the study session however his concerns are addressed in the traffic analysis. He said more traffic management on site would help traffic issues, a sidewalk addition would be great, and he is looking forward to the project being finished.

Comm. Sulser said this is an exciting design and this is an important opportunity for completing the sidewalk network as much as it pains him to remove the trees.

Comm. Dohadwala said she would not be supporting the motion as she feels there is more potential for this corner site, and the building setback loses the strength of the corner. She said this is a beautiful building and there are many good parts of the project,

however she thinks the building gets lost in the placement on the lot. She said she does not like the garage placement, or the garage.

Comm. Kolchak said he would be supporting the motion and agrees with the comments of some of his fellow commissioners. He said this is a good opportunity to continue the pedestrian network.

Vice Chair Larsson clarified with staff that the project would not return to Planning Commission before going to City Council. Vice Chair Larsson said he would be supporting the motion. He said he likes the architecture, the interaction with trees on the corner, and the building peeking out through trees. He said he wishes all the trees on the Maude side could be retained, as he really likes the redwood tree. He said this is an important opportunity to add to the City sidewalk networks, and once the building is completed it will be a long time before there is another chance to add a sidewalk.

Chair Hendricks said he would be supporting the motion. He said he concurs with his fellow commissioners and likes the building. He said he is sure he will hear about the suggestion of possible tree removal to achieve sidewalks. He said he slightly disagrees with Comm. Dohadwala regarding the parking structure, and said he thinks this garage will look better than many other garages. He said the architecture is a good design and he can make the necessary findings to recommend approval.

ACTION: Comm. Chang made a motion on 2011-7657 to recommend the City Council adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions that the staff and the applicant work together to provide a sidewalk along the site's Maude Avenue frontage while minimizing the removal of trees as much as possible. Comm. Sulser seconded. Motion carried, 5-1, with Comm. Dohadwala dissenting, and Comm. Travis absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered by City Council at the February 7, 2012 meeting.

Chair Hendricks commented that the current use on this site is a U.S. Post Office and asked staff if the City knows the fate of the Post Office. Ms. Hodge said staff is working with the U.S. Post Office to find a new site in Sunnyvale.